



# IN THE COURT OF CRIMINAL APPEALS OF TEXAS

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NO. WR-84,826-01

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**EX PARTE BARRY KENT BARRETT, Applicant**

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**ON APPLICATION FOR A WRIT OF HABEAS CORPUS  
CAUSE NO. W-20766A-1 IN THE 47TH DISTRICT COURT  
FROM RANDALL COUNTY**

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*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 was convicted of online solicitation of a minor and sentenced to eighteen years' imprisonment. TEX. PENAL CODE § 33.021(b).

In *Ex parte Lo*, this Court declared § 33.021(b) unconstitutional. *Ex parte Lo*, 424 S.W.3d 10 (Tex. Crim. App. 2013). Applicant contends that, in light of *Lo*, his conviction is no longer valid. This Court agrees. *Ex parte Chance*, 439 S.W.3d 918 (Tex. Crim. App. 2014). Relief is granted.

The judgment in cause number 20766-A in the 47th District Court of Randall County is set aside, and the cause is remanded to the trial court to dismiss the indictment.

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

Delivered: May 25, 2016  
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