



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-59,939-04

IN RE TRACY BEATTY, Movant

ON MOTION TO STAY THE EXECUTION
CAUSE NO. 241-0978-04 IN THE 241ST JUDICIAL DISTRICT COURT
SMITH COUNTY

Per curiam. YEARY and SLAUGHTER, JJ., concur. KEASLER, J., not participating.

ORDER

We have before us a motion to stay Movant's execution. In August 2004, a jury found Movant guilty 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 Movant to death. This Court affirmed Movant's conviction and sentence on direct appeal. *Beatty v. State*, No. AP-75,010 (Tex. Crim. App. Mar. 11, 2009) (not designated for publication).

This Court denied relief on Movant's initial post-conviction application for a writ of habeas corpus. *Ex parte Beatty*, No. WR-59,939-02 (Tex. Crim. App. May 6, 2009) (not designated for publication).¹ We also dismissed Movant's subsequent application. *Ex parte Beatty*, No. WR-59,939-03 (Tex. Crim. App. Oct. 14, 2015) (not designated for publication).

Relator is set to be executed on March 25, 2020. We have 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, we grant Movant's motion to stay his execution for a period of sixty days. The stay will be automatically lifted upon expiration of that time.

IT IS SO ORDERED THIS THE 19th DAY OF MARCH, 2020.

Do Not Publish

¹ On August 6, 2004, applicant filed with this Court an application for an original writ of habeas corpus challenging two contempt orders. The Court denied him leave to file that application on October 27, 2004. *See Ex parte Beatty*, No. WR-59,939-01 (no written order issued).