

FILED
THOMAS A WILDER, DIST. CLERK
TARRANT COUNTY, TEXAS

FEB 06 2019

CAUSE NO. 0885306D

TIME 11:30
BY [Signature] DEPUTY

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| THE STATE OF TEXAS | § | IN THE 213 th JUDICIAL |
| | § | |
| VS. | § | DISTRICT COURT OF |
| | § | |
| BILLY JACK CRUTSINGER | § | TARRANT COUNTY, TEXAS |
| | § | |

ORDER SETTING EXECUTION DATE

The Court has reviewed the State's Motion for Court to Enter Order Setting Execution Date filed on May 16, 2018, and finds that the motion should be **GRANTED** and a date of execution be set in this case.

The Defendant was convicted of capital murder on September 25, 2003, for intentionally causing the deaths of Patricia Syren and Pearl Magouirk during the same criminal transaction. After the jury returned an affirmative answer to the future dangerousness special issue and a negative answer to the mitigation special issue, this Court sentenced the Defendant to death by lethal injection on October 1, 2003.

The Court of Criminal Appeals of Texas affirmed the Defendant's conviction and death sentence on direct appeal on May 10, 2006, and the Supreme Court of the United States denied his petition for a writ of certiorari on December 11, 2006. *See Crutsinger v. State*, 206 S.W.3d 607 (Tex. Crim. App. 2006), *cert. denied*, 549 U.S. 1098, 127 S.Ct. 836, 166 L.Ed.2d 670 (2006). The Court of Criminal Appeals of Texas denied the Defendant's state application for writ of habeas corpus on November 7, 2007. *See Ex parte Crutsinger*, 2007 WL 3277524

(Tex. Crim. App. 2007) (unpublished).

The United States District Court for the Northern District of Texas, Fort Worth Division, denied the Defendant's petition for writ of habeas corpus on February 6, 2012. *See Crutsinger v. Thaler*, 2012 WL 369927 (N.D. Tex. 2012) (unpublished). The United States Court of Appeals for the Fifth Circuit denied the Defendant's certificate of appealability on August 4, 2014. *See Crutsinger v. Stephens*, 576 Fed. Appx. 422 (5th Cir. 2014) (opinion on rehearing). The Supreme Court of the United States denied the Defendant's petition for writ of certiorari on February 23, 2015. *See Crutsinger v. Stephens*, ___ U.S. ___, 135 S.Ct. 1401, 191 L.Ed.2d 373 (2015).

IT IS THEREFORE EVIDENT that Defendant has exhausted his avenues for relief through the state and federal courts, and further there are no stays of execution in effect in this case.

ACCORDINGLY, IT IS HEREBY ORDERED that the Defendant, Billy Jack Crutsinger, who has been adjudged to be guilty of capital murder as charged in the indictment and whose punishment has been assessed by the verdict of the jury and judgment of the Court at **DEATH**, shall be kept or taken into the custody of the Director of the Correctional Institutions Division of the Texas Department of Criminal Justice until the **4th day of September 2019**, upon which day, at the Correctional Institutions Division of the Texas Department of Criminal Justice, at some time after the hour of six o'clock p.m., in a room designated by the Correctional Institutions Division of the Texas Department of Criminal

Justice and arranged for the purpose of execution, the said Director, acting by and through the executioner designated by said Director, as provided by law, is hereby commanded, ordered and directed to carry out this sentence of death by intravenous injection of a substance or substances in a lethal quantity sufficient to cause the death of the Defendant, Billy Jack Crutsinger, until Billy Jack Crutsinger is dead. Such procedure shall be determined and supervised by the said Director of the Correctional Institutions Division of the Texas Department of Criminal Justice.

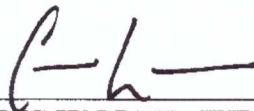
IT IS FURTHER ORDERED that the **Clerk of this Court** shall issue and deliver to the **Sheriff of Tarrant County, Texas**, a **Death Warrant** in accordance with this sentence and Order, directed to the Director of the Correctional Institutions Division of the Texas Department of Criminal Justice, at Huntsville, Texas, commanding the said Director, to put into execution the Judgment of Death against the said Billy Jack Crutsinger.

The Sheriff of Tarrant County, Texas IS HEREBY ORDERED, upon receipt of said Death Warrant, to deliver said Warrant to the Director of the Correctional Institutions Division of the Texas Department of Criminal Justice, Huntsville, Texas together with Defendant, Billy Jack Crutsinger.

IT IS FURTHER ORDERED that the **Clerk of this Court** shall deliver a copy of this order to: (1) the Defendant's most recent attorney of record, Ms. Lydia Brandt, P.O. Box 326, Farmersville, Texas 75442-0326 (lydiabrandt566@gmail.com); (2) Benjamin Wolff, Director, Office of Capital and Forensic Writs, Stephen F. Austin Building, 1700 N.

Congress Ave., Suite 460, Austin, Texas, 78701 (Benjamin.Wolff@ocfw.texas.gov); and (3) Ms. Gwen Vindell, Assistant Attorney General, Office of the Attorney General of Texas, P.O. Box 12548, Austin, Texas, 78711-2548 (Gwendolyn.Vindell2@oag.texas.gov).

SIGNED this 6th day of February 2019.

A handwritten signature in black ink, appearing to read "C Wolfe", is written over a horizontal line.

CHRIS WOLFE, JUDGE
213th JUDICIAL DISTRICT COURT
TARRANT COUNTY, TEXAS