



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-89,761-01

EX PARTE DAVID LOPEZ, Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. 2012-DCR-03240-I IN THE 445TH DISTRICT COURT
FROM CAMERON COUNTY**

Per curiam. YEARY, J., filed a dissenting opinion in which SLAUGHTER, J., joined.

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 sexual assault and sentenced to five years' imprisonment on each count. He did not appeal his convictions.

Applicant contends, among other things, that his conviction for online solicitation of a minor should be set aside based on this Court's decision in *Ex parte Lo*, 424 S.W.3d 10 (Tex. Crim. App.

2013).¹ The trial court recommended that we set aside Applicant's conviction for online solicitation of a minor. Relief is granted. The conviction in count one, online solicitation of a minor, in cause number 2012-DCR-03240 in the 445th District Court of Cameron County is set aside, and Applicant is remanded to the custody of the Sheriff of Cameron County so count one may be disposed of according to this Court's decision in *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: May 1, 2019
Do not publish

¹ In this application, Applicant does not challenge the validity of his sexual assault conviction.