

IN THE TEXAS COURT OF CRIMINAL APPEALS
AUSTIN, TEXAS

Ex Parte TERRY D. EDWARDS, SR.

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Writ No. WR-73,027-02

DEATH PENALTY CASE

**EXECUTION SCHEDULED:
JANUARY 26, 2017**

MOTION FOR STAY OF EXECUTION

**THIS IS A CAPITAL CASE.
MR. EDWARDS IS SCHEDULED TO BE EXECUTED
JANUARY 26, 2017.**

Applicant, Terry D. Edwards, Sr., respectfully requests that this Court stay his scheduled execution. On this same day, Mr. Edwards has filed in the trial court a Subsequent Application for a Writ of Habeas Corpus, seeking redress for a variety of claims, including multiple claims arising from the State's presentation of false testimony, testimony that was pivotal to the State's ability to obtain a conviction of capital murder.

As articulated in the Application, there are numerous reasons Mr. Edwards meets the dictates of Article 11.071 § 5, including that the facts underlying the claims presented could not have been previously discovered by the exercise of due

diligence. Based on, *inter alia*, the State's failure to disclose requested exculpatory evidence, the legal unavailability of meritorious claims, and state habeas counsel's egregiously inept representation, these claims are properly before the court. The claims contained in the Application reveal that substantial components of the State's the case against Mr. Edwards were deeply flawed, wholly undermining the narrative presented at trial—that Mr. Edwards was the triggerman and principal driver behind the crime, who committed the killings of two former colleagues out of malice and revenge, and who had a history of escalating prior crimes that established his future dangerousness. None of these aspects of the state's case were accurate, as demonstrated by the evidence that should have been uncovered and disclosed at the time of trial.

As such, and for the reasons more fully stated in his application, Mr. Edwards respectfully requests that this Court stay his scheduled execution.

Respectfully submitted,

BURLESON, PATE & GIBSON, L.L.P.

/s/Tom Pappas

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CERTIFICATE OF SERVICE

I certify that I have caused a copy of the foregoing Motion for Stay of Execution to be served by electronic delivery on January 18, 2017 upon the following counsel for the State:

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