



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-44,581-02

EX PARTE NICKY CHARUNE AGNEW, Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
FROM SMITH COUNTY**

Per curiam.

O P I N I O N

Pursuant to the provisions of Article 11.07 of the Texas Code of Criminal Procedure, the clerk of the trial court transmitted to this Court this application for a writ of habeas corpus. *Ex parte Young*, 418 S.W.2d 824, 826 (Tex. Crim. App. 1976). Applicant was convicted of possessing cocaine and sentenced to life imprisonment. The court of appeals upheld the trial court's ruling on the motion to suppress and overruled Applicant's motion for rehearing. *Agnew v. State*, No. 12-13-00181-CR, 2015 Tex. App. LEXIS 41 (Tex. App.—Tyler Jan. 7, 2015) (mem. op., not designated for publication).

This Court remanded this application to the trial court for findings of fact and

conclusions of law. The trial court entered findings of fact and conclusions of law and recommended that relief be denied. We filed and set this application for writ of habeas corpus to consider whether (1) the trooper had reasonable suspicion to detain Applicant after the purpose for the traffic stop had been fulfilled, (2) the cocaine should have been suppressed, and (3) appellate counsel was ineffective for failing to properly raise the issue before the court of appeals.

Based on the trial court's findings of fact as well as this Court's independent review of the entire record, we find that Applicant's claims are without merit. Therefore, we deny relief.

Delivered: February 12, 2020
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