



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. PD-0469-19

Ex parte NATHAN SANDERS, Appellant

ON APPELLANT'S PETITION FOR DISCRETIONARY REVIEW FROM THE SEVENTH COURT OF APPEALS LUBBOCK COUNTY

KELLER, P.J., filed a dissenting opinion in which KEEL, J., joined.

For the reasons discussed in my dissent in *Barton v. State*, ___ S.W.3d ___, No. PD-1123-19 (Tex. Crim. App. March 30, 2022), I strongly disagree with the Court's conclusion that the electronic-communications statute can be upheld on the basis that it does not proscribe speech. Because a great number of applications of the statute will be to speech, the remaining question is whether the statute punishes a substantial amount of protected speech in relation to its legitimate sweep. Because the Court does not answer that question, I will say here only that the breadth of the statute convinces me that the answer is "yes."

I respectfully dissent.

Filed: April 6, 2022

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