

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

FILED
4:50 P.M.
JUN 13 1988

CARLOS DeLUNA

V.

O. L. McCOTTER, DIRECTOR,
TEXAS DEPT. OF CORRECTIONS

§
§
§
§
§
§

C.A. NO. C-86-234

JESSE E. CLARK, CLERK
BY DEPUTY: *M. Balus*

JUDGMENT DISMISSING WRIT OF HABEAS CORPUS

A final judgment is rendered in favor of Respondent, denying Petitioner the relief sought by his application for writ of habeas corpus. The stay of execution is lifted.

ORDERED this 13 day of June, 1988.

H.W. Head, Jr.
HAYDEN W. HEAD, JR.
UNITED STATES DISTRICT JUDGE

RECEIVED

JUN 20 1988

ATTORNEY GENERAL'S OFFICE
ENFORCEMENT-HUNTSVILLE

FILED

OCT 27 1989

OSCAR SOLIZ, CLERK
DISTRICT COURT, NUECES COUNTY, TEXAS
By *Mattson, Jager* Deputy



TRUE COPY I CERTIFY
ATTEST:
JESSE E. CLARK, Clerk
By *M. Balus*
Deputy Clerk

M I C R O F I L M E D

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Jun 13 1988



**THE ATTORNEY GENERAL
OF TEXAS**

**JIM MATTOX
ATTORNEY GENERAL**

July 20, 1988

Ms. Leslie Poynter Dixon
Assistant District Attorney
Nueces County Courthouse
901 Leopard
Corpus Christi, Texas 78401

Re: Carlos DeLuna

Leslie:

Enclosed are copies of an order and execution letter that Judge Chapman in Dallas has been using for some time. This procedure satisfies the statute and the Fifth Circuit has said that there is no constitutional violation to setting the date by letter. Smith v. McCotter, 798 F.2d 129, 134 (5th Cir. 1986). (Mr. Smith was executed a few hours after the opinion was written.)

Let me know what you work out with getting a date set. With a little luck, we might be able to get this execution carried out on schedule.

Sincerely,

A handwritten signature in cursive script, appearing to read "Bill".

WILLIAM C. ZAPALAC
Assistant Attorney General
Enforcement Division

WCZ/br
Encls.

M I C R O F I L M E D