**Cause No. \_\_\_\_\_\_\_**

Ex Parte § In the <<court name>>

 §

 § of

 §

<<Defendant’s Name>> § <<Name>> County, Texas

**ORDER GRANTING RELIEF ON THE APPLICATION FOR**

**WRIT OF HABEAS CORPUS AND**

**DECLARING THE EXECUTIVE ORDER GA-13**

**TO BE UNCONSTITUTIONAL, UNLAWFUL, AND NULL AND VOID**

 Be it Remembered that on this day came on to be considered Applicant’s Pretrial Application for Writ of Habeas Corpus.

 The Court finds <<Applicant has been previously convicted of a crime that involves physical violence or the threat of physical violence, specifically Applicant was convicted of the offense of \_\_\_\_\_\_\_\_\_\_ in \_\_\_\_\_\_\_\_\_ County, Texas in Cause No. \_\_\_\_\_\_\_\_\_\_\_\_\_, on \_\_\_\_\_\_\_\_\_\_(date) >> *or* <<Applicant stands charged with a crime that involves physical violence or the threat of physical violence, specifically Applicant was arrested for the offense of \_\_\_\_\_\_\_\_\_\_\_\_ on \_\_\_\_\_\_\_\_ and probable cause was found by the magistrate on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_(date)>>.

Having considered the arguments of Applicant, by and through Applicant’s counsel, this Court ISSUES a writ of habeas corpus and now ORDERS Applicant released from custody on a personal bond.

This action does or may contradict Executive Order GA-13 issued by the Governor on March 29, 2020. Executive Order GA-13 purports to preclude the issuance of a writ and purports and purports to suspend laws regarding bond. Accordingly, this Court resolves this conflict by declaring that Executive Order GA-13 violates the following provisions of the Texas and United States Constitutions:

Texas Constitution, Article I, section 11 (excessive bail)

Texas Constitution, Article I, section 13 (excessive bail)

Texas Constitution, Article I, section 19 (due process)

Texas Constitution, Article II, section 2 (separation of powers)

Texas Constitution, Article II, section 28 (authority to suspend law)

United States Constitution, Amendment V (due process)

United States Constitution, Amendment VI (right to counsel)

United States Constitution, Amendment VIII (excessive bail)

United States Constitution, Amendment XIV (due process)

The Order’s reliance on Section 418.016(a) of the Government Code is not well-taken, as that provision does not grant the Governor the authority to suspend laws passed by the Legislature. Under the Texas Constitution, on the Legislature may suspend the laws, and that power is non-delegable. The attempt to suspend the relevant articles of the Code of Criminal Procedure is unconstitutional and consequently not binding on this Court.

Accordingly, the Court GRANTS Applicant’s request and sets bail at personal recognizance.

SIGNED this day of \_\_\_\_\_\_\_\_\_\_, 2020.

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Judge Presiding