

Cause No. 39,532-D

THE STATE OF TEXAS § IN THE 320TH DISTRICT COURT
VS. § IN AND FOR
JOHN LEZELL BALENTINE § POTTER COUNTY, TEXAS

AMENDED ORDER RECALLING EXECUTION DATE AND WARRANT OF EXECUTION

The Court, after considering the motion of Defendant and the response by the State, finds that Defendant’s last known counsel was not properly notified of the warrant of execution and execution date “Not later than the second business day. . .” by the District Clerk “. . . by first-class mail, e-mail, or fax. . .” as required by Article 43.15 of the Texas Code of Criminal Procedure. Pursuant to this finding, the Warrant of Execution entered by this Court on September 2, 2022 and the execution date of February 8, 2023 are hereby recalled.

In accordance with that finding and in compliance with Texas Code of Criminal Procedure Article 43.141(b-2) this Court directs the State to reset the execution date as soon as practical with proper notice to “the attorney who represented the condemned person in the most recently concluded stage of a state or federal postconviction proceeding. . .”

Due to the Court’s ruling on this issue, it is unnecessary to determine whether the Sheriff complied with Article 43.16 when they delayed delivery of the warrant of execution “immediately” to the “Texas Department of Corrections”[sic] from issuance on September 2, 2022 to 19 days later on September 21st, 2022 as requested in Defendant’s motion.

Any other relief requested is specifically denied.

Date: 1/31/23



Judge 320th District Court