



# **IN THE COURT OF CRIMINAL APPEALS OF TEXAS**

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**NO. PD-0444-14**

**NO. PD-0445-14**

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**ANTHONY ALAMIA, Appellant**

**v.**

**THE STATE OF TEXAS**

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**ON APPELLANT'S PETITION FOR DISCRETIONARY REVIEW  
FROM THE FIFTH COURT OF APPEALS  
COLLIN COUNTY**

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**PER CURIAM. YEARY, J., filed a dissenting opinion.**

## **O P I N I O N**

Appellant was convicted in two cases of online solicitation of a minor under Section 33.021(b) of the Texas Penal Code. The court of appeals affirmed the convictions. *Alamia v. State*, Nos. 05-12-00992-CR, 05-12-00993-CR, 2014 WL 474632 (Tex. App. — Dallas Feb. 5, 2014) (not designated for publication). Appellant has filed petitions for discretionary review contending the court of appeals erred in upholding the constitutionality of the online solicitation statute.

In *Ex parte Lo*, this Court held Section 33.021(b) to be unconstitutional on its face, reversed the decision of the court of appeals, and remanded the case to the trial court to dismiss the indictment. 424 S.W.3d 10 (Tex. Crim. App. 2013). Accordingly, we grant appellant's petitions for discretionary review, vacate the judgments of the court of appeals, and order the trial court to dismiss the indictments. *See Ex parte Chance*, 439 S.W.3d 918 (Tex. Crim. App. 2014).

Delivered: December 16, 2015  
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