



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-86,311-01

EX PARTE CLINTON CARL JAGGER, Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. W401-80625-09-HC IN THE 401ST DISTRICT COURT
FROM COLLIN 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 two counts of online solicitation of a minor and he was sentenced to four years' and six months' imprisonment in each count. 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, through counsel, filed this habeas application based on the *Lo* decision and asks that his conviction

as it pertains to Count One be set aside. The trial court recommends that relief be granted in this cause. We agree.

Relief is granted. The judgment in Cause No. 401-80625-09 in the 401st District Court of Collin County as it pertains to Count One is set aside and the cause is remanded so the trial court can dismiss Count One of 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: February 15, 2017
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