



# **IN THE COURT OF CRIMINAL APPEALS OF TEXAS**

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**NO. WR-88,169-01**

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**EX PARTE SIMEON KANTREL GRIFFIN, Applicant**

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**ON APPLICATION FOR A WRIT OF HABEAS CORPUS  
CAUSE NO. W360-80639-2012-HC IN THE 380TH DISTRICT COURT  
FROM COLLIN COUNTY**

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**YEARY, J., filed a dissenting opinion.**

## **DISSENTING OPINION**

Applicant pled guilty to three counts of online solicitation of a minor, two of which were based upon violations of Section 33.021(b) and one which was based upon a violation of Section 33.021(c) of the Penal Code. Today, the Court grants post-conviction relief on two of those three counts on the basis that Section 33.021(b) had been declared unconstitutionally overbroad. Majority Opinion at 2. *See also Ex parte Lo*, 424 S.W.3d 10 (Tex. Crim. App. 2013). The first count charged that Applicant intentionally distributed a picture of male genitalia, by text message, to a minor while the second count charged that

Applicant intentionally communicated, in graphic detail, a desire to commit a specific sexual act with the minor. I dissent from the Court's order granting post-conviction relief 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*, No. WR-87,785-01, 2018 WL 1109534 (Tex. Crim. App. Feb. 28, 2018) (Yeary, J., dissenting).

DELIVERED: March 28, 2018  
DO NOT PUBLISH