

**BEFORE THE VICTIM COMPENSATION BOARD  
OF THE STATE OF CALIFORNIA**

In the Matter of:

**Steven Buggs**

Claim No. 26-ECP-14

**Proposed Decision**

**Penal Code § 4900, subd. (b)**

**I. Introduction**

On February 24, 2026, Steven Buggs (Buggs) submitted a claim to the California Victim Compensation Board (CalVCB) seeking compensation as an erroneously convicted person under Penal Code Section 4900, which he supplemented on February 25, 2026. The claim is based upon Buggs' 2015 conviction for murder in Alameda County Superior Court case number 172963, which was vacated in 2025 by grant of habeas relief pursuant to Penal Code section 1473. Thereafter, the District Attorney chose not to retry Buggs and the charges were dismissed. Buggs, represented by Stanley Goff, initially requested compensation for 4,859 days of incarceration in the amount of \$680,260.<sup>1</sup>

The Attorney General is represented by Deputy Attorney General Sharon Loughner. By letter dated May 28, 2026, the Attorney General declined to object to Buggs' claim and clarified the injury totaled 4,860 days incarceration in the amount of \$680,400.<sup>2</sup> Buggs agreed with this calculation on May 29, 2026.

The administrative record closed on May 29, 2026. The claim was assigned to CalVCB Senior Attorney Keri Klein. As required by subdivision (b) of Penal Code section 4900, CalVCB is mandated to

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<sup>1</sup> Claimant's Application (APP), p. 2.

<sup>2</sup> Attorney General Response Letter dated May 28, 2026.

1 approve payment to Buggs in the amount of \$680,400 if sufficient funds are available, upon  
2 appropriation by the Legislature, as indemnification for the demonstrated injury sustained by his 4,860  
3 days imprisonment for his vacated conviction.

## 4 II. Procedural Background

### 5 A. Trial Proceedings

6 Buggs was arrested on October 3, 2012, and charged in Alameda County Superior Court case  
7 number 172963 with murder as well as enhancements for having served prior prison terms and the use  
8 of a firearm.<sup>3</sup> On February 6, 2015, Buggs was convicted as charged of first-degree murder with  
9 enhancements after a jury trial. Thereafter, Buggs was sentenced to prison for 75 years to life plus  
10 seven years.<sup>4</sup>

### 11 B. Appellate Proceedings

12 Buggs appealed his conviction to the Court of Appeal, First District, Division 5. He alleged a  
13 *Trombetta/Youngblood*<sup>5</sup> violation for the prosecution failing to preserve video lineup evidence, as well  
14 as that certain evidence should have been excluded at trial. The appellate court affirmed his conviction  
15 on November 2, 2017, concluding that no error occurred or any error was harmless.

16 Buggs filed a petition for rehearing, arguing that the case must be remanded for resentencing  
17 due to a recent amendment to Penal Code section 12022.53 that allowed trial courts the discretion to  
18 strike firearm enhancements in the interests of justice.<sup>6</sup> The prosecution agreed that the change in the  
19 law applied to Buggs but argued that remand would be futile under the circumstances. The Court of  
20 Appeal agreed with the prosecution, pointing out the murder was premeditated, the probation report  
21 found numerous factors in aggravation and none in mitigation, Buggs had a violent history, the lower  
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23 <sup>3</sup> Pen. Code, §§ 187 (murder), 12022.53 (gun use enhancement), 667.5 (prior conviction  
24 enhancement).

25 <sup>4</sup> APP. at p. 2; Supp. APP. at p. 2; *People v. Buggs*, California Court of Appeal, First District, case  
26 number A145003, unpublished decision filed Nov. 2, 2017, available on Westlaw at 2017 WL 4988664;  
see also Cal. Code Regs., tit. 2, § 617.8 (official notice).

27 <sup>5</sup> *California v. Trombetta* (1984) 467 U.S. 479; *Arizona v. Youngblood* (1988) 488 U.S. 51.

28 <sup>6</sup> *People v. Buggs*, unpublished decision filed Jan. 5, 2018, available on Westlaw at 2018 WL 300077;  
see also Cal. Code Regs., tit. 2, § 617.8 (official notice).

1 court denied a motion to strike a prior serious felony under *Romero*,<sup>7</sup> and the lower court imposed two  
2 prison priors under penal code section 667.5, despite having the discretion not to do so. Accordingly,  
3 the appellate court affirmed the judgment again on January 5, 2018.

4 Buggs sought review in California Supreme Court case number S246975. The California  
5 Supreme Court denied review on April 18, 2018.<sup>8</sup>

### 6 **C. Post-Conviction Proceedings**

7 On November 25, 2024, Buggs filed a petition for writ of habeas corpus in the Alameda County  
8 Superior Court alleging nine claims, including that newly discovered evidence of misconduct by the lead  
9 investigator in other homicide cases cast doubt on his conviction. In an informal response, the Alameda  
10 County District Attorney conceded that Buggs' petition had articulated a prima facie case for relief as to  
11 six of the nine claims. Accordingly, on July 21, 2025, the court issued an order to show cause as to  
12 those six claims. The District Attorney filed a return to the petition on August 20, 2025, which generally  
13 opposed granting habeas relief while neither admitting nor denying many of the petition's factual  
14 allegations. Buggs filed a traverse on September 18, 2025. On October 24, 2025, the court requested  
15 additional briefing, which was submitted by both parties on November 4, 2025.<sup>9</sup>

16 On December 4, 2025, the Alameda County Superior Court issued a ruling on the petition,  
17 granting relief on one claim and denying the remaining claims.<sup>10</sup> Specifically, the court found that the  
18 new evidence of the investigator's misconduct was material and credible and more likely than not would  
19 have changed the outcome of Buggs' case.<sup>11</sup> On January 22, 2026, the Alameda County District  
20 Attorney chose not to retry Buggs and moved to dismiss the case pursuant to Penal Code section  
21 1385, which was granted. Buggs was released from custody immediately thereafter.

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24 <sup>7</sup> *People v. Superior Court (Romero)* (1996), 13 Cal.4<sup>th</sup> 497.

25 <sup>8</sup> See docket for *People v. Buggs*, California Supreme Court, case number S246975, available online at  
26 <https://supreme.courts.ca.gov/case-information/docket-search>; see also Cal. Code Regs., tit. 2, § 617.8  
(official notice).

27 <sup>9</sup> APP. at pp. 272, 277; Supp. APP. at pp. 343, 348.

28 <sup>10</sup> APP. at pp. 272-297; Supp. APP. at pp. 343-368.

<sup>11</sup> APP. at p. 282; Supp. APP. at p. 353.

1           **D. CalVCB Proceedings**

2           On February 24, 2026, counsel Stanley Goff submitted Buggs' claim to CalVCB seeking  
3 compensation as an erroneously convicted person under Penal Code Section 4900.<sup>12</sup> The claim was  
4 based upon Buggs' vacated murder conviction, for which he allegedly served 4,859 days in prison, and  
5 requested \$680,260 in compensation. The claim indicated that a writ of habeas corpus was granted,  
6 but it did not include a claim of factual innocence, nor was it signed by Buggs.<sup>13</sup> By letter dated  
7 February 25, 2026, Buggs was notified of these omissions and given an opportunity to cure the  
8 deficiencies.<sup>14</sup> The next day, Buggs submitted a supplemental claim curing the deficiencies. The  
9 supplemental claim further alleged that Buggs had served 4,858 days in prison but still requested  
10 \$680,260 in compensation. On February 26, 2026, the claim was deemed filed pursuant to Penal Code  
11 section 4900, subdivision (b), and a response from the Attorney General was requested within 45  
12 days.<sup>15</sup>

13           On April 9, 2026, the Attorney General, through Deputy Attorney General Sharon Loughner,  
14 requested an extension of time.<sup>16</sup> The Attorney General stated that, in addition to the 390 pages of the  
15 claim, she had received thousands of pages from the Alameda County District Attorney's Office related  
16 to the case, as well as Buggs' C-File from the California Department of Corrections and Rehabilitation.  
17 She further indicated that her work on the Attorney General Criminal Trial Team had also required her  
18 attention. Also on April 9, 2026, Buggs objected to the request for an extension of time.<sup>17</sup> On April 10,  
19 2026, the extension of time was granted for demonstrated good cause in accordance with subdivision  
20 (d) of Penal Code section 4902.<sup>18</sup>

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23 <sup>12</sup> APP. at p.1; Supp. APP. at p. 1.

24 <sup>13</sup> APP. at pp. 4-5.

25 <sup>14</sup> CalVCB Deficiency Letter, February 25, 2026; Cal. Code Regs., tit. 2, § 642.

26 <sup>15</sup> CalVCB Request for Attorney General Response, February 26, 2026; Cal. Code Regs., tit. 2, §§ 640,  
27 subd. (e), 642, subd. (c).

28 <sup>16</sup> Attorney General Request for Extension of Time, April 9, 2026.

<sup>17</sup> Buggs' Objection to Request for Extension of time, April 9, 2026.

<sup>18</sup> CalVCB Order on Extension of Time, April 10, 2026.

1 On May 28, 2026, the Attorney General timely filed a Response Letter declining to object to  
2 Buggs' claim. The Response Letter added that, based on the Attorney General's calculation, Buggs had  
3 served a total of 4,860 days of incarceration and, therefore, his injury for compensation amounted to  
4 \$680,400. On May 29, 2026, Buggs agreed with the Attorney General's calculation. The administrative  
5 record closed thereafter on May 29, 2026.

### 6 III. Factual Summary

#### 7 A. Trial evidence<sup>19</sup>

8 On September 21, 2012, Lester Y. (Lester) was shot at a home where he was staying.<sup>20</sup> A man  
9 knocked on the door, and when Lester opened it, the man entered the vestibule and fatally shot Lester.  
10 A 13-year-old boy, Shaka F. (Shaka), was in the home at the time of the shooting, hiding behind a sofa.  
11 He told responding officers from the Oakland Police Department that he did not get a good look at the  
12 shooter and would not be able to identify him. Neighbor Brian D. (Brian) heard the shots and saw  
13 someone leave the home, enter a silver Ford SUV, and drive away. Brian provided police with the  
14 SUV's license plate number, but his initial description of the shooter did not match Buggs's physical  
15 appearance in several respects.

16 Oakland Police Officer Phong Tran (Tran) was assigned as the lead homicide investigator on  
17 this case. He initially focused his attention on the registered owner of the SUV, Edris L.P. (Edris). The  
18 night of the shooting, Tran conducted a photo line-up that was video recorded with Shaka at the police  
19 station, while Shaka's parents observed from another room. The line-up included Edris but not Buggs.  
20 Shaka ruled out four of the six photographs and said that the remaining two resembled the shooter.  
21 After the camera was turned off, he told Tran that one man looked a lot like the shooter, but he did not  
22 want his parents to see him make the identification. That man was Edris. At trial, Shaka testified that he  
23 had falsely identified Edris to avoid further police questioning.

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26 <sup>19</sup> This information is taken from the Alameda County Superior Court Order to Show Cause dated July  
27 21, 2025. See *People v. Buggs*, Alameda County Superior Court case number HC172963-1, available  
28 online at <https://publicportal.alameda.courts.ca.gov/publicportal/>; see also Cal. Code Regs., tit. 2, §  
617.8 (official notice).

<sup>20</sup> In an effort to preserve their privacy, the victim and witnesses are referred to by first name only.

1 That same night, Brian viewed the same line-up, and he was adamant that the shooter was not  
2 among the people depicted.

3 Sometime later, Shaka said something to his father that led his father to believe that Shaka had  
4 lied about his identification of Edris. Shaka's father obtained a photo of Buggs and showed it to Shaka.  
5 Shaka physically reacted and stated, "that's the guy that shot Les."<sup>21</sup>

6 On September 25, 2012, police received a tip from an unidentified confidential informant linking  
7 Buggs to the shooting of Lester. The police found a traffic camera photo showing Buggs driving the  
8 silver Ford SUV weeks before the shooting. The next day, Brian was shown a new photographic line-up  
9 with Buggs in it. He identified Buggs but said he looked younger in the photo than at the time of the  
10 shooting.

11 Buggs was arrested on October 3, 2012. Thereafter, Tran conducted a physical line-up that  
12 included Buggs. Shaka identified Buggs as the shooter. On October 15, 2012, Brian viewed a video of  
13 that line-up and also identified Buggs.

14 In addition to the eyewitness identifications, the district attorney presented only circumstantial  
15 evidence that tied Buggs to the shooting. Cellular telephone records showed that, on the afternoon of  
16 the murder, Buggs and Lester traveled together from Castro Valley to Oakland. Buggs' cellular  
17 telephone was powered off and was turned back on shortly after the time of the murder. Additionally,  
18 while the involved SUV was registered to Edris, Buggs paid the insurance on it, a key to it was found at  
19 the home of his son's mother, and his daughter was a passenger in the SUV during a traffic stop nine  
20 days after the murder.

21 Buggs' defense at trial was that Brian and Shaka were mistaken and that their identifications of  
22 Buggs were a product of suggestive and unconstitutional techniques by Tran. After several days of  
23 deliberation, the jury convicted Buggs of the murder on February 6, 2015.

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27 <sup>21</sup> Alameda County Superior Court Order to Show Cause dated July 21, 2025, p. 2.  
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1       **B. The Prosecution of Officer Tran**<sup>22</sup>

2           On April 24, 2023, the Alameda County District Attorney charged Tran with five felonies related  
3 to his work as an officer in the Oakland Police Department. The charges stem from a homicide  
4 investigation he conducted at approximately the same time he was investigating Lester’s murder.<sup>23</sup> In  
5 connection with the prosecution of Tran, the District Attorney alleged that Tran had a “common plan to  
6 bribe and coerce witnesses and attempt to suborn perjury.”<sup>24</sup> During the Tran preliminary hearing, the  
7 District Attorney sought to introduce evidence of uncharged misconduct from three other unrelated  
8 homicide investigations, which were also conducted at approximately the same time Tran was  
9 investigating Lester’s murder. The District Attorney contended Tran’s pattern and practice involved  
10 providing witnesses with identifying details, including photos, of suspects and coaching witnesses on  
11 details prior to recorded interviews. On June 21, 2023, Tran was held to answer on these charges, and  
12 the case remains pending in Alameda County Superior Court.<sup>25</sup>

13       **C. The Habeas Corpus Proceedings**

14           On November 25, 2024, Buggs filed a petition for writ of habeas corpus which alleged, inter alia,  
15 that newly discovered evidence would have changed the outcome of the trial within the meaning of  
16 Penal Code section 1473. In particular, the petition claimed Tran used suggestive eyewitness  
17 identification techniques to obtain false identifications from Shaka and Brian. In addition, it was claimed  
18 the evidence of Tran’s alleged misconduct in eight other unrelated homicides could have caused one  
19 juror to harbor doubt. Further, it was alleged this information would have supported the defense at trial.

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21 <sup>22</sup> This information is derived from the online docket for *People v. Tran*, Alameda County Superior Court  
22 case number 23-CR-003838, as well as the Alameda County Superior Court Order to Show Cause in  
23 *People v. Buggs*, Alameda County Superior Court case number HC172963-1. (See Cal. Code Regs.,  
tit. § 617.8 (official notice).)

24 <sup>23</sup> APP. at pp. 274-275; Supp APP. at pp. 345-346.

25 <sup>24</sup> See *People v. Tran*, Alameda County Superior Court case number 23-CR-003838, People’s Motion  
26 to Introduce Evidence of Defendant Tran’s Prior Acts of Witness Bribery and Coercion Pursuant to  
27 Evidence Code § 1101(B).

28 <sup>25</sup> See docket and complaint filed on April 24, 2023, in *People v. Tran*, Alameda County Superior Court  
case number 23-CR-003838, available online at <https://publicportal.alameda.courts.ca.gov/publicportal/>;  
see also Cal. Code Regs., tit. 2, § 617.8 (official notice).

1 Last, it was alleged there was new information Tran was also investigating Shaka's stepfather, Hector  
2 G. (Hector), for a death penalty eligible case, and the prosecutor in Buggs' trial was the same  
3 prosecutor on Hector's matter, but that information was not disclosed to the defense. Buggs alleged this  
4 information would have provided impeachment of Shaka.

5 The District Attorney admitted, amongst other facts, the deputy district attorney prosecuting  
6 Buggs stated Tran was the "one controlling the case," the same prosecutor was prosecuting Hector,  
7 and Shaka testified at Buggs' trial. The District Attorney also made certain allegations, including but not  
8 limited to: neither eyewitness in Buggs' trial had ever recanted their identification of Buggs as the  
9 shooter, the evidence of his guilt remains strong,<sup>26</sup> and there was no new evidence in the case that  
10 Tran used improper identification techniques in the Buggs' matter. Further, the District Attorney  
11 asserted there was no new evidence in the form of witness statements, physical evidence or any other  
12 newly discovered evidence in Buggs' case that entitled him to relief.<sup>27</sup> In addition, the District Attorney  
13 failed to deny some factual allegations contained in the writ, conceded others, and failed to allege any  
14 additional contradictory facts. The District Attorney requested that the court deny the petition for habeas  
15 relief.

16 Thereafter, the court requested additional briefing "identifying the specific factual issues, if any,  
17 that each party believes remain material to the court's determination of the Petition."<sup>28</sup> That briefing was  
18 provided by the parties on November 4, 2025. The District Attorney argued disputed facts concerning  
19 the unrelated homicide cases for the first time and conceded they did not present alternative facts to  
20 deny the claims. Their argument simply was that the new information was inadmissible hearsay, lacked  
21 foundation for admission and/or needed to be tested in an evidentiary hearing. Buggs argued the  
22 District Attorney's brief belatedly disputed specific factual issues for the first time, and, even if the  
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25 <sup>26</sup> The First District Court Of Appeal described the evidence of guilt as "very strong rather than 'closely  
26 balanced,' there being two eyewitnesses who identified him as a shooter, as well as cell phone records  
27 placing him near the scene at the time of the shooting and strong evidence connecting him to the  
28 vehicle used by the shooter." *People v. Buggs* (2018) 2018 WL 300077.

<sup>27</sup> Alameda County District Attorney Return to Order to Show Cause at p. 45.

<sup>28</sup> APP. at p. 343.



1 District Attorney's new denials were taken at face value, they did not create a factual issue that would  
2 bar habeas relief.

3 One month later, on December 4, 2025, the court issued its order. The court found that there  
4 was newly discovered evidence as set forth in the first claim of Buggs' writ petition. The court stated,  
5 "The burden is a fairly low one, requiring that Petitioner show that 'it is more likely than not that [the new  
6 evidence] would have led at least one juror to maintain a reasonable doubt of guilt.'" <sup>29</sup> Newly  
7 discovered evidence is evidence that existed at the time of the trial but was unknown or unavailable to  
8 the defendant. <sup>30</sup> The court found that four of the witnesses put forth by Buggs in his petition related to  
9 alleged misconduct by Tran that occurred prior to, or contemporaneously with, Buggs' trial.

10 The court found the statements and testimony of these four witnesses to be relevant and  
11 admissible impeachment evidence that met the standard for habeas corpus relief under Penal Code  
12 section 1473. The court noted the jurors' questions throughout the trial of Buggs and their requests for  
13 readback of testimony during deliberations demonstrated they were concerned with the reliability of the  
14 identifications and the integrity of Tran's investigative methods. The court stated that cumulatively, the  
15 jurors' questions reflect a consistent focus on the reliability of the identifications and on Tran's credibility  
16 and methods. The court also indicated the fact that jury deliberations took two days led to an inference  
17 that the issues were "close." <sup>31</sup> Further, closing arguments at trial focused on the identifications and  
18 Tran's methods. Therefore, the court ruled Buggs had satisfied his burden to demonstrate the  
19 testimony of the four witnesses amounted to new evidence whose cumulative force undermined the  
20 reliability of the verdict. Accordingly, the court granted Buggs habeas relief as to claim one. The court  
21 ordered that Buggs' conviction was vacated and he was entitled to a new trial.

22 On January 22, 2026, the District Attorney's Office dismissed the case pursuant to Penal Code  
23 section 1385. Buggs was released from custody immediately thereafter.

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26 <sup>29</sup> APP. at p. 354.

27 <sup>30</sup> APP. at p. 354; *In re Sagin* (2019) 39 Cal.App.5<sup>th</sup> 570, 580.

28 <sup>31</sup> APP. at p. 358.

1       **D. CalVCB Evidence**

2           In this administrative proceeding, Buggs presented various documents setting forth the factual  
3 allegations that were argued in the Alameda County Superior Court proceedings. He adopted those  
4 same facts in support of his claim to CalVCB for compensation as an erroneously convicted felon. In  
5 summary, Buggs asserted Tran used suggestive eyewitness identification techniques to obtain false  
6 identifications from Shaka and Brian, leading to his erroneous conviction. In addition, Buggs specifically  
7 denied killing Lester.

8           After investigating Buggs' claim, the Attorney General declined to object.

9                               **IV.           Determination of Issues**

10          Penal Code section 4900 allows a person, who has been erroneously convicted and  
11 imprisoned for a felony offense they did not commit, or a crime that did not occur, to submit a claim for  
12 compensation to CalVCB for the injury sustained. Under subdivision (a) of section 4900, claimants  
13 bear the burden to prove by a preponderance of the evidence that (1) the crime with which they were  
14 convicted either did not occur or was not committed by them and (2) they suffered injury as a result of  
15 their erroneous conviction.<sup>32</sup> Pursuant to Penal Code section 4901, the claim must be submitted within  
16 ten years after release from prison but not until 60 days after the reversal of a conviction.<sup>33</sup>

17          Once such a claim is timely received and filed, Penal Code section 4902 requires the Attorney  
18 General to submit a written response.<sup>34</sup> Thereafter, under Penal Code section 4903, an informal  
19 hearing before a hearing officer ensues, at which the claimant and Attorney General may present  
20 evidence concerning innocence and injury.<sup>35</sup> Upon the requisite showing, CalVCB shall approve  
21 payment pursuant to Penal Code section 4904 for the purpose of indemnifying the claimant for the  
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25       <sup>32</sup> Pen. Code, §§ 4900, subd. (a), 4903, subd. (a).

26       <sup>33</sup> Pen. Code, § 4901, subds. (a), (c).

27       <sup>34</sup> Pen. Code, § 4902, subd. (a); Cal Code of Regs., tit. 2, § 640.

28       <sup>35</sup> Pen. Code, § 4903, subd. (a); Cal Code of Regs., tit. 2, § 644.

1 injury sustained if sufficient funds are available, upon appropriation by the Legislature, at a rate of  
2 \$140 per day for their erroneous imprisonment.<sup>36</sup>

3 Under subdivision (b) of Penal Code section 4900, CalVCB's approval is mandated for certain  
4 claimants, even without a preponderance of evidence that the claimant did not commit the crime for  
5 which they were convicted.<sup>37</sup> Specifically, subdivision (b) compels approval of the claim for  
6 compensation, without a hearing and within 60 days, when the following three elements are met. First,  
7 the claimant's conviction must have been vacated either by a writ of habeas corpus or pursuant to  
8 Penal Code section 1473.6 or 1473.7, subdivision (a)(2). Second, the charges underlying the vacated  
9 conviction must have been dismissed on remand, or the claimant must have been acquitted upon  
10 retrial. Third, the Attorney General must decline to object to the application in this administrative  
11 proceeding.<sup>38</sup> If all three of these elements are satisfied, and CalVCB finds that the claimant sustained  
12 injury through their erroneous conviction, then CalVCB shall approve payment for the purpose of  
13 indemnifying the claimant for the injury if sufficient funds are available, upon appropriation by the  
14 Legislature.<sup>39</sup> CalVCB's approval of the claim is statutorily required, regardless of whether or not the  
15 record proves the claimant is more likely innocent than guilty.

16 If the Attorney General objects, he must do so in writing, within 45 days from when the claimant  
17 files the claim, and with clear and convincing evidence that the claimant is not entitled to  
18 compensation. Only a single extension of time for 45 days is allowed for good cause. The Attorney  
19 General bears the burden to prove, by clear and convincing evidence, that the claimant committed the  
20 acts constituting the offense. To meet that burden, the Attorney General may not rely solely on the trial  
21 record for the vacated conviction to establish that the claimant is not entitled to compensation. If the  
22 Attorney General fails to meet this burden following a hearing on the claim, then CalVCB shall approve

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26 <sup>36</sup> Pen. Code, § 4904, as amended by Stats.2022, c. 58 (A.B.200), § 19, eff. June 30, 2022.

27 <sup>37</sup> Pen. Code, § 4900, subd. (b).

28 <sup>38</sup> Pen. Code, §§ 4900, subd. (b), 4902, subd. (d).

<sup>39</sup> Pen. Code, §§ 4900, subd. (b), 4902, subd. (d), 4904.

1 payment to the claimant for their demonstrated injury, at the rate of \$140 per day, if sufficient funds are  
2 available upon appropriation by the Legislature.

3 **A. Innocence**

4 Here, Buggs' claim falls within the mandatory approval provision of subdivision (b) of Penal  
5 Code section 4900, as all three of the required elements are met. First, Buggs' conviction for murder in  
6 Alameda County Superior Court case number 172963 was vacated pursuant to a writ of habeas  
7 corpus. Second, all charges against Buggs in that case were dismissed shortly thereafter on the  
8 prosecution's motion. Third, the Attorney General declined to object in this administrative proceeding.  
9 Consequently, CalVCB is required by subdivision (b) to approve compensation for the injury sustained  
10 by Buggs if sufficient funds are available, upon appropriation by the Legislature.<sup>40</sup> No finding is made  
11 as to the weight of evidence offered in support of Buggs' claim regarding innocence.

12 **B. Injury**

13 By statute, the amount of compensation "shall be a sum equivalent to one hundred forty dollars  
14 (\$140) per day of incarceration served, and shall include any time spent in custody, including a county  
15 jail, that is considered to be part of the term of incarceration."<sup>41</sup> This compensation is "for the purpose  
16 of indemnifying the claimant for the injury" sustained "through their erroneous conviction and  
17 imprisonment..."<sup>42</sup> The requisite injury "may be established by showing that, but for the erroneous  
18 conviction, the claimant would not have been in custody."<sup>43</sup>

19 Here, as agreed by the parties, Buggs' injury amounts to \$680,400, representing \$140 per day  
20 of his 4,860 days imprisonment. This custodial calculation includes the date of Buggs' arrest on  
21 October 3, 2012, through and including, the date of his release on January 22, 2026.<sup>44</sup> But-for his  
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25 <sup>40</sup> Pen. Code, §§ 4900, subd. (b), 4904.

26 <sup>41</sup> Pen. Code, § 4904.

27 <sup>42</sup> Pen. Code, § 4904.

28 <sup>43</sup> Cal. Code of Regs., tit. 2, § 640, subd. (f).

<sup>44</sup> Attorney General Response Letter.

1 erroneous convictions in case number 172963, Buggs would have been free for all 4,860 days of his  
2 imprisonment.

3 **V. Conclusion**

4 As mandated by subdivision (b) of Penal Code section 4900, the undersigned hearing officer  
5 recommends that CalVCB grant Buggs' claim and approve payment in the amount of \$680,400, if  
6 sufficient funds are available, upon appropriation by the Legislature, as indemnification for the injury  
7 sustained by his 4,860 days of imprisonment solely as a result of his vacated conviction for murder.

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9 *Keri Klein*

10 Date: June 9, 2026

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Keri Klein  
12 Senior Attorney  
13 California Victim Compensation Board  
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