



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-94,997-01

EX PARTE BRICE BLANKENSHIP, Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. 16-05-15629-A IN THE 506TH DISTRICT COURT
FROM WALLER COUNTY**

Per curiam.

OPINION

Applicant was convicted of aggravated sexual assault of a child and sentenced to forty years' imprisonment. Applicant, through habeas counsel, 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 claimed that the State failed to disclose material impeachment evidence before the jury trial and that trial counsel provided ineffective assistance. The trial court held an evidentiary hearing, made oral findings, and memorialized those findings in writing. The trial court recommends granting a new trial. It finds that the withheld impeachment evidence was material and that trial counsel should have retained an expert and used other available impeachment evidence.

The findings and recommendation are supported by the record. Relief is granted. *Brady v. Maryland*, 373 U.S. 83 (1963); *Strickland v. Washington*, 466 U.S. 668 (1984). The judgment in cause number 16-05-15629 in the 506th District Court of Waller County is set aside, and Applicant is remanded to the custody of the Sheriff of Waller County to answer the charges as set out in the indictment. The trial court shall issue any necessary bench warrant within ten days from the date of this Court's mandate.

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

Delivered: November 1, 2023
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