Texas Department of Criminal Justice

Brad Livingston
Executive Director

February 3, 2015

The Honorable Lois Rogers
Smith County District Clerk
100 North Broadway Room 204
Tyler, Texas 75702

RECEIVED IN
COURT OF CRIMINAL APPEALS
FEB 09 2015
Abel Acosta, Clerk

RE: **ROBERT CHARLES LADD TDCJ# 999237**

Dear District Clerk:

Enclosed is the Return of the Director of the Texas Department of Criminal Justice Correctional Institutions Division, of the Death Warrant pertaining to **ROBERT CHARLES LADD** issued in 114th District Court of Smith County, Texas on December 1, 2014, which was carried out on January 29, 2015. Also enclosed is the Certificate with the director's statement of compliance with the command of the warrant. The certificate also indicates the disposition of the remains as required by Article 42.23 of the Texas Code of Criminal Procedure.

Sincerely,

Carla M Willis

Carla M. Willis
Deputy General Counsel
OFFICE OF THE GENERAL COUNSEL

Cc: The Honorable Gregg Abbott, Governor
The Honorable Ken Paxton, Attorney General
Abel Acosta, Clerk, Court of Criminal Appeals
Kelly Enloe, Chairman, Classification & Records, TDCJ

Attachment

CMW/caf

RETURN OF THE DIRECTOR OF THE CORRECTIONAL INSTITUTIONS DIVISION

TEXAS DEPARTMENT OF CRIMINAL JUSTICE

Came to hand, the 29th day of August 1997 and executed the 29th day of January 2015 by the death of **ROBERT CHARLES LADD.**

DISPOSITION OF BODY:

Date: January 29, 2015

Time: 7:02 pm

William Stephens, Director
Texas Department of Criminal Justice
Correctional Institutions Division

CERTIFICATE

I hereby certify that the Death Warrant in the case of *The State of Texas vs.* ***ROBERT CHARLES LADD*** issued in the 114th District Court of Smith County, Texas on December 1, 2014, and was executed according to the laws of the State of Texas on January 29, 2015. The death of **ROBERT CHARLES LADD** was caused by intravenous injection of lethal substances at the Huntsville Unit of the Texas Department of Criminal Justice–Correctional Institutions Division at 7:02 p.m. January 29, 2015. The body of the deceased was given into the custody of Carnes Funeral Home; agent for the requesting relative. This Certificate and Return of Warrant (enclosed) is in compliance with Article 43.23 of the Texas Code of Criminal Procedure.

William Stephens, Director
Texas Department of Criminal Justice
Correctional Institutions Division

SUBSCRIBED AND SWORN TO BEFORE ME this the 29th day of January 2015.

NOTARY PUBLIC STATE OF TEXAS
CONNIE E. WEICH
Notary Public, State of Texas
My Commission Expires
11-06-2017
Notary Without Bond

Connie E. Weich
NOTARY PUBLIC, Walker County, Texas

My commission expires: 11-06-2017

FILED
LOIS ROGERS
DISTRICT CLERK

Cause No. 114-80305-97

2014 DEC -1 PM 3:29

STATE OF TEXAS	§	IN THE 114TH DISTRICT COURT
	§	SMITH COUNTY, TEXAS
v.	§	BY Lois Rogers DEPUTY OF
	§	
ROBERT CHARLES LADD	§	SMITH COUNTY, TEXAS

EXECUTION ORDER

You, ROBERT CHARLES LADD, were indicted by the Grand Jury of Smith County, Texas, and charged with the offense of capital murder in cause number 114-80305-97. On August 23, 1997, a jury in this Court returned a verdict finding you guilty of the offense of capital murder. On August 26, 1997, the same jury in this Court returned answers to the special issues, submitted to the jury at punishment pursuant to Article 37.071 of the Texas Code of Criminal Procedure, and this Court, in accordance with the jury's findings at punishment, assessed your punishment at death. The judgment of this Court was reviewed by the Texas Court of Criminal Appeals on direct appeal and it was affirmed by that court on October 6, 1999. *Ladd v. State*, 3 S.W.3d 547 (Tex. Crim. App.), *cert. denied*, 529 U.S. 1070 (2000). Mandate issued on November 1, 1999. On December 15, 1999, the Court of Criminal Appeals denied your initial state habeas corpus petition. *Ex parte Ladd*, No. 42,639-01. Thereafter, the District Court for the Eastern District of Texas, Beaumont Division, denied your first federal petition for writ of habeas corpus on October 24, 2001. The United States Court of Appeals for the Fifth Circuit affirmed. *Ladd v. Cockrell*, 311 F.3d 349 (5th Cir. 2002). On April 17, 2003, the Court of Criminal Appeals dismissed your second state habeas corpus petition for abuse of the writ. *Ex parte Ladd*, No. 42,639-02. Thereafter, the District Court for the Eastern District of Texas, Beaumont Division, denied your second federal petition for writ of habeas corpus on February 15, 2013. The United States Court of Appeals for the Fifth Circuit affirmed. *Ladd v. Stephens*, 748 F.3d 637 (5th Cir.), *cert. denied*, 135 S. Ct. 192 (2014). A previous execution date was set by this Court for December 11, 2014. This Court now proceeds to modify your prior execution date and now enters the following order.

IT IS HEREBY ORDERED by this Court that the prior execution warrant of November 14, 2014, setting a December 11, 2014 execution date for ROBERT CHARLES LADD is RECALLED.

IT IS HEREBY ORDERED by this Court that you, ROBERT CHARLES LADD, having been adjudged guilty of capital murder and having been assessed punishment at death, in accordance with the findings of the jury and the judgment of this Court, shall at some time after the hour of 6:00 p.m. on the 29th day of January, 2015, be put to death by an executioner designated by the Director of the Correctional Institutions Division of the Texas Department of Criminal Justice, who shall cause a substance or substances in a lethal quantity to be intravenously injected into your body sufficient to cause your death and until your death, such execution procedure to be determined and supervised by the said Director of the Correctional Institutions Division of the Texas Department of Criminal Justice.

It is ORDERED that the Clerk of this Court shall issue a new death warrant, in accordance with this sentence, to the Director of the Correctional Institutions Division of the Texas Department of Criminal Justice, and shall deliver such warrant to the Sheriff of Smith County, Texas to be delivered by him to the Director of the Correctional Institutions Division of the Texas Department of Criminal Justice together with the defendant, ROBERT CHARLES LADD, if not previously delivered.

The Defendant, ROBERT CHARLES LADD, is hereby remanded to the custody of the Sheriff of Smith County, Texas, to await transfer to Huntsville, Texas, if not previously delivered, and the execution of this sentence of death.

DONE AND ENTERED this 1st day of December, 2014.

CHRISTI KENNEDY
Presiding Judge
114th District Court
Smith County, Texas

CAUSE NO: 114-80305-97

DEATH WARRANT

THE STATE OF TEXAS	§	IN THE DISTRICT COURT OF
	§	
VS	§	SMITH COUNTY, TEXAS
	§	114TH DISTRICT COURT
ROBERT CHARLES LADD		

TO THE DIRECTOR OF THE INSTITUTIONAL DIVISION OF THE TEXAS DEPARTMMEMT OF CRIMINAL JUSTICE AND TO THE SHERIFF OF SMITH COUNTY, TEXAS:

On August 23, 1997, the above – named defendant, in the above styled and numbered cause was convicted of the offense of Capital Murder. On August 26, 1997, the Court sentenced the above-named defendant to death in accordance with the findings of the jury, pursuant to the Texas Code of Criminal Procedure.

The Court, having received the Texas Court of Criminal Appeals' affirming the above name Mandate having received notice of the Court of Criminal Appeals" denial of the defendant's initial application for writ of habeas corpus sentenced the above-names defendant to death for the offense CAPTIAL MURDER and ORDERS that the execution be had, as provided by law, the 29th day of January 29, 2015, at any time after the hour of 6:00 P.M. at the Institutional Division of the Texas Department of Criminal Justice at Huntsville, Texas.

The Sheriff of Smith County, Texas is hereby commanded to transport the defendant to the Institutional Division of the Texas Department of Criminal Justice and deliver the defendant and this warrant to the Director of the Institutional Division of the Texas Department of Criminal Justice for the purpose of executing this warrant, and to take from the Director of the proper receipt for the defendant, and the Sheriff will return the receipt to the office of the District Clerk of Smith county, Texas.

The Director of the Institutional Division of the Texas Department of Criminal Justice is hereby commanded to receive from the Sheriff the defendant and this warrant, and to give his receipt to the Sheriff, and to safely keep the defendant and to execute the sentence of death at any time after the hour of 6:00 P.M. on the day and date specified in paragraph two of this warrant, by causing a substance or substances in a lethal quantity to be intravenously injected into the body of defendant to continue until the defendant is deceased, obeying all laws of the State of Texas with reference to such execution.

WITNESS MY HAND AND SEAL of the 114 Judicial District Court of Smith County, Texas, at my office in the City of Tyler, Texas, on the 1 day of December 2014.

LOIS ROGERS, District Clerk
Smith County, Texas
100 N. Broadway Suite #204
Tyler, Texas 75702

RETURN

The Sheriff of Smith County, Texas, received this **Writ** on the 3rd day of December, 2014 at 12:20 p M. and executed the same by delivering the original and one copy of this warrant to the Director of the Institutional Division of the Texas Department of Criminal Justice on the 3rd day of December, 2014, and by taking his receipts for the said warrant, which receipts are hereto attached do here now make my return on this Writ this 3rd day of December, 2014

Brenda Harden for Larry Smith Sheriff
LARRY SMITH, Sheriff
Smith County, Texas

On this the 3rd day of December, 2014 the follow papers related to cause number **114-80305-97** styled:

THE STATE OF TEXAS, **vs.** ROBERT CHARLES LADD were received from the Sheriff of Smith County, Texas,

1. Original and one copy of **DEATH WARRANT** to be delivered to the Warden of the Director of the Institutional Division of the Institutional Division of the Texas Department of Criminal Justice.

2. One certified copy of the Execution Order.

The Texas Department of Criminal Justice acknowledges receipt of the Execution Order and Death Warrant in the Cause No. 114-80305-97 on this the 3rd day of December 2014.

TEXAS DEPARTMENT OF CRIMINAL JUSTICE
Classification and Records
BY: Wendy Foreman
for Brad Livingston