FILED
IN COURT OF CRIMINAL APPEALS
STATE OF OKLAHOMA

JAN 16 2013

MICHAEL S. RICHIE
CLERK

IN THE COURT OF CRIMINAL APPEALS OF THE STATE OF OKLAHOMA

STEPHEN RAY THACKER, Appellant,	)	
v.	)	No. D-2003-21
STATE OF OKLAHOMA, Appellee.	)	

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JAN 16 2013
ATTORNEY GENERAL

ORDER SETTING EXECUTION DATE

Pursuant to 22 O.S.2011, § 1001.1, this Court now finds that an execution date should be set for Stephen Ray Thacker. Upon a thorough review of the record before this Court, we find certiorari has been denied, and all appeals have been exhausted.

Stephen Ray Thacker pled guilty and was convicted of First Degree Murder (Count I), in violation of 21 O.S.Supp.1996, § 701.7(A), Kidnapping (Count II), in violation of 21 O.S.1991, § 741, and First Degree Rape (Count III), in violation of 21 O.S.1991, § 1114(A)(3). He was sentenced to death on the murder charge, to ten (10) years imprisonment for kidnapping and fifty (50) years imprisonment for first degree rape. He appealed his convictions and sentences to this Court but we denied relief. *Thacker v. State*, 2004 OK CR 32, 100 P.3d 1052. The United States Supreme Court denied his petition for *certiorari* review. *Thacker v. Oklahoma*, 544 U.S. 911, 125 S.Ct. 1611, 161 L.Ed.2d 288 (2005). This Court denied Thacker's original, second and third applications for post-conviction relief. *Thacker v. State*, 2005 OK CR 18, 120 P.3d 1193; *Thacker v. State*, PCD-2006-

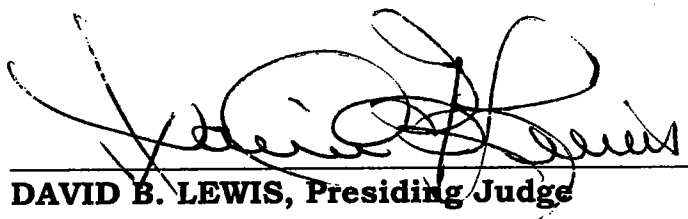
990, unpub. disp. (Okla. Crim. Aug. 31, 2007); *Thacker v. State*, PCD-2006-1273, unpub. disp. (Okla. Crim. Aug. 31, 2007).

The United States District Court for the Northern District of Oklahoma denied Thacker's Petition for Writ of Habeas Corpus. *Thacker v. Workman*, 2010 WL 3466707 (N.D. Okla. Sept. 2, 2010). The Tenth Circuit Court of Appeals denied Thacker's appeal of this denial. *Thacker v. Workman*, 678 F.3d 820 (10th Cir. 2012). On January 7, 2013, the United States Supreme Court denied Thacker's petition for *certiorari* review. *Thacker v. Workman*, - - - S.Ct. - - -, 2013 WL 57436 (2013) (Case No. 12-7135).

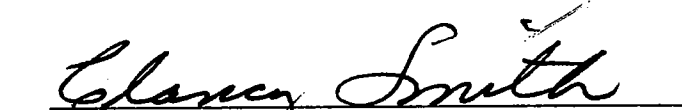
As Thacker has exhausted his appeals and no stay of execution is in place, this Court is required to set an execution date. 22 O.S.2011, § 1001.1(D). Therefore, pursuant to § 1001.1(D), we hereby order the execution of the judgment and sentence of death be carried out. The execution of Stephen Ray Thacker shall be set for March 12, 2013.

IT IS SO ORDERED.

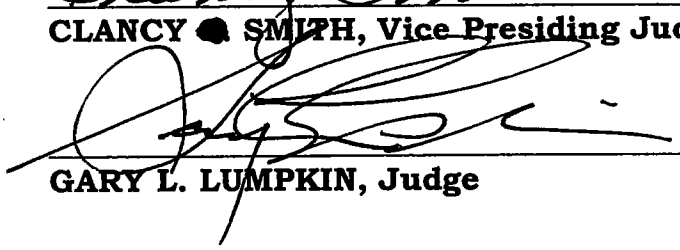
WITNESS OUR HANDS AND THE SEAL OF THIS COURT this 17th day of January, 2013.



DAVID B. LEWIS, Presiding Judge



CLANCY SMITH, Vice Presiding Judge



GARY L. LUMPKIN, Judge

CHARLES A. JOHNSON, Judge

ARLENE JOHNSON, Judge

ATTEST:

Clerk