

Oct 19 1986

NO. 16,436-01

IN THE COURT OF CRIMINAL APPEALS  
OF THE STATE OF TEXAS

EX PARTE CARLOS DeLUNA                    -- MOTION FOR STAY OF  
EXECUTION AND APPLICATION  
FOR POST CONVICTION WRIT OF  
HABEAS CORPUS PURSUANT TO  
ARTICLE 11.07, V.A.C.C.P.  
From NUECES County

ORDER ON PETITIONER'S MOTION FOR STAY  
OF EXECUTION AND APPLICATION FOR WRIT OF HABEAS CORPUS

On this day came to be considered by the Court of Criminal Appeals the Motion for Stay of Execution presented by the applicant, Carlos DeLuna, in which he requests this Court to stay his execution which has been scheduled to be carried out before sunrise on October 15, 1986; and also came on to be considered by the Court of Criminal Appeals the application for post conviction writ of habeas corpus which was filed by applicant in the 28th Judicial District Court of Nueces County pursuant to Article 11.07, V.A.C.C.P., and a copy of which application for writ of habeas corpus was presented to this Court along with the application for stay of execution.

The Honorable Walter Dunham Jr., Judge of the said 28th Judicial District Court, entered an order on October 9, 1986, on the application for writ of habeas corpus filed in the trial court finding no controverted, previously unresolved facts material to this cause, and recommending that all relief be denied.

This Court is of the opinion that said motion for stay of execution should be denied and that all relief requested in said application for writ of habeas corpus, which is returnable to this Court under Article 11.07, V.A.C.C.P., should be denied.

D&LUNA - 2

Therefore, it is the order of the Court of Criminal Appeals that said motion for stay of execution be, and it is hereby, in all things denied; and that all relief requested in said application for writ of habeas corpus be, and it is hereby, in all things denied.

IT IS SO ORDERED this 13th day of October 1986.

Per Curiam