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This undated photo provided by the Texas Department of Criminal Justice shows Ruben Gutierrez. Texas was set on Tuesday, June 16, 2020, to end its more than four-month delay in executions due to the coronavirus pandemic with the scheduled lethal injection of Gutierrez, a death row inmate condemned for fatally stabbing an 85-year-old woman more than two decades ago. (Texas Department of Criminal Justice via AP)

The U.S. Supreme Court granted a reprieve June 16 to a Texas inmate scheduled to die for fatally stabbing an 85-year-old woman more than two decades ago, continuing a more than four-month delay of executions in the nation's busiest death penalty state during the coronavirus pandemic.

The justices blocked Ruben Gutierrez's execution about an hour before he could have been executed. Gutierrez's attorneys had argued his religious rights are being violated because the prison system won't allow a chaplain to accompany him in the death chamber.

The Texas prison system last year banned clergy from the death chamber following a Supreme Court ruling that halted the execution of another inmate, Patrick Murphy, who had requested a Buddhist adviser be allowed in the chamber. In response to the ruling in Murphy's case, the Texas prison system changed its policy, only allowing prison security staff into the execution chamber.

"As a devout Catholic, Mr. Gutierrez's faith requires the assistance of clergy to help him pass from life into afterlife. The Texas Department of Criminal Justice changed its policy for its own convenience, but spiritual comfort at the time of death is not a convenience; it's a protected legal right," Shawn Nolan, one of Mr. Gutierrez's attorneys, said after the stay was granted.

The Supreme Court said it granted the stay pending a ruling by the high court on Gutierrez's petition on the issue of whether to allow a spiritual adviser to accompany him in the death chamber. A decision on the petition was expected at a later date.

The Supreme Court said if it were to rule in favor of Gutierrez, it would ask a lower court to "determine, based on whatever evidence the parties provide, whether serious security problems would result if a prisoner facing execution is permitted to choose the spiritual adviser the prisoner wishes to have in his immediate presence during the execution."

A trial in Houston federal court on Murphy's case and whether his religious rights were violated is also still pending.

Prosecutors said Gutierrez, 43, was attempting to steal more than $600,000 that Escolastica Harrison had hidden in her home in Brownsville, located in Texas' southern tip, when he killed her in 1998.

If Gutierrez's execution had been carried out, he would have been the first inmate in Texas to receive a lethal injection since Feb. 6 and the second U.S. inmate to be put to death since states began to reopen after the pandemic shut down much of the U.S. After the country began to reopen, Missouri resumed executions on May 19.

Six executions scheduled in Texas for earlier this year were postponed by an appeals court or judges because of the outbreak. A seventh was delayed over claims of intellectual disability. Gutierrez's attorneys had also sought a coronavirus-related delay but were turned down June 12 by the Texas Court of Criminal Appeals.

While the number of COVID-19 cases and hospitalizations continues to increase in Texas, state prison officials said they put safety measures in place to help executions go forward, including taking the temperatures of participants and providing them with personal protection equipment.

The 5th U.S. Circuit Court of Appeals on June 12 had overturned a stay in the case tied to Gutierrez's request for DNA testing he says could point to the real killer and his claims his religious rights are being violated.

The Texas Catholic Conference of Bishops filed a brief with the high court in support of Gutierrez.

"To deny a prisoner facing imminent execution access to spiritual and religious guidance and accompaniment is cruel and inhuman," said Bishop Daniel Flores of Brownsville.

Gutierrez has long maintained he didn't kill Harrison. His attorneys say there's no physical or forensic evidence connecting him to the killing. Two others were also charged in the case.

"The state has fought such (DNA) testing at every turn, but surely the public interest would be best served by allowing DNA testing while the (Supreme Court) considers Mr. Gutierrez's case, in order to prevent a wrongful execution in the future," Nolan said.

Authorities said Gutierrez befriended Harrison, a mobile home park manager and retired teacher, so he could rob her. Prosecutors said Harrison had a mistrust of banks and hid her money underneath a false floor in her bedroom closet.

Cameron County District Attorney Luis Saenz said he was disappointed the Supreme Court delayed the execution as the victim's family “has once again been denied justice."

“As a prosecutor, this changes nothing. It only delays his ultimate fate," Saenz said in a statement.

Prosecutors have said the request for DNA testing is a “ruse” and Gutierrez was convicted on various pieces of evidence, including a confession.

Gutierrez would have been the third inmate put to death this year in Texas and the seventh in the U.S.

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