



## IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NOS. WR-84,351-01 & WR-84,351-02

**EX PARTE KENNETH WAYNE GUINN, Applicant**

**ON APPLICATIONS FOR A WRIT OF HABEAS CORPUS**  
**CAUSE NOS. CR14754-A & 14755-A IN THE 220TH DISTRICT COURT**  
**FROM BOSQUE 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 convicted of two counts of online solicitation of a minor, TEX. PENAL CODE § 33.021(b), and sentenced to ten years' imprisonment on each count. He did not appeal his convictions.

In *Ex parte Lo*, we declared § 33.021(b) unconstitutional. *Ex parte Lo*, 424 S.W.3d 10 (Tex. Crim. App. 2013). Applicant now contends that in light of *Lo* his convictions are no longer valid. We agree. *Ex parte Chance*, 439 S.W.3d 918 (Tex. Crim. App. 2014). Relief is granted. The

judgments in cause number 14754 and 14755 in the 220th District Court of Bosque County are set aside, and these causes are remanded to the trial court to 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 10, 2016  
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