IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-59,552-03

IN RE RUBEN GUTIERREZ, Relator

ON MOTION FOR LEAVE TO FILE APPLICATION FOR WRIT OF MANDAMUS AND APPLICATION FOR WRIT OF MANDAMUS IN CAUSE NO. 1998-CR-1391-A IN THE 107TH JUDICIAL DISTRICT COURT CAMERON COUNTY

Per curiam.

O R D E R

We have before us a motion for leave to file an application for a writ of mandamus and an application for a writ of mandamus. In April 1999, a jury convicted Relator of the offense of capital murder. In May 1999, the jury answered the special issues submitted pursuant to Texas Code of Criminal Procedure article 37.071, and the trial court, accordingly, sentenced Relator to death. This Court affirmed Relator's conviction and sentence on direct appeal. *Gutierrez v. State*, No. AP-73,462 (Tex. Crim. App. Jan. 16,

2002) (not designated for publication). This Court denied relief on Relator's initial post-conviction application for a writ of habeas corpus. *Ex parte Gutierrez*, No. WR-59,552-01 (Tex. Crim. App. May 14, 2008) (not designated for publication). This Court also dismissed a subsequent post-conviction application for a writ of habeas corpus. *Ex parte Gutierrez*, No. WR-59,552-02 (Tex. Crim. App. Aug. 24, 2011) (not designated for publication).

Relator is set to be executed on October 30, 2019. In the application for a writ of mandamus currently pending before this Court, Relator challenges the validity of the execution warrant issued in his case. On October 11, 2019, the Court determined that it needed more information before it could make a decision on Relator's motion for leave to file, and it ordered the Respondent and the District Clerk to provide certain information. The Court has now determined that Relator's execution should be stayed pending further order by this Court.

IT IS SO ORDERED THIS THE 22nd DAY OF OCTOBER, 2019.

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