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CAUSE NO. 35,597CR

THE STATE OF TEXAS

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IN THE DISTRICT COURT
Juan Spradling
DISTRICT COURT, HUNT CO., TX

V.

OF HUNT COUNTY, TEXAS

ANDREW CARLTON

196TH JUDICIAL DSITRICT

FINDINGS OF FACT AND CONCLUSIONS OF LAW

On the 29th day of August, 2025 and on the 10th day of September, 2025 the Court heard and considered the *State's Motion to Disqualify Opposing Counsel*. Having DENIED said *Motion*, and at the request of the State of Texas, the Court makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT:

1. Andrew Carlton, hereinafter "Defendant," is charged herein with the offense of Continuous Sexual Assault of a Child: Victim Under 14;
2. The Defendant hired Keith Willeford to represent him herein;
3. The State of Texas, hereinafter "State," has announced its intention to call Natalie Molkentine Willeford as a witness.
4. Mrs. Willeford is the wife of defense counsel Keith Willeford.
5. Mrs. Willford is a teacher.
6. The alleged victim herein was a student of Mrs. Willeford.
7. At the time that the alleged victim was a student of Mrs. Willeford, Mrs. Willeford was not yet married to Mr. Willeford and was known as Ms. Natalie Molkentine.
8. The State alleges that the alleged victim told Mrs. Willeford that she did not want to go to the Defendant's house.
9. At some point after the alleged victim talked to Mrs. Willeford, Mrs. Willeford married defense counsel Willeford.
10. In late July or early August of 2025, the mother of the alleged victim advised the State that Ms. Molkentine had married defense counsel Willeford.

11. Mrs. Willeford met with the State after her marriage to defense counsel Willeford.
12. The State alleges that Mrs. Willeford asked during this meeting whether her testimony in the case would be a "conflict of interest."
13. The State alleges that Mrs. Willeford stated during this meeting that the alleged victim was "a truthful child."
14. The State alleges that Mrs. Willeford further stated during this meeting that she recalled that the alleged victim's statement regarding not wanting to go to the Defendant's house may have been related to the grandmother, and not the Defendant.
15. The State alleges that the alleged victim's mother, who was also present at the meeting with Mrs. Willeford, was upset after the meeting.
16. The State alleges that the alleged victim's mother felt that Mrs. Willeford had "backed off of what she had earlier stated."
17. The State alleges that the alleged victim's mother stated that she believed that Mr. Willeford continuing to represent the Defendant was a conflict of interest.
18. On August 25, 2025, the State filed its *Motion to Disqualify Opposing Counsel*.
19. In that Motion, the State alleges that:
- a. Mr. Willeford has an actual conflict of interest with the Defendant;
 - b. Mr. Willeford's representation of the Defendant is a violation of the Texas Disciplinary Rules of Professional Conduct Rule 1.06(b)(2);
 - c. Mr. Willeford's representation of the Defendant endangers the appearance of fairness to those who observe the proceedings;
 - d. Mr. Willeford's representation of the Defendant endangers the institutional interest in the rendition of a just verdict;
 - e. Mr. Willeford's representation of the Defendant will serve as an apparent conflict of interest which may cause a distraction to the jury; and
 - f. Even if the Defendant effectively waives the apparent conflict of interest, the Defendant will have grounds for appeal of the proceedings for (1) ineffective assistance of counsel and/or (2) violation of the Defendant's right to due process of law.
20. Defense counsel Willeford has discussed the conflict of interest with his wife and proposed witness Mrs. Willeford.

21. Defense counsel Willeford has discussed the conflict of interest with the Defendant.
22. Defense counsel alleged in his response to the *Motion* that Mrs. Willeford is not a material witness.
23. The Court held hearings on the *Motion* on August 29, 2025 and on September 10, 2025.
24. At the hearings, Defendant testified that he understood and waived any potential or actual conflict of interest.
25. Defendant further testified that he understood that, if Mrs. Willeford were allowed to testify at trial, the conflict of interest would become an actual conflict of interest.
26. Defendant further testified that he understood and waived any actual conflict of interest.
27. Defendant further testified that he understood and waived any possible consequences of the conflict of interest, potential or actual.
28. Defendant further testified that he understood that his waiver of the conflict, potential or actual, could undermine or eliminate his appellate claims on other bases, including ineffective assistance and/or denial of due process of law.
29. Defendant further testified that he waived any potential or actual conflict of interest relating to Mrs. Willeford's testimony and the results thereof regardless of the matters set forward to him by the Court.
30. Prior to waiving any potential or actual conflict of interest, Defendant consulted with independent counsel, unassociated with defense counsel Willeford's office, about his right to conflict free counsel.

CONCLUSIONS OF LAW:

1. If Mrs. Willeford is allowed to testify, and if Mrs. Willeford testifies as is believed by the State of Texas, Mrs. Willeford will be a material witness in the trial of the Defendant herein.
2. The Defendant is entitled to "conflict free" counsel.
3. There exists between defense counsel Willeford and the Defendant a potential conflict of interest.
4. If Mrs. Willeford is permitted to testify at trial, that conflict will ripen into an actual conflict of interest.
5. The Defendant has effectively, freely and validly waived any potential or actual conflict of interest.

6. The Defendant has effectively, freely and validly waived any consequences of the potential or actual conflict of interest.
7. The State has not “manufactured” the conflict of interest between the Defendant and defense counsel Willeford for the purpose of disqualifying defense counsel Willeford.
8. The Defendant has a right to the counsel of his own choice pursuant to the Sixth Amendment to the United States Constitution.
9. The Defendant’s right to the counsel of his choice is not absolute.
10. The Defendant’s right to the counsel of his choice, at this time and under these circumstances, outweighs the danger of the appearance of unfairness that the representation may cause due to the conflict, whether potential or actual.
11. The Defendant’s right to the counsel of his choice, at this time and under these circumstances, does not jeopardize the institutional interest in the rendition of a just verdict.
12. The Defendant’s right to the counsel of his choice, at this time and under these circumstances, outweighs the danger, if any, to the institutional interest in the rendition of a just verdict.
13. The Defendant’s right to the counsel of his choice, at this time and under these circumstances, outweighs any danger that the conflict of interest may serve as a distraction to the jury.
14. The Defendant’s right to the counsel of his choice, at this time and under these circumstances, outweighs the danger of ineffective assistance of counsel.
15. The Defendant’s right to the counsel of his choice, at this time and under these circumstances, outweighs the danger of offense to the due process of law.
16. The State’s Motion to Disqualify should be denied.

SIGNED on this the 6th day of October, 2025.



JUDGE PRESIDING