



# IN THE COURT OF CRIMINAL APPEALS OF TEXAS

**NO. WR-92,622-01**

**EX PARTE DONNIE RAY MEISMER, Applicant**

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS  
CAUSE NO. 59720-A IN THE 461<sup>ST</sup> DISTRICT COURT  
FROM BRAZORIA COUNTY**

*Per curiam.* YEARY, J., filed a dissenting opinion joined by SLAUGHTER, J.

## OPINION

Applicant was convicted of online solicitation of a minor and sentenced to forty-two months' imprisonment. Applicant filed this application for a writ of habeas corpus in the county of conviction, and the district clerk forwarded it to this Court. *See* TEX. CODE CRIM. PROC. art. 11.07.

Applicant contends that the statute under which he was convicted was found to be unconstitutional. In *Ex parte Lo*, this Court declared Penal Code Section 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 Applicant now contends that in light of *Lo* his conviction is no longer valid. The State recommends that relief be granted in this cause. We agree. Relief is granted. *Ex parte Chance*, 439 S.W.3d 918 (Tex. Crim. App. 2014).

The judgment in cause number 59720 in the 461<sup>st</sup> District Court of Brazoria County<sup>1</sup> is set aside, and the cause is remanded so the trial court can dismiss the indictment.

Copies of this opinion shall be sent to the Texas Department of Criminal Justice–Correctional Institutions Division and the Board of Pardons and Paroles.

Delivered: June 23, 2021  
Do not publish

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<sup>1</sup> Applicant was charged and convicted in the 23<sup>rd</sup> District Court in Brazoria County. The 23<sup>rd</sup> Judicial District now covers Matagorda and Wharton Counties, so this case has been transferred to the 461<sup>st</sup> District Court in Brazoria County “for all purposes.” *See* Tex. Gov’t Code §§ 24.124, 24.6005.