IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-92,641-01

EX PARTE TIMOTHY TAYLOR, Applicant

ON APPLICATION FOR A WRIT OF HABEAS CORPUS CAUSE NO. W366-80945-2012-HC IN THE 366TH DISTRICT COURT FROM COLLIN COUNTY

***Per curiam*. YEARY, J. dissents.**

O P I N I O N

Applicant was convicted of continuous sexual abuse of a child and indecency with a child and sentenced to life for the first charge and twenty years' imprisonment for the second. The Fifth Court of Appeals affirmed his convictions. *Taylor v. State*, No. 05-14-00821-CR (Tex. App.—Dallas Dec. 27, 2016)(not designated for publication). Applicant filed this application for a writ of habeas corpus in the county of conviction, and the district clerk forwarded it to this Court. *See* TEX. CODE CRIM. PROC. art. 11.07.

Applicant contends that the State withheld material exculpatory evidence in violation of *Brady v. Maryland*, 373 U.S. 83 (1963). He alleges that a pre-grand jury interview of the complainant which contained numerous inconsistent statements which could have been used for

impeachment purposes was not turned over to the defense.

The trial court has determined that the State inadvertently violated their duty to disclose evidence and the evidence withheld was material. The trial court recommends granting relief. We agree.

Relief is granted. The judgment in Cause No. 366-80945-2012 in the 366th District Court of Collin County is set aside, and Applicant is remanded to the custody of the Sheriff of Collin County to answer the charges as set out in the indictment. The trial court shall issue any necessary bench warrant within 10 days after the mandate of this Court issues.

Copies of this opinion shall be sent to the Texas Department of Criminal Justice-Correctional Institutions Division and Pardons and Paroles Division.

Delivered: April 13, 2022
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