



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-56,666-03

EX PARTE DENNIS LEE ALLEN, Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. W00-01305-R(B) IN THE 265TH DISTRICT COURT
FROM DALLAS COUNTY**

Per curiam.

OPINION

Pursuant to the provisions of Article 11.07 of the Texas Code of Criminal Procedure, the clerk of the trial court transmitted to this Court this application for a writ of habeas corpus. *Ex parte Young*, 418 S.W.2d 824, 826 (Tex. Crim. App. 1967). Applicant was convicted of capital murder and sentenced to life imprisonment. The Eighth Court of Appeals affirmed his conviction. *Allen v. State*, No. 08-00-00442-CR (Tex. App.—El Paso Jul. 11, 2002) (not designated for publication).

Applicant contends, among other things, that the State violated *Brady v. Maryland*.¹ Applicant argues that the State did not disclose agreements it had made with jailhouse informants regarding the resolution of pending charges or the reduction of a sentence in exchange for these

¹ 373 U.S. 83 (1963).

informants' testimony at his trial. He presents newly discovered letters suggesting that deals existed. At Applicant's trial, these informants claimed that Applicant and a co-defendant had admitted to committing the capital murder and that there were no deals in exchange for their testimony. After Applicant's trial, one informant received a sentence reduction, and the other received a favorable plea agreement. The State agrees that Applicant is entitled to relief.

In agreed findings, the trial court has determined that Applicant is entitled to relief on his *Brady* claims. The findings also stipulate that if this Court adopts the recommendation, Applicant's claims of actual innocence will be waived. The trial court's findings have support in the record. Relief is granted, and Applicant's remaining claims, including his actual innocence claim, are accordingly waived. The judgment in Cause No. F-00-01305-TR in the 265th District Court of Dallas County is set aside, and Applicant is remanded to the custody of the Sheriff of Dallas County to answer 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: January 10, 2018
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