



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

**NOS. WR-88,081-01, WR-88,081-02, WR-88,081-03,
WR-88,081-04, WR-88,081-05, & WR-88,081-06**

EX PARTE BRIAN CHADWICK MARTIN, Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NOS. 1122182A, 1122183A, 1122185A, 1122186A, 1122187A, & 1122184A,
IN THE 8TH DISTRICT COURT FROM HOPKINS COUNTY**

YEARY, J., filed a dissenting opinion.

DISSENTING OPINION

Today, the Court grants post-conviction relief to an applicant who pled guilty to six counts of online solicitation of a minor in violation of Section 33.021(b) of the Penal Code. TEX. PENAL CODE § 33.021(b). Each count charged that Applicant, a person over the age of seventeen, intentionally communicated by text message in a sexually explicit manner with a minor. Further, the sexually explicit manner in which Applicant communicated with the minor ranged from asking for details about the minor's genitalia to graphically declaring Applicant's desire to engage in sexual acts with the minor. I dissent from the Court's order granting post-conviction relief in such a case for the reasons stated in my dissenting opinions

in *Ex parte Fournier*, 473 S.W.3d 789, 800-805 (Tex. Crim. App. 2015) (Yeary, J., dissenting), and *Ex parte Chavez*, 542 S.W.3d 583, 584-85 (Tex. Crim. App. 2018) (Yeary, J., dissenting).

FILED: June 6, 2018
DO NOT PUBLISH