

No. \_\_\_\_\_

**In the  
Supreme Court of the United States**

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EX PARTE DANIEL CLATE ACKER,  
*Applicant.*

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On Petition for Writ of Certiorari to the  
Texas Court of Criminal Appeals

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**MOTION FOR STAY OF EXECUTION**

**DANIEL ACKER IS SCHEDULED  
TO BE EXECUTED ON THURSDAY, SEPTEMBER 27, 2018**

TO THE HONORABLE JUDGES OF THIS COURT:

Daniel Clate Acker was convicted of capital murder and is facing an execution date of September 27, 2018.<sup>1</sup> As detailed in his accompanying petition for writ of certiorari, there are now serious doubts as to whether this case was a homicide at all. Mr. Acker was tried and convicted on the theory that he had abducted the victim Marquetta George and then strangled her while driving, a theory that the State disavowed in federal court. Unlike the State's three different and conflicting versions of his guilt, for the past eighteen years Mr. Acker has steadfastly and consistently maintained that Ms. George jumped from his truck. The Texas Court of Criminal Appeals upheld Mr. Acker's conviction on the theory that,

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<sup>1</sup> The trial court order setting the execution date is included herein as an appendix.

while driving his truck at high speeds, “it is likely that the decedent was strangled and probably dead or near death prior to being dumped from the vehicle.” *Acker v. State*, No. 74,109 (Tex. Crim. App. Nov. 26, 2003) at \*5.<sup>2</sup> Death by strangulation figured in all parts of Mr. Acker’s trial, from the indictment, to the testimony of the medical examiner,<sup>3</sup> the arguments, the jury deliberations, through to the appeal and the state post-conviction proceedings.<sup>4</sup>

However, the State’s own expert in federal court, nationally-recognized coroner Dr. Vincent Di Maio, opined at the federal evidentiary hearing in 2011 that Ms. George was never strangled, essentially agreeing with defense expert Dr. Glenn Larkin. At that hearing, the State changed their theory and contended that Mr. Acker pushed Ms. George from the truck, a theory that was never presented to Acker’s jury. The State has made no effort to defend the trial theory of guilt of “death by strangulation” heard by Mr. Acker’s jury. Instead, they have disavowed it, not once but twice.

In yet another change of the State’s theory, a third version, initially devised by the federal district court in its opinion and then affirmed by the Fifth Circuit Court of Appeals,

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<sup>2</sup> The Fifth Circuit Court of Appeals has also acknowledged that the State’s case was “largely based on strangulation.” *Acker v. Davis*, 693 F. App’x 384 at 394 (5th Cir. 2017).

<sup>3</sup> The medical examiner who testified at Mr. Acker’s trial was Dr. Morna Gonsoulin, who, at the time she signed the autopsy report, *was still an intern and hadn’t completed all of the requirements to be a medical examiner.* (20 RR 273.) (“RR” refers to the Reporter’s Transcript, with the volume number preceding the page number.)

<sup>4</sup> A detailed discussion of the dominance of the strangulation theory at Mr. Acker’s trial is in his petition for writ of certiorari.

was that the victim was immobilized in Acker's truck, placed on the ground and then deliberately run over by Acker. *No witness ever testified to this at Acker's trial.* In fact, the witness upon whom the federal courts apparently relied to arrive at this conjectural hypothesis admitted he gave three different stories to the police and, even in his final version, he told the jury that Acker placed the victim on the ground and drove away *and did not run her over.*

At trial, the State's case was based on the now-discredited strangling-while-driving hypothesis, a virtually impossible feat. Due to erroneous evidentiary rulings by the trial court, Acker's jury was not allowed to hear that, just two weeks prior to her death, Ms. George had attempted to jump from Acker's truck, precisely his explanation of what caused her death on March 12, 2000 when he turned himself in to the authorities. Just a few minutes prior to the discovery of the victim's body, eye-witnesses saw George attempting to escape from the truck while Acker was trying to keep her in. Not only did Acker have no motive to push George to her death, his intent was the exact opposite. He wanted to forcibly bring her with him to meet the person with whom she had spent the night, to see if they had been intimate—a meeting George, understandably, did not want to attend. Hence, she attempted to jump, which went awry, and ended tragically with her death. Mr. Acker has taken full responsibility for the victim's abduction and has expressed remorse for that act from the day he turned himself in shortly after the accident.

As homicide requires the intent to kill, this case was never a homicide, but rather a

kidnaping or manslaughter. Texas law has repeatedly and unequivocally held that capital murder requires a specific intent to kill: “Capital murder is a result-of-conduct oriented offense; the crime is defined in terms of one's objective . . . .” *Roberts v. State*, 273 S.W.3d 322, 329 (Tex. Crim. App. 2008); *see Black v. State*, 26 S.W.3d 895, 898 (Tex. Crim. App. 2000); *Medina v. State*, 7 S.W.3d 633, 639 (Tex. Crim. App. 1999); *Cook v. State*, 884 S.W.2d 485, 491 (Tex. Crim. App. 1994); *Alvarado v. State*, 704 S.W.2d 35, 36 (1985); *see also Schroeder v. State*, 123 S.W.3d 398, 400 (Tex. Crim. App. 2003) (reiterating that intentional murder under sec. 19.02(b)(1) is a “result of conduct” offense); *Cook*, 884 S.W.2d at 490 (“We have long held that intentional murder is a ‘result of conduct’ offense.”); *Martinez v. State*, 763 S.W.2d 413, 419 (Tex. Crim. App. 1988) (same); *Lugo-Lugo v. State*, 650 S.W.2d 72, 80, 88 (Tex. Crim. App. 1982) (same). As that Court has explained, a “result of conduct” offense is defined by specific intent to bring about a prohibited result: “what matters is that the conduct (whatever it may be) is done with the required culpability to effect the *result* the Legislature has specified.” *Cook*, 884 S.W.2d at 490 (citing *Alvarado*, 704 S.W.2d at 39)(emphasis in original). The “required culpability” for capital murder is to intentionally or knowingly bring about the death of another person. Tex. Penal Code sec. 19.03(a). The Texas Penal Code states that an offender acts intentionally “with respect to . . . a result of his conduct when it is his conscious objective or desire to . . . cause the result.” Tex. Penal Code sec. 6.03(a); *see also Martinez*, 763 S.W.2d at 419. Thus, capital murder “is defined in terms of one's objective to produce a specified result. . . . [The offender] must

have specifically intended that death result from his conduct.” *Kinnamon v. State*, 791 S.W.2d 84, 88 (Tex. Crim. App. 1990), *overruled on other grounds*, *Cook*, 884 S.W.2d at 491; *see Morrow v. State*, 753 S.W.2d 372 (Tex. Crim. App. 1988).<sup>5</sup>

The State’s wildly speculative and flawed strangulation theory was never effectively challenged by Mr. Acker’s attorneys, mainly because the trial court obstructed their efforts to do so. Defense counsel’s requests for forensic experts were denied on the basis that they had been provided with an investigator. But when the investigator attempted to show that Acker could not have strangled her while driving and pushed her out of the truck, the court ruled this evidence was inadmissible because his tests were not performed by the very experts for which the court had denied funding. The trial court also did not allow the jury to hear important evidence that the victim attempted to jump from the very same truck just two weeks prior to her death, something very few people would attempt, and was prevented from doing so by Mr. Acker.

The miscarriages of justice continued on appeal when appellate counsel filed a 9-page brief, possibly one of the shortest ever filed in a capital case this State. Even worse, if possible, were Acker’s state post-conviction proceedings, where the vast majority of the application consisted of Acker’s own memos and letters, submitted verbatim without even basic editing, mostly without even changing them from the first person vernacular. To characterize Acker’s state habeas petition as incoherent would be an understatement. This

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<sup>5</sup> As the prosecutor Mr. Long admitted at trial: “They have to find an intentional murder [for the jury to convict Mr. Acker of capital murder].” (22 RR 114.)

woefully incompetent pleading was the subject of widespread media attention and incredulity.<sup>6</sup>

Mr. Acker was prejudiced by the State's change of theory, as juror Stephen Watson has attested in his declaration submitted to the Texas Court of Criminal Appeals in Mr. Acker's subsequent application. Mr. Watson states that had he known that "the prosecution's strangulation theory was later discredited by other experienced experts who concluded that Ms. George was not strangled...It is possible it would have changed my mind about Daniel's guilt."

As provided in the federal habeas corpus statute, 28 U.S.C. §2251,

A justice or judge of the United States before whom a habeas corpus proceeding is pending, may, before final judgment or after final judgment of discharge, or pending appeal, stay any proceeding against the person detained in any State court or by or under the authority of any State for any matter involved in the habeas corpus proceeding.

*See also McFarland v. Scott*, 512 U.S. 849, 857-858, 114 S. Ct. 2568, 2573 (1994).

*Barefoot v. Estelle*, 463 U.S. 849, 888, 889, 893 n.4 (1983), the leading authority on post-petition habeas corpus stays recognizes that a stay of execution is required whenever at least one claim is "not frivolous" or "colorable," the claim is "debatable among jurists of reason and a court *could* resolve the claim favorably to the petitioner." *See also McFarland*

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<sup>6</sup> USCA5.872-891 (this refers to the federal record on appeal in the Fifth Circuit Court of Appeals); (newspaper articles relating to Mr. Acker's state petition and other petitions by state habeas counsel Toby Wilkinson). Some of the media comments were that "the writ echoes Acker's unintelligible arguments, flawed grammar and even his complaint that he was about to run out of paper" [at 874]; that it was "filled with gibberish" [at 878]; and that it "reads as if it was written by someone with an 8th Grade education. In fact, most of it was." [at 879.]

,*supra*, at 860 (1994)(O’Connor, J., concurring in the judgment in part and dissenting in part). This standard does not require the petitioner to show that he would prevail on the merits, but it does require him to show that the issues he presents are debatable among jurists of reason. *Barefoot*, 463 U.S. at 893 n.4. *See also Delo v. Stokes*, 485 U.S. 320, 321 (“A stay of execution pending disposition of a second or successive federal habeas petition should be granted only where there are substantial grounds upon which relief might be granted”).

When the resolution of a claim turns on “procedural grounds,” a stay of execution should issue “when the prisoner shows, at least, that jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right and that jurists of reason would find it debatable whether the district court was correct in its procedural ruling.” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). For the reasons discussed herein, Mr. Acker is entitled to a stay of execution.

Daniel Acker is innocent of the murder of Markie George and respectfully requests a stay of his execution so that a close and careful review of the strong evidence of Mr. Acker’s innocence may be conducted. As the Supreme Court has stated, “execution is the most irremediable and unfathomable of penalties.” *Ford v. Wainwright*, 477 U.S. 399, 411 (1986).

### **PRAYER FOR RELIEF**

For the reasons above and for those stated in his accompanying Petition for Writ of Habeas Corpus, Mr. Acker respectfully requests that this Court:

1. Grant a stay of execution , currently scheduled for September 27, 2018;
2. Grant his petition for writ of certiorari and remand the matter for a hearing on his compelling claims of innocence.
3. Mr. Acker further requests any other relief that law or justice may require.

Dated: September 21, 2018.

Respectfully submitted,

*s/s A. Richard Ellis*

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(512) 916-5025  
tim\_gumkowski@fd.org  
Attorneys for Daniel Clate Acker

\* Counsel of Record



# APPENDIX

FILED

NO. 0016026

THE STATE OF TEXAS

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IN THE DISTRICT COURT

2018 MAY -7 PM 4:36

V.

8TH JUDICIAL DISTRICT

CHERYL FULCHER  
DISTRICT CLERK  
HOPKINS COUNTY, TEXAS

DANIEL CLATE ACKER

HOPKINS COUNTY, TEXAS

**COURT'S ORDER  
FOR EXECUTION OF DEFENDANT AND  
ISSUANCE OF WARRANT OF EXECUTION**

On the 30th day of March, 2001, the Defendant, DANIEL CLATE ACKER, was convicted in the above entitled and numbered cause of the offense of capital murder and sentenced to death.

The Defendant appealed his conviction for capital murder and sentence of death to the Court of Criminal Appeals in Austin, Texas, and the Court of Criminal Appeals affirmed the Defendant's conviction for capital murder and sentence of death in cause number AP-74,109 in an unpublished opinion delivered on the 26th day of November, 2003.

On the 15th day of August, 2003, the Defendant's Application for Post-Conviction Writ of Habeas Corpus under Article 11.071 Code of Criminal Procedure attacking his conviction for capital murder and sentence of death was filed with the Texas Court of Criminal Appeals. The Court of Criminal Appeals assigned the initial application cause number WR-56,841-01. The Court denied relief on the 15th day of November, 2006.

The Defendant has filed four additional applications for writs of habeas corpus pursuant to Art. 11.071. Cause number WR-56,841-02 was denied on June 28, 2006. Cause number WR-56,841-03 was denied on November 15, 2006 (at the same time and in the same order as WR-56,841-01). Cause number WR-56,841-04 was denied on September 10, 2008. And cause number WR-56,841-05 was denied on May 14, 2014.

Defendant filed a habeas petition in the United States District Court for the Eastern District of Texas, styled *Acker v. Thaler*, (subsequently, *Acker v. Davis*) No. 4:06-cv-469 on November 14, 2007. It was denied on June 14, 2016. Defendant filed a notice of appeal on July 8, 2016, and an application for certificate of appealability from the District Court's ruling with the United States Court of Appeals for the Fifth Circuit on November 16, 2016. It was assigned cause number 16-70017. Defendant's request for a certificate of appealability was denied on August 14, 2017.

The Defendant filed a Petition for a Writ of Certiorari with the United States Supreme Court on December 11, 2017. It was assigned cause number 17-7045. The petition was denied on April 16, 2018.

**AND WHEREAS** there is no legal reason why the judgment and sentence of death should not be executed,

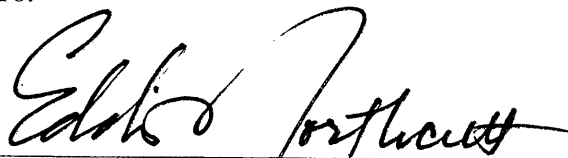
**IT IS, THEREFORE, ORDERED** that the execution of the said **DANIEL CLATE ACKER** be and is, hereby, set for the 27th day of September, 2018, at some time on the said day after the hour of 6 p.m. at the Institutional Division of the Texas Department of Criminal Justice at Huntsville in a room arranged for such purpose, and that Director of the Correctional Institutions Division of the Texas Department of Criminal Justice or some person or persons designated by him as executioner and acting under his authority and supervision some time after the hour of 6 p.m. on the 27th day of September, 2018 shall execute the said **DANIEL CLATE ACKER** by intravenous injection of a substance or substances in a lethal quantity sufficient to cause death into the body of the said **DANIEL CLATE ACKER** until he is dead.

**THE CLERK OF THE COURT** is directed within 10 days from the date of this order to issue an original signed Warrant of Execution under seal of the Court for the execution of the sentence of death of **DANIEL CLATE ACKER** directed to the Director of the Correctional Institutions Division of the Texas Department of Criminal Justice at Huntsville commanding the said Director to proceed on the day and at the time stated in this order to carry out the sentence of death pronounced against the said **DANIEL CLATE ACKER**, and the Clerk of the Court shall deliver the said original signed Warrant of Execution under seal of the Court to the Sheriff of Hopkins County on the day the Warrant of Execution is issued who shall promptly hand deliver or cause the said original signed Warrant of Execution under seal of the Court and a certified copy of this Court's Order for Execution of Defendant and Issuance of Warrant of Execution to be hand delivered by a certified peace officer to the Director of the Correctional Institutions Division of the Texas Department of Criminal Justice and take a receipt therefor which the Sheriff shall return to the Office of the Clerk of the Court.

**THE CLERK OF THE COURT** is further directed not later than the second business day after the date on which this Court's Order for Execution of the Defendant and Issuance of Warrant of Execution is issued to send a certified copy of this order by first-class mail, email or fax to the Attorney for the said **DANIEL CLATE ACKER** and the attorney for the State and the Office of Capital and Forensic Writs at the Office of Capital and Forensic Writs, Stephen F. Austin Building, 1700 N. Congress Avenue, Suite 460, Austin, Texas 78701.

**THE CLERK OF THE COURT** is further directed on the day the Clerk of the Court issues the Warrant of Execution to send a certified copy of the Warrant of the Execution by first-class mail, email or fax to the Attorney for the said **DANIEL CLATE ACKER** and the attorney for the State and the Office of Capital and Forensic Writs at the Office of Capital and Forensic Writs, Stephen F. Austin Building, 1700 N. Congress Avenue, Suite 460, Austin, Texas 78701.

Signed the 7<sup>th</sup> day of May, 2018.



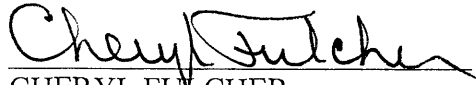
SEAL OF THE COURT

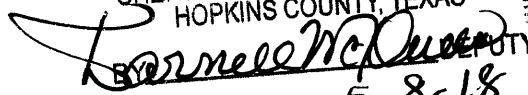
EDDIE NORTHCUTT  
JUDGE PRESIDING, 8TH JUDICIAL DISTRICT COURT  
HOPKINS COUNTY, TEXAS

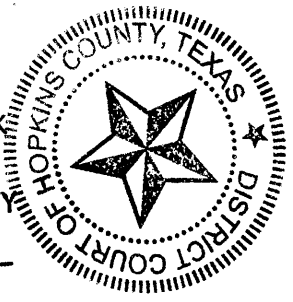
**CERTIFICATE OF SERVICE**

I, **CHERYL FULCHER**, District Clerk for the 8th District Court of Hopkins County, Texas, certify that I delivered a certified copy of the Court's Order for Execution of the Defendant and Issuance of Warrant of Execution on the 8<sup>th</sup> day of May, 2018 by first-class mail to the Office of Capital and Forensic Writs at the Office of Capital and Forensic Writs, Stephen F. Austin Building, 1700 N. Congress Avenue, Suite 460, Austin, Texas 78701, and to the attorney for the Defendant, A. Richard Ellis, Counsel of record for Defendant, by first-class mail to 75 Magee Avenue, Mill Valley, CA 94941-4532, and by fax at (415) 389-0251 and by electronic mail to a.r.ellis@att.net, and to Lewis Tatum, the Sheriff of Hopkins County, by hand delivering the same to the Sheriff, and to the attorney for the State by hand delivering the same to the District Attorney for the 8<sup>th</sup> Judicial District for Hopkins County, Texas.

**SEAL OF THE COURT**

  
CHERYL FULCHER  
CLERK OF THE 8TH DISTRICT COURT  
HOPKINS COUNTY, TEXAS  
118 MAIN STREET  
SULPHUR SPRINGS, TEXAS 75482

A CERTIFIED COPY  
ATTEST:  
CHERYL FULCHER, DISTRICT CLERK  
HOPKINS COUNTY, TEXAS  
  
LARNELLE MCQUEEN, DEPUTY  
DATE: 5-8-18



NO. 0016026

THE STATE OF TEXAS	*	IN THE DISTRICT COURT
	*	
V.	*	8TH JUDICIAL DISTRICT
	*	
DANIEL CLATE ACKER	*	HOPKINS COUNTY, TEXAS

**WARRANT OF EXECUTION  
FOR DANIEL CLATE ACKER**

**TO THE DIRECTOR OF THE CORRECTIONAL INSTITUTIONS DIVISION OF THE TEXAS DEPARTMENT OF CRIMINAL JUSTICE AT HUNTSVILLE, TEXAS AND THE SHERIFF OF HOPKINS COUNTY, TEXAS:**

On the 30th day of March, 2001, the Defendant, **DANIEL CLATE ACKER**, was convicted in the above entitled and numbered cause of the offense of capital murder and sentenced to death.

The Defendant appealed his conviction for capital murder and sentence of death to the Court of Criminal Appeals in Austin, Texas, and the Court of Criminal Appeals affirmed the Defendant's conviction for capital murder and sentence of death in cause number AP-74,109 in an unpublished opinion delivered on the 26th day of November, 2003.

On the 15th day of August, 2003, the Defendant's Application for Post-Conviction Writ of Habeas Corpus under Article 11.071 Code of Criminal Procedure attacking his conviction for capital murder and sentence of death was filed with the Texas Court of Criminal Appeals. The Court of Criminal Appeals assigned the initial application cause number WR-56,841-01. The Court denied relief on the 15th day of November, 2006.

The Defendant has filed four additional applications for writs of habeas corpus pursuant to Art. 11.071. Cause number WR-56,841-02 was denied on June 28, 2006. Cause number WR-56,841-03 was denied on November 15, 2006 (at the same time and in the same order as WR-56,841-01). Cause number WR-56,841-04 was denied on September 10, 2008. And cause number WR-56,841-05 was denied on May 14, 2014.

Defendant filed a habeas petition in the United States District Court for the Eastern District of Texas, styled *Acker v. Thaler*, (subsequently, *Acker v. Davis*) No. 4:06-cv-469 on November 14, 2007. It was denied on June 14, 2016. Defendant filed a notice of appeal on July 8, 2016, and an application for certificate of appealability from the District Court's ruling with the United States Court of Appeals for the Fifth Circuit on November 16, 2016. It was assigned cause number 16-70017. Defendant's request for a certificate of appealability was denied on August 14, 2017.

The Defendant filed a Petition for a Writ of Certiorari with the United States Supreme Court on December 11, 2017. It was assigned cause number 17-7045. The petition was denied on April 16, 2018.

On the 7<sup>th</sup> day of May, 2018, the 8th Judicial District Court of Hopkins County, Texas ordered that the execution of the judgment and sentence of death be executed on the **27<sup>th</sup> day of September, 2018**, at some time on the said day after the hour of 6 p.m. as fully appears in the Court's Order for Execution of Defendant and Issuance of Warrant of Execution.

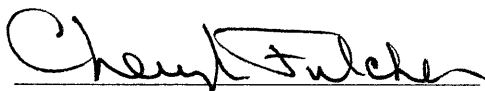
**NOW, THEREFORE, THE DIRECTOR OF THE CORRECTIONAL INSTITUTIONS DIVISION OF THE TEXAS DEPARTMENT OF CRIMINAL JUSTICE IS COMMANDED** to execute the judgment and sentence of death upon the said **DANIEL CLATE ACKER** at the Institutional Division of the Texas Department of Criminal Justice at Huntsville in a room arranged for such purpose, and that you or some person or persons designated by you as executioner and acting under your authority and supervision some time after the hour of 6 p.m. on the **27<sup>th</sup> day of September, 2018** shall execute the said **DANIEL CLATE ACKER** by intravenous injection of a substance or substances in a lethal quantity sufficient to cause death into the body of the said **DANIEL CLATE ACKER** until he is dead.

**LEWIS TATUM**, the Sheriff of Hopkins County, Texas **IS COMMANDED** to receive an original signed Warrant of Execution and a certified copy of Court's Order for Execution of the Defendant and Issuance of Warrant of Execution under seal of the Court and promptly hand deliver the same or cause the same to be hand delivered by a certified peace officer to the Director of the Correctional Institutions Division of the Texas Department of Criminal Justice at Huntsville, Texas, and take a receipt therefor for the Warrant of Execution which the Sheriff shall return to the Office of the Clerk of the Court.

**HEREIN FAIL NOT**, and due return make hereof in accordance with the law.

Witness my signature and seal of office on this the 8<sup>th</sup> day of May, 2018.

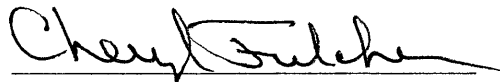
**SEAL OF THE COURT**

  
CHERYL FULCHER  
CLERK OF THE 8TH DISTRICT COURT  
HOPKINS COUNTY, TEXAS  
118 MAIN STREET  
SULPHUR SPRINGS, TEXAS 75482


**CERTIFICATE OF SERVICE**

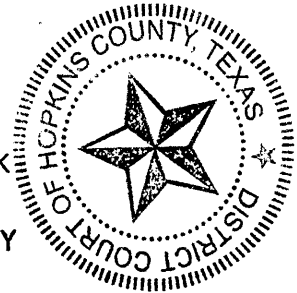
I, **CHERYL FULCHER**, District Clerk for the 8th District Court of Hopkins County, Texas, certify that I delivered a certified copy of the Court's Order for Execution of the Defendant and Issuance of Warrant of Execution on the 8<sup>th</sup> day of May, 2018 by first-class mail to the Office of Capital and Forensic Writs at the Office of Capital and Forensic Writs, Stephen F. Austin Building, 1700 N. Congress Avenue, Suite 460, Austin, Texas 78701, and to the attorney for the Defendant, A. Richard Ellis, Counsel of record for Defendant, by first-class mail to 75 Magee Avenue, Mill Valley, CA 94941-4532, and by fax at (415) 389-0251 and by electronic mail to a.r.ellis@att.net, and to Lewis Tatum, the Sheriff of Hopkins County, by hand delivering the same to the Sheriff, and to the attorney for the State by hand delivering the same to the District Attorney for the 8<sup>th</sup> Judicial District for Hopkins County, Texas.

**SEAL OF THE COURT**



CHERYL FULCHER  
CLERK OF THE 8TH DISTRICT COURT  
HOPKINS COUNTY, TEXAS  
118 MAIN STREET  
SULPHUR SPRINGS, TEXAS 75482

A CERTIFIED COPY  
ATTEST:  
CHERYL FULCHER, DISTRICT CLERK  
HOPKINS COUNTY, TEXAS  
 DEPUTY  
DATE: 5-8-18



0016 026

FILED

Death Warrant and Execution Order for Daniel C Ackes was hand delivered 2018 MAY 9 PM 4:01  
by the Sheriff of Hopkins County to Texas Department of Criminal Justice,  
Classification and Records on this 9 day of May, 2018.

CHERYL FULCHER  
DISTRICT CLERK  
HOPKINS COUNTY, TEXAS

Received by:

Delivered by:

Dicky Hatcher for  
Bryan Collier, Executive Director  
Texas Department of Criminal Justice

Lewis Tatum  
Sheriff

DISTRICT COURT OF HOPKINS COUNTY, TEXAS  
ATTEST  
CHERYL FULCHER, DISTRICT CLERK  
HOPKINS COUNTY, TEXAS  
A CERTIFIED COPY  
Cheryl Fulcher  
DEPUTY  
5-16-18