



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-59,101-06

EX PARTE WILLIAM KEITH SPEER, Applicant

**ON APPLICATION FOR WRIT OF HABEAS CORPUS
CAUSE NO. 99-F-506-005-C IN THE 5TH JUDICIAL DISTRICT COURT
BOWIE COUNTY**

Per curiam. **KELLER, P.J., and YEARY, KEEL, and SLAUGHTER, JJ., dissented.**

ORDER

This is a subsequent application for a writ of habeas corpus filed pursuant to the provisions of Texas Code of Criminal Procedure Article 11.071 § 5 and a motion to stay Applicant's execution.¹

In October 2001, Applicant was convicted of the offense of capital murder. *See* TEX. PENAL CODE ANN. § 19.03(a). The jury answered the special issues submitted

¹ Unless otherwise indicated, all references to Articles in this order refer to the Code of Criminal Procedure.

pursuant to Article 37.071, and the trial court, accordingly, set punishment at death. This Court affirmed Applicant's conviction and sentence on direct appeal. *Speer v. State*, No. AP-74,253 (Tex. Crim. App. Oct. 8, 2003) (not designated for publication). This Court also denied relief on the claims raised in Applicant's initial habeas application and dismissed his subsequent application as an abuse of the writ. *Ex parte Speer*, No. WR-59,101-01 (Tex. Crim. App. June 20, 2004) (not designated for publication); *Ex parte Speer*, No. WR-59,101-02 (Tex. Crim. App. Mar. 3, 2010) (not designated for publication). Applicant's instant post-conviction application for a writ of habeas corpus was filed in the trial court on October 18, 2023.

In his application, Applicant alleges that the State violated *Brady v. Maryland*, 373 U.S. 83 (1963) (Claim 1); the State presented false testimony at the guilt (Claim 2) and punishment (Claim 3) phases of trial; he was denied the effective assistance of counsel at sentencing because his counsel failed to investigate and present mitigating evidence (Claim 4); and, the Attorney General's Office Special Prosecution Unit exceeded its authority in prosecuting Applicant (Claim 5). We have reviewed the application and find that Applicant's execution should be stayed pending further order of this Court.

IT IS SO ORDERED THIS THE 26th DAY OF OCTOBER, 2023.

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