



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-87,785-01

EX PARTE JOE CHAVEZ, Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. 14,071A IN THE 21ST DISTRICT COURT
FROM BASTROP 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 sentenced to ten years' imprisonment. The Third Court of Appeals affirmed his conviction. *Chavez v. State*, No. 03-11-00712-CR (Tex. App.—Austin Aug. 24, 2012) (not designated for publication).

Applicant contends that the statute under which he was convicted was found to be unconstitutional. In *Ex parte Lo*, this Court declared Penal Code Section 33.021(b) unconstitutional.

Ex parte Lo, 424 S.W.3d 10 (Tex. Crim. App. 2013). Applicant now contends that in light of *Lo* his conviction is no longer valid. The State recommends that relief be granted in this cause. We agree.

Ex parte Chance, 439 S.W.3d 918 (Tex. Crim. App. 2014).

Relief is granted. The judgment in Cause No. 14071 in the 21st District Court of Bastrop County is set aside 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: February 28, 2018
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