



## IN THE COURT OF CRIMINAL APPEALS OF TEXAS

**NO. WR-83,634-01**

**EX PARTE JAMES PAUL WEAN, JR., Applicant**

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS  
CAUSE NO. 13-DCR-063722 IN THE 400<sup>th</sup> DISTRICT COURT  
FROM FORT BEND 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. Tex. Penal Code § 33.021(b). He was sentenced to seven years' imprisonment. He did not appeal his conviction.

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. 13-DCR-063722 in the 400<sup>th</sup> District Court of Fort Bend 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: January 25, 2017  
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