



## IN THE COURT OF CRIMINAL APPEALS OF TEXAS

**NO. WR-88,187-01**

**EX PARTE JEFFREY THOMAS HONOLKA, Applicant**

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS  
CAUSE NO. 1157705-A IN CRIMINAL DISTRICT COURT NO. 1  
FROM TARRANT 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 twelve years' imprisonment. He did not appeal his conviction.

Applicant contends that he was convicted of violating a statute this Court declared unconstitutional. *See Ex parte Lo*, 424 S.W.3d 10 (Tex. Crim. App. 2013).

The trial court made findings of fact and conclusions of law and recommended that we grant relief. Relief is granted. The judgment in cause number 1157705D in Criminal District Court

Number One of Tarrant County is set aside, and Applicant is remanded to the custody of the Sheriff of Tarrant 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: April 11, 2018  
Do not publish