



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NOS. WR-87,963-01 & WR-87,963-02

EX PARTE DAVID PAUL COLEMAN, Applicant

**ON APPLICATIONS FOR WRITS OF HABEAS CORPUS
CAUSE NOS. B14449 IN THE 198TH DISTRICT COURT
FROM KERR 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 these applications for writs 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 sentenced to imprisonment for three years and six months on each count. He did not appeal his convictions.

Applicant contends, among other things, that his convictions should be set aside because this Court declared § 33.021(b) of the Penal Code unconstitutional. *See Ex parte Lo*, 424 S.W.3d 10, 14 (Tex. Crim. App. 2013).

We remanded these applications to the trial court for findings of fact and conclusions of law. The trial court made findings and conclusions and recommended that this Court grant relief.

Relief is granted. The judgments in cause number B14-449 in the 198th District Court of Kerr County are set aside, and Applicant is remanded to the custody of the Sheriff of Kerr County so that the indictment may be disposed of in accordance with this Court's opinion in *Ex parte Lo*. The trial court shall issue any necessary bench warrant within 10 days after the mandate of this Court issues.

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

Delivered: March 28, 2018
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