



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-81,578-02

IN RE JOHN WILLIAM HUMMEL, Relator

**ON MOTION FOR LEAVE TO FILE APPLICATION FOR WRIT OF
MANDAMUS, APPLICATION FOR WRIT OF MANDAMUS,
AND MOTION TO STAY THE EXECUTION
CAUSE NO. 1184294D IN THE 432ND JUDICIAL DISTRICT COURT
TARRANT COUNTY**

***Per curiam.* YEARY and SLAUGHTER, JJ., concur.**

ORDER

We have before us a motion for leave to file an application for a writ of mandamus, an application for a writ of mandamus, and a motion to stay Relator's execution. In June 2011, a jury convicted Relator of the offense of capital murder. Based on the jury's answers to the special issues submitted pursuant to Texas Code of Criminal Procedure article 37.071, the trial court sentenced Relator to death. This Court affirmed

Relator's conviction and sentence on direct appeal. *Hummel v. State*, No. AP-76,596 (Tex. Crim. App. Nov. 20, 2013) (not designated for publication). And we denied relief on Relator's initial post-conviction application for a writ of habeas corpus. *Ex parte Hummel*, No. WR-81,578-02 (Tex. Crim. App. Feb. 10, 2016) (not designated for publication).

Relator is set to be executed on March 18, 2020. In the application for a writ of mandamus currently pending before this Court, Relator argues that the trial court erred in refusing to: (1) disqualify the prosecutor's office, and (2) withdraw the facially defective execution warrant issued in his case. On both issues, Relator has failed to show that he is entitled to the issuance of a writ of mandamus. Therefore, we deny leave to file the application. We also deny Relator's motion to stay his execution based upon that application.

However, we have also determined that the execution should be stayed at the present time in light of the current health crisis and the enormous resources needed to address that emergency. Therefore, on our own motion, we stay Relator's execution for a period of sixty days. The stay will be automatically lifted after that time.

IT IS SO ORDERED THIS THE 16th DAY OF MARCH, 2020.

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