



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NOS. WR-82,711-01; WR-82,711-02; WR-82,711-03

EX PARTE ERIC CLINTON BIRD, Applicant

ON APPLICATIONS FOR WRITS OF HABEAS CORPUS
CAUSE NOS. F-2006-2125-E; F-2006-2126-E; F-2006-2127-E
IN THE 367TH DISTRICT COURT FROM DENTON 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 writs of habeas corpus. *Ex parte Young*, 418 S.W.2d 824, 826 (Tex. Crim. App. 1967). Applicant pleaded guilty to multiple counts of online solicitation of a minor and was sentenced to nine months' imprisonment in state jail for each count. 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 filed these habeas applications based on the *Lo* decision and asks that his convictions be set aside.

Relief is granted. The judgments in Cause Nos. F-2006-2125-E; F-2006-2126-E; and F-2006-2127-E in the 367th District Court of Denton County are set aside and Applicant is remanded to the custody of the Sheriff of Denton County to answer the charges as set out in the indictments so that the indictments may be disposed of in accordance with this Court's opinion in *Ex parte Lo*. The trial court shall issue any necessary bench warrant within 10 days after the mandate of this Court issues.

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

Delivered: February 3, 2016
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