



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

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

EX PARTE BRIAN CHADWICK MARTIN, Applicant

**ON APPLICATIONS FOR WRITS OF HABEAS CORPUS
CAUSE NOS. 1122182A; 1122183A; 1122185A; 1122186A; 1122187A; 1122184A
IN THE 8TH DISTRICT COURT FROM HOPKINS 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 online solicitation of a minor. Tex. Penal Code § 33.021(b). He was sentenced to ten years' imprisonment in each cause. The Sixth Court of Appeals dismissed all of his appeals at his request. *State v. Martin*, Nos. 06-11-00206-CR; 06-11-00207-CR; 06-11-00208-CR; 06-11-00209-CR; 06-11-00210-CR; 06-11-00211-CR (Tex. App.—Texarkana Jan. 5, 2012)(not designated for publication).

In *Ex parte Lo*, we declared § 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 Applicant now contends that in light of *Lo* his convictions are no longer valid. *Ex parte Chance*, 439 S.W.3d 918 (Tex. Crim. App. 2014).

Relief is granted. The judgments in Cause Nos. 1122182; 1122183; 1122185; 1122186; 1122187; 1122184 in the 8th Judicial District Court of Hopkins County are set aside and Applicant is remanded to the custody of the Sheriff of Hopkins County to answer the charges as set out in the indictments so that the indictments may be dismissed 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: June 6, 2018
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