



## IN THE COURT OF CRIMINAL APPEALS OF TEXAS

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NOS.

WR-85,399-01

WR-85,399-02

WR-85,399-03

WR-85,399-04

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**EX PARTE JOHN WILLIAM KITCH, Applicant**

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**ON APPLICATIONS FOR WRITS OF HABEAS CORPUS  
CAUSE NOS. 2012-218-C1A, 2012-219-C1A, 2012-221-C1A, AND 2012-222-C1A  
IN THE 19TH DISTRICT COURT FROM McLENNAN 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 these applications for writs of habeas corpus. *Ex parte Young*, 418 S.W.2d 824, 826 (Tex. Crim. App. 1967). Applicant was convicted in four indictments of multiple counts of online solicitation of a minor and was sentenced to ten years' imprisonment. TEX. PENAL CODE § 33.021(b).

In *Ex parte Lo*, this Court held § 33.021(b), the penal code section under which Applicant was convicted, 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now contends that, in light of *Lo*, his convictions are no longer valid. The trial court has entered findings and recommends granting relief. *See Ex parte Chance*, 439 S.W.3d 918 (Tex. Crim. App. 2014). The findings and recommendation are supported by the record.

Relief is granted. The judgments in cause numbers 2012-218-C1, 2012-219-C1, 2012-221-C1, and 2012-222-C1 in the 19th District Court of McLennan 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: January 25, 2017  
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