



**IN THE COURT OF CRIMINAL APPEALS
OF TEXAS**

WR-61,600-03

IN RE HELIBERTO CHI

**ON PETITION FOR WRIT OF PROHIBITION
IN CAUSE NO. 0805594 FROM THE
CRIMINAL DISTRICT COURT NUMBER 3 OF TARRANT COUNTY**

Per Curiam.

ORDER

Relator asks this Court to issue a writ of prohibition ordering the Director of the Texas Department of Criminal Justice – Institutional Division (TDCJ – ID) to refrain from carrying the sentence in his case into execution Wednesday, October 3, 2007.

We find that it is appropriate that Respondent Nathaniel Quarterman, Director TDCJ – ID and the Real Party in Interest, Tim Curry, Criminal District Attorney, Tarrant County be given the opportunity to respond to the allegations. Therefore, written responses shall be filed directly with this Court within thirty days of the date of this order. Specifically,

Respondent and real party in interest shall address the question of whether the current method of administering lethal injection in Texas constitutes cruel and unusual punishment such that the respondent would violate the Eighth Amendment if he complied with the Warrant of Execution.

No extensions shall be granted. Relator's Motion for Stay of Execution is granted.

IT IS SO ORDERED THE 2ND DAY OF OCTOBER, 2007.

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