



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NOS. WR-88,960-01 thru -04

EX PARTE JAMES RAY SMITH, Applicant

ON APPLICATIONS FOR A WRIT OF HABEAS CORPUS
CAUSE NOS. CR09-0253-01, CR-09-0254-01, CR09-0255-01, AND CR09-0256-01 IN THE
43rd DISTRICT COURT
FROM PARKER 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 a writ of habeas corpus. *Ex parte Young*, 418 S.W.2d 824, 826 (Tex. Crim. App. 1967). Applicant was convicted of committing four separate offenses of online solicitation of a minor and he was sentenced to eleven years' imprisonment in each cause. He did not appeal his convictions.

This Court, in *Ex parte Lo*, held unconstitutional the online solicitation of a minor statute for which Applicant was convicted. *Ex parte Lo*, 424 S.W.3d 10 (Tex. Crim. App. 2013). Applicant, through counsel, filed these habeas applications based on the *Lo* decision and asks that his

convictions be set aside. The trial court recommends that relief be granted in these causes. We agree.

Relief is granted. The judgment in Cause No. CR09-0254 in the 43rd District Court of Parker County is set aside and the cause is remanded so the trial court can dismiss the indictment.

The judgments in Cause Nos. CR09-0253, CR09-0255, and CR09-0256 are set aside and the causes are remanded so the trial court can dismiss the indictments as it pertains to count one in each indictment. Applicant is remanded to the custody of the Sheriff of Parker County to answer the remaining charges as set out in the indictments. 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: October 3, 2018
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