



# IN THE COURT OF CRIMINAL APPEALS OF TEXAS

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NO. WR-85,734-01

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**EX PARTE KEITH ERIC BENSON, JR., Applicant**

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**ON APPLICATION FOR A WRIT OF HABEAS CORPUS  
CAUSE NO. CR08-0293-01 IN THE 415TH DISTRICT COURT  
FROM PARKER 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 five years' imprisonment. He did not appeal his conviction.

Applicant contends that his conviction and sentence are void. The trial court made findings of fact and conclusions of law and recommended that we grant relief. *See Ex parte Lo*, 424 S.W.3d 10 (Tex. Crim. App. 2013).

Relief is granted. The judgment in cause number CR08-0293 in the 415th District Court of

Parker County is set aside, and the cause is remanded so the trial court can 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: October 5, 2016

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