

## Ex parte Sanchez

Decided Dec 18, 2024

WR-84,588-03

12-18-2024

EX PARTE SAMUEL SANCHEZ, JR., Applicant

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Per curiam.

Do not publish

ON APPLICATION FOR A WRIT OF HABEAS CORPUS CAUSE NO. CR-32192 IN THE 238<sup>TH</sup>  
DISTRICT COURT FROM MIDLAND COUNTY

Keel, J. dissented.

### OPINION

Per curiam.

Applicant was convicted of aggravated assault and sentenced to seventy-five years' imprisonment. The Eleventh Court of Appeals affirmed his conviction. *Sanchez v. State*, 11-07-00051-CR (Tex. App.-Eastland Dec. 4, 2008). 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](#).

The Court received this writ application on October 3, 2023. Applicant alleges that prosecutor Ralph Petty was working both as a prosecutor on his case and as a judicial legal clerk at the time of his trial and habeas application. On December 6, 2023, this Court denied \*2 the application without a written order. However, the Court has since decided that the appearance of impropriety entitled applicants in this situation to relief. *Ex parte Lewis*, [688 S.W.3d 351](#) (Tex. Crim. App. 2024).

After reconsideration on its own motion, the Court withdraws the previous ruling entered in these applications and substitutes this opinion. Applicant is entitled to relief.

Relief is granted. The judgment in cause number CR32192 in the 238<sup>th</sup> District Court of Midland County is set aside, and Applicant is remanded to the custody of the Sheriff of Midland County to answer the charge 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.

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