



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NOS. WR-82,223-01 and -02

EX PARTE RICHARD A. RAUCH, Applicant

ON APPLICATIONS FOR A WRIT OF HABEAS CORPUS
CAUSE NOS. 2-06-114-A and 2-06-115-A IN THE 382nd DISTRICT COURT
FROM ROCKWALL 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 these applications for a writ of habeas corpus. *Ex parte Young*, 418 S.W.2d 824, 826 (Tex. Crim. App. 1967). Applicant was twice convicted of online solicitation of a minor and he was sentenced to two years' imprisonment in each case. He did not appeal his convictions.

This Court, in *Ex parte Lo*, held unconstitutional the online solicitation of a minor statute for which Applicant was convicted. *Ex parte Lo*, 424 S.W.3d 10 (Tex. Crim. App. 2013). Applicant, through counsel, filed these habeas applications based on the *Lo* decision and asks that his

convictions be set aside. The trial court recommends that relief be granted in this causes. We agree.

Relief is granted. The judgments in Cause No. 2-06-114 and 2-06-115 in the 382nd District Court of Rockwall County are set aside and the causes are remanded so the trial court can dismiss the indictments.

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

Delivered: February 24, 2016

Do not publish