



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-87,990-01

EX PARTE JESSE ANGEL MATA, Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. 1321689-A IN THE 248TH DISTRICT COURT
FROM HARRIS 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. TEX. PENAL CODE § 33.021(b). There was no direct appeal.

In *Ex parte Lo*, this Court declared the statute of conviction, § 33.021(b), unconstitutional. *Ex parte Lo*, 424 S.W.3d 10 (Tex. Crim. App. 2013). The trial court finds that, in light of *Lo*, Applicant's conviction is no longer valid. This Court agrees. *Ex parte Chance*, 439 S.W.3d 918

(Tex. Crim. App. 2014).

Relief is granted. The judgment of conviction for online solicitation of a minor in cause number 132168901010 from the 248th District Court of Harris County is set aside, and the cause is remanded to the trial court to 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 14, 2018

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