



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-77,812-05

EX PARTE RICHARD ARTHUR JONES, Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. CR13465-D IN THE 266th DISTRICT COURT
FROM ERATH 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 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 he was sentenced to five years' imprisonment. The Eleventh Court of Appeals affirmed his conviction. *Jones v. State*, No. 11-11-00192-CR (Tex. App.—Eastland June 6, 2013) (not designated for publication).

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 this habeas application based on the *Lo* decision and asks that his conviction be set aside. The trial court recommends that relief be granted in this cause. We agree.

Relief is granted. The judgment in Cause No. CR13465 in the 266th District Court of Erath County is set aside and the cause is remanded so the trial court can dismiss the indictment.

Applicant's remaining claims are dismissed.

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

Delivered: February 15, 2017
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