

CAUSE NO: CR16000155-H(1)

EX PARTE

JUSTIN BAGGETT

TDCJ-ID: # 02093981

§ **IN THE DISTRICT COURT**
§
§ **347TH JUDICIAL DISTRICT**
§
§ **NUECES CO., TX**

FINDINGS OF FACT AND CONCLUSIONS OF LAW

FINDINGS OF FACT

Prosecutorial Misconduct.

1. The Court finds credible the testimony of the trial prosecutor, Rebecca Lake, that she first learned about the criminal history of witness Jessica Gomez when she documented a statement made to her by Jessica on August 5, 2016, to the effect that she had a criminal record for trafficking illegals, which Lake understood to be a federal offense (RR Writ Hearing vol. 2, pp. 26-28), and that, within the next two business days, Lake informed the defense of this in an email on August 9, 2016. (RR Writ Hearing vol. 2, pp. 32, 52-53) The Court further finds credible Lake's testimony that PACER is a federal criminal records database that she did not have access to, but that it is a public website that requires payment and billing information before using it (RR Writ Hearing vol. 2, pp. 47-49), and that PACER is maintained by the federal government and is not under the control of the State of Texas. (RR Writ Hearing vol. 2, p. 56) Finally, the Court finds credible Lake's testimony that the child victims' mother, Maria Gomez, ended up cooperating with the State before Baggett's plea was accepted and that her attorney indicated that Maria was willing to cooperate with the State. (RR Writ Hearing vol. 2, p. 57)

✓
___ ADOPTED. ___ REFUSED.

2. The Court finds credible the testimony of Baggett's trial attorney, William Stradley, that he had received the email from Lake containing a statement by Jessica Gomez acknowledging that she had a record for trafficking illegals. (RR Writ Hearing vol. 2, pp. 86-87)

Harris County DA's Office, and then in 1991 started a private practice focusing on criminal defense, that he has been board certified in criminal law since 1995, and that he has had prior experience with child sexual abuse cases. (RR Writ Hearing vol. 2, pp. 120-21, 138-39)

☒ ADOPTED. ☐ REFUSED.

6. The Court further finds credible Chernoff's testimony that Spradley brought him into the Baggett case and Chernoff took on the responsibility of summarizing and evaluating the evidence and potential defenses (RR Writ Hearing vol. 2, p. 122), that they had issues with, and uncertainty as to, who the outcry witness would be (RR Writ Hearing vol. 2, pp. 132 & 140), that "It appears that there is a problem identifying the outcry witness" (State's Exhibit # 1 page 6), and that Spradley probably had a lot more conversations with Baggett and his family and that Chernoff and Baggett did not speak independently. (RR Writ Hearing vol. 2, p. 139) The Court further finds credible a reference in Chernoff's summary of Maria Veronica Gomez's recorded statement to the police to the effect that Baggett himself got naked to take a shower with one of the child victims (State's Exhibit # 1 page 10), and an indication that Maria Gomez was "in jail and represented, so she is off limits currently." (State's Exhibit # 1 page 12)

☒ ADOPTED. ☐ REFUSED.

7. The Court finds from a review of the evidence available to the defense at the time Baggett accepted the State's plea offer, as summarized in States Exhibit # 1, that investigation of Gomez's criminal and mental health history would have been of limited value to the defense, and that a failure to investigate this matter before advising Baggett concerning the plea offer would not have risen to the level of deficient performance for purposes of the present claim of ineffective assistance of counsel. To that end, the Court finds that a viable defense strategy of impeaching Jessica Gomez's testimony would have to include at least a reasonable inference that not only did she lie about the outcry, but that she also had such power over the children as to compel them to accept a lie about Baggett and their mother sexually abusing them, and to continue to repeat that lie to other adults outside Jessica's presence, a theory which is nowhere mentioned or supported by evidence in State's Exhibit # 1.

☒ ADOPTED. ☐ REFUSED.

8. The Court does not find credible or relevant to the present issues the testimony of Maria Gomez that she was innocent of the crimes she pleaded guilty to, that she did not help Baggett sexually abuse her daughters, and that she did not personally know if Baggett committed these crimes. (RR Writ Hearing vol. 3, p. 8) To that end, the Court finds that the State successfully impeached Maria Gomez with the fact that she did not even remember the statement that she had made to the police incriminating Baggett. (RR Writ Hearing vol. 3, p. 17-18) Accordingly, the Court finds that her faded memory renders any assertions that she made at the present writ hearing unreliable and suspect.

☒ ADOPTED. ☐ REFUSED.

Prejudice.

9. The Court finds credible the testimony of Baggett's trial attorney, William Stradley, to his opinion that the jury's verdict would come down to whether they believed the child victims and whether the mother testified as a witness after she took a plea deal (RR Writ Hearing vol. 2, pp. 81-82), that Jessica Gomez was not "on the top of the list of problems" or "the driving decision" at the time Baggett decided to accept the plea, and that the importance of impeaching her was diminished as a result of other evidence in the case (RR Writ Hearing vol. 2, pp. 106-07), and that he did not believe that more knowledge of the federal criminal case would have impacted or changed his advice to Baggett concerning the plea offer and that it was a good deal. (RR Writ Hearing vol. 2, pp. 107-110)

☒ ADOPTED. ☐ REFUSED.

10. The Court finds credible the testimony of Baggett's trial attorney, Edward Chernoff, to his belief that the most important evidence would be the testimony of the children and that "this case was always going to be about how the kids did on the stand" (RR Writ Hearing vol. 2, pp. 128 & 131), that Baggett's type of case typically did not turn on an outcry witness and that he thought 16 years was a very good plea bargain under the circumstances (RR Writ Hearing vol. 2, p. 143), and that he thought his advice on the plea would have been the same even if they had known about Jessica Gomez's prior conviction and mental counseling. (RR Writ Hearing vol. 2, pp. 143-44)

✓
____ ADOPTED. ____ REFUSED.

11. The Court does not find credible the testimony of Justin Baggett that had he known that his lawyers could impeach Jessica Gomez with both her criminal conviction and “her mental health issues,” he would have rejected the plea bargain and gone to trial. (RR Writ Hearing vol. 2, pp. 156-57, 162-63) In particular, the Court finds that Mr. Baggett’s testimony lacks credibility in view of Baggett’s admission that he had no legal training and that he would have talked to his lawyers about the prior conviction and mental counseling as it related to his decision to accept the plea (RR Writ Hearing vol. 2, pp. 158 & 165) and prior testimony by his lawyers that knowledge of the impeachment evidence in question would not have changed their advice on the plea, as well as the fact that the State successfully impeached Baggett with his lack of memory about such things as the original charges against him and the evidence that the State had against him, including statements the child victims made to the examining nurse and that Maria Gomez had accepted a plea and could be called to testify against him (RR Writ Hearing vol. 2, pp. 160-61) Further, the Court finds it incredible that the possibility for impeachment of a potential outcry witness would have changed Mr. Baggett’s mind concerning acceptance of the plea offer in view of: (1) the objectively preferable option of a sixteen-year sentence with the possibility of parole, as opposed to a mandatory twenty-five-year to life sentence without the possibility of parole; (2) the overwhelming weight of the evidence of guilt, including the two complaining witnesses, indication that the mother would also testify to direct knowledge of the sexual abuse, as well as other outcry witnesses; and (3) lack of any other evidence to support a theory that Jessica Gomez had the inclination or ability to coerce the complaining witnesses to fabricate their allegations of abuse.

✓
____ ADOPTED. ____ REFUSED.

Laches.

12. The Court finds that the nature of Baggett’s present claims were apparent in the present record of discovery available to Baggett and his attorneys and that these claims, through the exercise of reasonable diligence could have been brought in a timely manner after his conviction on September 22, 2016. To that end, the Court finds credible William

Stradley's testimony that Baggett had sought the assistance of counsel to prepare a writ within a couple of years after his conviction. (RR Writ Hearing vol. 2, p. 110)

☒ ADOPTED. ☐ REFUSED.

13. The Court finds that Baggett has failed in his burden to make a record sufficient to excuse the nearly eight-year delay between his conviction on September 22, 2016, and filing the present Application for Post-Conviction Habeas Relief on July 1, 2024, and that his failure placed the State in a less favorable position, including prejudice to the State's ability to retry the defendant. Specifically, the Court finds that Baggett has clearly slept on his rights and that laches should apply.

☒ ADOPTED. ☐ REFUSED.

14. The Court finds credible the testimony of the trial prosecutor, Rebecca Lake, that, based on her experience with the present case and as a child prosecutor, it would be significantly more difficult to try the present case eight years later. (RR Writ Hearing vol. 2, pp. 59-60)

☒ ADOPTED. ☐ REFUSED.

CONCLUSIONS OF LAW

Prosecutorial Misconduct.

1. The Court concludes that Baggett has failed to show that the prosecutor engaged in misconduct or failed to comply with her duty to disclose to the defense criminal history and mental health evidence in her possession.

☒ ADOPTED. ☐ REFUSED.

Deficient Performance.

2. The Court concludes that Baggett failed to show that his trial attorneys rendered constitutionally deficient performance by failing to

investigate the criminal and mental health history of witness Jessica Gomez.

☒ ADOPTED. ☐ REFUSED.

Prejudice.

3. The Court concludes that any misconduct or deficiency resulting in the lack of knowledge on the part of the defense of the federal criminal conviction and mental health counseling of witness Jessica Gomez did not cause Baggett to plead no contest or otherwise prejudice his defense or render his plea involuntary.

☒ ADOPTED. ☐ REFUSED.

Laches.

4. The Court concludes that Baggett's present claim should be barred by the equitable doctrine of laches.

☒ ADOPTED. ☐ REFUSED.

JUDGE PRESIDING

RECOMMENDATION

Based on the above findings of fact and conclusions of law, the Court recommends that all relief requested in the present application for writ of habeas corpus be denied.

SIGNED AND ENTERED on this the 14 day of April, 2025.

JUDGE PRESIDING