

TEXAS COURT OF CRIMINAL APPEALS

In re State of Texas ex rel. Brian Risinger v. Hal Ridley

In re Risinger · No. WR-84,212-01 · Decided November 18, 2015

SUMMARY

This document is an emergency motion for leave to file, and petition for, a writ of mandamus in the Texas Court of Criminal Appeals. The relator, the Madison County District Attorney, seeks to compel the 278th Judicial District Court to vacate its withdrawal of Raphael Deon Holiday's November 18, 2015 execution date and reinstate that date. The filing argues that the trial court lacked authority to withdraw the execution date under Texas law.

CASE DETAILS

COURT	Texas Court of Criminal Appeals
JURISDICTION	Texas
DECIDED	November 18, 2015
DOCKET	WR-84,212-01
DISPOSITION	other
PROCEDURAL POSTURE	The Madison County district attorney sought emergency leave to file a petition for a writ of mandamus compelling the convicting court to vacate its order withdrawing Raphael Holiday's November 18, 2015 execution date and to reinstate that date.
STANDARD OF REVIEW	Mandamus requires proof that the relator has no other adequate remedy at law and is clearly entitled to the relief sought. A clear right to relief generally requires that the challenged act be ministerial rather than discretionary.
PRECEDENTIAL VALUE	The provided document is an emergency motion for leave and petition for writ of mandamus, not a disposition or merits opinion. No binding holding or precedential disposition appears in the text.
PARTIES	State of Texas ex rel. Brian Risinger v. The Honorable Hal Ridley, 278th Judicial District Court of Madison County, Texas

TOPICS

[writ of certiorari](#)[appellate procedure](#)[criminal procedure](#)[sentencing](#)[remedies](#)

PRACTICE AREAS

Criminal procedure

Mandamus

Capital punishment

QUESTIONS PRESENTED

1. Whether the State had no adequate remedy by appeal from the trial court's order withdrawing the execution date.
2. Whether the convicting court had authority under Texas Code of Criminal Procedure article 43.141(d) to withdraw an execution date based on the asserted need for additional proceedings on a subsequent habeas application.
3. Whether the State was clearly entitled to mandamus relief compelling the trial court to vacate its order and reinstate the execution date.

KEY QUOTATIONS

“To be entitled to a writ of mandamus, it must be demonstrated that: (1) the relator has no other adequate remedy at law, and (2) he is clearly entitled to the relief sought.” (at 4)

FACTUAL BACKGROUND

Raphael Holiday was convicted three times of capital murder arising from the burning deaths of three children, including his daughter, and received three death sentences. After direct and collateral challenges were unsuccessful, the convicting court had set November 18, 2015, as the execution date. On that date, the court withdrew the execution date because it determined that additional proceedings were necessary on a subsequent habeas application.

PROCEDURAL HISTORY

Raphael Holiday was convicted of capital murder in three cases and sentenced to death. His convictions and sentences were affirmed on direct appeal, state and federal habeas relief was denied, and the United States Supreme Court denied certiorari. On the scheduled execution date, the convicting court withdrew the execution date based on the asserted need for additional proceedings on a subsequent habeas application. The State then filed this emergency motion for leave and petition for mandamus.

DISPOSITION

other

CASES CITED

- State ex rel. Watkins v. Creuzot, 352 S.W.3d 493, 499 (Tex. Crim. App. 2011)
- State ex rel. Sutton v. Bage, 822 S.W.2d 55, 57 (Tex. Crim. App. 1992)
- State ex rel. Healey v. McMeans, 884 S.W.2d 772, 774 (Tex. Crim. App. 1994)
- Texas Department of Corrections v. Dalehite, 623 S.W.2d 420, 424 (Tex. 1981)

- State ex rel. Wilson v. Briggs, 351 S.W.2d 892, 894 (Tex. Crim. App. 1961)
- Ex parte Elizondo, 947 S.W.2d 202 (Tex. Crim. App. 1996)
- In re Roach, No. WR-41,168-08 (Tex. Crim. App. June 17, 2008) (per curiam)
- Holiday v. State, AP-74,446; AP-74,447; AP-74,448, 2006 Tex. Crim. App. Unpub. LEXIS 737 (Tex. Crim. App. Feb. 8, 2006)
- Holiday v. Texas, 549 U.S. 1033 (2006)
- Holiday v. Stephens, No. 13-70022 (5th Cir. Oct. 14, 2014; Dec. 29, 2014)

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/texas-texas-court-of-criminal-appeals/2015/in-re-state-of-texas-ex-rel-brian-risinger-v-hal-ridley-3lyaazi0>