

24-7426
NO.

ORIGINAL

Supreme Court, U.S.
FILED

MAR 28 2025

OFFICE OF THE CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

STEPHEN LYNN BUGGS — PETITIONER
(Your Name)

VS.

THE STATE OF TEXAS — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

TEXAS COURT OF CRIMINAL APPEALS

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

STEPHEN LYNN BUGGS

(Your Name)

2661 F.M. 2054-COFFIELD UNIT

(Address)

TENNESSEE COLONY, TEXAS 75884

(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

1. Did the Texas Court of Criminal Appeals err in refusing to consider petitioner's claims where he alleged fundamental and federal constitutional issues despite subsequent writs.

LIST OF PARTIES

All parties appear in the caption of the case on the cover page.

All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

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IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix _____ to the petition and is

reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

The opinion of the United States district court appears at Appendix _____ to the petition and is

reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix B to the petition and is

reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

The opinion of the state habeas court appears at Appendix A to the petition and is

reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

JURISDICTION

[] For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was _____.

[] No petition for rehearing was timely filed in my case.

[] A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

[] An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ___A_____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

[] For cases from **state courts**:

The date on which the highest state court decided my case was 1/29/2025.
A copy of that decision appears at Appendix B.

[] A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

[] An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ___A_____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

Petitioner is seeking review of three judgements to the same court that involve identical questions, and invokes this Court's jurisdiction under Supreme Court Rule 112.4.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

XIV AMENDMENT TO THE UNITED STATES CONSTITUTION, which provides:

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Article 11.07 of the Texas Code of Criminal Procedure provides:

- (a) If a subsequent application for a writ of habeas corpus is filed after the final disposition of an initial application...a court may not consider the merits of or grant relief based on the subsequent application unless the application contains sufficient specific facts establishing that:
 - (1) the current claims and issues have not and could not have been presented previously in an original application... because the factual or legal basis was unavailable on the date the applicant filed the previous application; or
 - (2) by a preponderance of the evidence, but for a violation of the United States Constitution no rational trier of fact could have found the applicant guilty beyond a reasonable doubt.

STATEMENT OF THE CASE

Petitioner was charged with the offense of trafficking of a person in cause number F06-86341-T, aggravated kidnapping in cause number F06-86342-T, and compelling prostitution in cause number F06-86343-T. Petitioner entered pleas of not guilty and went to trial by jury. The jury found petitioner guilty of all offenses and assessed punishment at seventy-five years in the trafficking of a person and compelling prostitution cases and sixty years in the aggravated kidnapping case. Petitioner's conviction was affirmed on direct appeal.

Prior to the application for a writ of habeas corpus relevant to this appeal, petitioner filed applications challenging these convictions. The first applications were denied on the merits on August 26, 2015. See Ex Parte Buggs, Nos. WR-72,741-04, WR-72,741-05, WR-72,741-06 (Tex.Crim.App. Aug. 26, 2015). His second applications were dismissed as subsequent on April 5, 2023. See Ex Parte Buggs, No. WR-72,741-07 (Tex.Crim.App. April 5, 2023)

On October 22, 2024, petitioner filed applications for writs of habeas corpus in the trial court. On December 11, 2024, the trial court recommended to the court of criminal appeals that the writs be dismissed as subsequent. (Appendix A)

On January 29, 2025, the Texas Court of Criminal Appeals dismissed without written order as subsequent all of the writs.

Petitioner timely filed this writ of certiorari.
(Appendix B)

REASONS FOR GRANTING THE PETITION

Petitioner request the Court grant certiorari under Supreme Court Rule 10 (b) and (c) because the Texas Court of Criminal decided an important question of Federal Law in a way that conflicts with relevant decisions of this Court.

A. Petitioner alleged in his first ground that his rights under the Fifth and Fourteenth Amendments to the United States Constitution were violated when he was absented from the courtroom.

Criminal defendants have a "fundamental righ[t]" "to personal presence at all critical stages of the trial." Rushen v. Spain, 464 U.S. 114, 117, 104 S.Ct. 453, 78 L.Ed.2d 267 (1983) (per curiam). This Court has long held that voir dire—the moment that "represents jurors' first introduction" to the facts of a case—is one such stage. Gomez v. United States, 490 U.S. 858, 873-874, 109 S.Ct. 2237, 104 L.Ed.2d 923 (1989). In this case, however, the Texas Court of Criminal Appeals determined that petitioner's claim does not overcome the subsequent writ doctrine. The Texas' ruling raises a significant and certwworthy question about whether the denial of fundamental rights can overcome a state procedural default. See e.g. Sandoval v. Texas, 144 S.Ct. 1166 (2024) (dissenting opinion by Justice Jackson from denial of certiorari).

The Court of Criminal Appeals decision stands in deep tension with a criminal defendant's "right to personal presence at all critical stages of the trial." Rushen, 464 U.S. at 117, 104 S.Ct. 453, 78 L.Ed.2d 267; see United States v. Gagnon, 105 S.Ct. 1482 (1985) (per curiam). The baseline is well establidhed: [***4].

a "defendant has a due process right to be present at a proceeding 'whenever his presence has a relation, reasonably substantial , to the fullness of his opportunity to defend against the charge .'" *Id.*, at 526, 105 S.Ct. 1482(quoting Snyder v. Massachusetts, 54 S.Ct. 330 (1934)). This Court also has already determined that voir dire proceedings qualify as such a moment. Gomez, 109 S.Ct. 2237. Voir dire is typically the point in which prospective jurors are made privy "to the substantive factual and legal issues in a case," *id.*, at 874, 109 S.Ct. 2237, and it "is the primary means by which a court may enforce a defendant's right to be tried by a jury free from...predisposition about the defendant's culpability," *id.* at 873. And, because the atmosphere of the voir dire may persist throughout the trial, a defendant's pretrial opportunity to scrutinize the gestures and attitudes of all participants to ensure the jury's impartiality is essential to the fairness of the entire proceeding.

In Glossip v. Oklahoma, 145 S.Ct. 612(2025), this Court held decision based upon procedural default could be reviewed where the state based its decision exclusively on federal law. As such, petitioner is entitled to review. Like in Glossip, the Texas Court Of Criminal Appeals has decided that petitioner's fundamental constitutional claims do not overcome the procedural default based on the claim that such is meritless. Such a finding gives this court jurisdiction to hear petitioner's claim.

Petitioner was removed from the courtroom at the urging of the state for the purpose of having him restrained as a flight

risk. The record fails to show if and when petitioner was brought back into court after being restrained and further shows that voir dire was continued in his absence with the knowledge of counsel for the state, the trial judge and defense counsel. The only evidence of petitioner being present after his absence came when he was asked to plead to the indictments. Tex. Code of Criminal Procedure dictates that only the petitioner can waive his presence at trial and any silence goes against the State. Since there is no waiver before jury selection and no evidence of misconduct on the part of the petitioner, his rights to due process under the Fifth and Fourteenth Amendments to the United States Constitution were violated.

B. Petitioner alleged in his second ground that his defense counsel was ineffective for preventing a defense witness from testifying on petitioner's behalf.

Ms. Sheryl Milton met with counsel and provided enough relevant facts to cause him to request a subpeona for her presence. Yet, for reasons unexplained counsel failed to allow this witness to speak. For the same reasons enumerated in ground A of this petitioner request review of this claim.

C. Petitioner alleged in his third ground that the State failed to disclose the true nature of the plea bargain agreement with Sheryn Villanueva before trial in exchange for her testimony against him.

Ms. Villanueva was arrested with petitioner and charged with all the crimes for which petitioner was charged. After he was

convicted, petitioner attempted to gain information about his co-defendant and whether she received favorable treatment for her adverse testimony. All his attempts were met by the Dallas County District Clerk's invocation of TEX.GOV'T.CODE §552.028(b).

It was only after petitioner hired William D. Cox, that he was able, through his attorney to obtain documents that proved Ms. Villanueva perjured herself on the stand by stating she did not get any deal for her testimony and by claiming that she was a unwilling participant in the alleged crimes.

The prosecutor's constitutional duty to correct false testimony /evidence is well established as is his duty to disclose evidence that can be used for impeachment. Holberg v. Guerrero, 2025 U.S. App.LEXIS 5381(citing Brady v. Maryland, 373 U.S. 83, 83 S.Ct. 1194, 10 L.Ed.2d 215 (1963).

It is necessary to address this issue to correct a manifest injustice because the use of perjured or false testimony to obtain a conviction violates due process of law.

D. In his final ground, petitioner asserts his former defense counsel deprived him of a fair trial by going to work for the prosecution with confidential information relevant to the charges for which he was convicted.

As to petitioner's contention that two of his former attorneys, Kevin Brooks and Heath Harris, labored under a conflict of interest because they had previously represented him in the case, that contention is, at first blush, troubling. Unlike a normal ineffective assistance of counsel claim in which the standard

two-pronged Strickland v. Washington, 104 S.Ct. 2052 (1984) analysis applies, ineffective assistance of counsel claims based on a conflict of interest are different. Importantly, a petitioner "who shows that a conflict of interest actually affected trial need not demonstrate prejudice in order to obtain relief." Cuyler v. Sullivan, 466 U.S. 335, 349-50, 100 S.Ct. 1708, 64 L.Ed.2d 333 (1980) However, before a petitioner can benefit from that exception to the prejudice requirement, he must first show "that counsel actively represented conflicting interests," because that serves as the constitutional predicate for his claim.

Kevin Brooks and Heath Harris were representing petitioner and his co-defendant at the inception of the charges in the case sub judice and related drug charges. Sometime after, they went to work for the prosecutor's office without petitioner's knowledge with confidential information relevant to the charges for which petitioner was convicted.

If a prosecutor has formerly represented the defendant in the same criminal matter, he is disqualified from taking part in the prosecution of the petitioner.

The Texas Court of Criminal Appeals held that this error did not overcome the procedural default based on their position it had no merit. As such, this Court can review this claim in order to determine if such is correct. Glossip v. Oklahoma, 145 S.Ct. 612 (2025).

Had it not been for the services of William D. Cox, this treachery would have never been unearthed.

In Dobbs v. Zant, 113 S.Ct. 835 (1993), this Court held the lower court erred in refusing to apply the manifest injustice exception by refusing to consider newly discovered evidence that was submitted by the petitioner. Likewise, in this case, the Texas Court of Criminal Appeals is refusing to consider evidence that would clearly overcome the procedural default alleged by the State. Such is error of constitutional dimension.

This case should be summarily reversed for further development of the record.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Stephen Lynn Buggs
Stephen Lynn Buggs
Pro Se

Date: 3-28-25