



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-81,368-01

EX PARTE HOLLY CHRISTINE VANSUMEREN, Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. 1086412-A IN THE 182ND DISTRICT COURT
FROM HARRIS COUNTY**

Per curiam. Yeary, J., filed a dissenting opinion.

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 pleaded guilty to online solicitation of a minor under Section 33.021(b) of the Texas Penal Code, and originally received deferred adjudication community supervision. Her guilt was later adjudicated, and Applicant was sentenced to nine months' state jail imprisonment. She did not appeal her conviction.

Although Applicant has discharged her sentence in this case, she alleges that she is suffering collateral consequences as a result of this conviction because she must comply with sex offender

registration requirements.

This Court, in *Ex parte Lo*, held unconstitutional the subsection of the online solicitation of a minor statute pursuant to which Applicant was convicted. *Ex parte Lo*, 424 S.W.3d 10 (Tex. Crim. App. 2013). Applicant, through counsel, filed this habeas application based on the *Lo* decision and asks that her conviction be set aside, and that she be released from the order to register as a sex offender. The State and the trial court recommend granting relief. After considering the trial court's findings, this Court agrees with the trial court. Relief is granted.

The judgment in Cause No. 1086412 in the 182nd District Court of Harris County is set aside. As noted above, Applicant has discharged her sentence in this case. Therefore, the case is remanded to the trial court so that the indictment may be disposed of in accordance with this Court's opinion in *Ex parte Lo*.

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

Delivered: February 10, 2016
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