

OCT 10 2012

IN THE COURT OF CRIMINAL APPEALS OF THE STATE OF OKLAHOMA

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OCT 10 2012

ATTORNEY GENERAL

Case No. D-1996-339

GEORGE OCHOA)
)
 Appellant,)
 v.)
 THE STATE OF OKLAHOMA)
)
 Appellee.)

ORDER SETTING EXECUTION DATE

George Ochoa was convicted of two counts of First Degree Murder with Malice Aforethought, in violation of 21 O.S.1991, § 701.7 (A) and one count of First Degree Burglary, in violation of 21 O.S.1991, § 1431. He was sentenced to death for each murder and to twenty years imprisonment for burglary. This Court affirmed these judgments and sentences. *Ochoa v. State*, 1998 OK CR 41, 963 P.2d 583. Ochoa's petition for certiorari review from the United States Supreme Court was denied. 526 U.S. 1023, 119 S.Ct. 1263, 143 L.Ed.2d 358 (1999). This Court denied Ochoa's Application for Post-Conviction relief. *Ochoa v. State*, No. PCD-97-1559 (Okl.Cr. Aug. 4, 1998) (not for publication). Ochoa's federal habeas petition was denied in federal district court, and his appeal of that denial to the Tenth Circuit Court of Appeals was stayed pending this Court's denial of his second Application for Post-Conviction Relief. *Ochoa v. State*, 2006 OK CR 21, 136 P.3d 661. The United States Supreme Court denied certiorari review. 469 U.S. 1061, 127 S.Ct. 680, 166 L.Ed.2d 530 (2006). Ochoa's second petition for federal habeas corpus relief was denied by the United States District Court for the Western District of Oklahoma. *Ochoa v.*

Workman, 2010 WL 916825 (W.D. Okla. Mar. 10, 2010). This was affirmed by the Tenth Circuit. *Ochoa v. Workman*, 669 F.3d 1130 (10th Cir. 2012). The United States Supreme Court denied Ochoa's petition for writ of certiorari, ___ S.Ct. ___, 2012 WL 2931319 (U.S., Oct. 1, 2012) (Case No. 12-5282).

Ochoa has exhausted all appeals in state and federal courts. On October 1, 2012, the State filed an application for execution date. As Ochoa 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). Ochoa's execution date is set for Tuesday, December 4, 2012.

IT IS SO ORDERED.

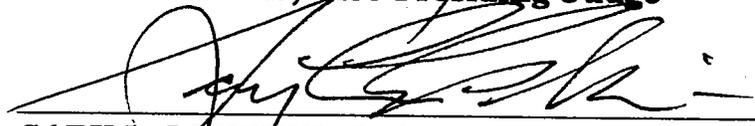
WITNESS OUR HANDS AND THE SEAL OF THIS COURT this 10th day of October, 2012.



ARLENE JOHNSON, Presiding Judge



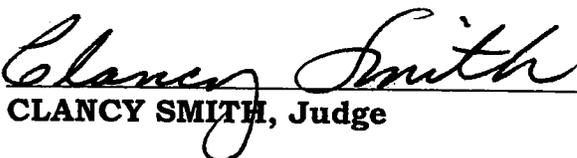
DAVID B. LEWIS, Vice Presiding Judge



GARY D. LUMPKIN, Judge



CHARLES A. JOHNSON, Judge



CLANCY SMITH, Judge

ATTEST:


Michael D. Dickie
Clerk