

STATE OF TEXAS
HARRIS COUNTY

AFFIDAVIT OF LACEY MORGAN HULL

I, Lacey Morgan Hull, hereby affirm, under oath, as follows:

1. I am over the age of eighteen, mentally competent, and provide this affidavit based on my own personal knowledge and experience.

2. I am a Republican member of the Texas House of Representatives for District 138, representing a portion of west Houston where I was born and raised.

3. As a member of the Texas Legislature, I supported Senate Bill 1578, which was passed into law in 2021. The impetus behind the new law was concern about child abuse pediatricians (CAPs) employed by hospitals rushing to presume abuse when caregivers bring children in for medical care. This law gives parents accused of child abuse by CAPs in a CPS investigation the right to a second medical opinion—regardless of ability to pay—and the right to present a conflicting opinion to a judge in family court. This law was a direct response to a disturbing social problem that I have studied: medically fragile children wrongfully separated from blameless parents by the allegations of CAPs with potential conflicts of interest and a lack of impartiality.

4. This Republican-sponsored bill passed both chambers of the Texas Legislature without any dissenting votes.

5. I supported Senate Bill 1578 because I recognized that protecting children is one of our most important mandates but involves a more complex approach to public policy than a rush to presume that injured or ill children must have been abused by those who bring them to hospitals seeking treatment.

6. Because of my interest in the issue of potentially erroneous child abuse allegations, in 2024, I became aware of the case of Robert Leslie Roberson III, who was facing a possible execution date of October 17, 2024. He had been convicted of capital murder in 2003 based on a CAP's diagnosis then

known as “shaken impact” or “shaken baby” syndrome, which is a medical diagnosis of child abuse, a unique phenomenon in the medical field. No other medical diagnosis amounts to a criminal allegation. I was familiar with problems surrounding this controversial diagnosis and the harm it has caused because of my work in the area of parental rights. After studying the case, I brought my concerns to members of the House Criminal Justice Reform Caucus, then co-chaired by Representatives Jeff Leach and Joe Moody. Representative Moody also then served as the Chair of the House Committee on Criminal Jurisprudence and Representative Leach served as a member of the committee.

7. I joined a bipartisan group of lawmakers who traveled to TDCJ’s Polunsky Unit in Livingston, Texas, where we met and prayed with Mr. Roberson on Friday, September 27, 2024. I also signed a letter, along with over 80 elected representatives, which was sent to the Texas Board of Pardons and Paroles urging it to recommend clemency for Mr. Roberson.

8. During the recent legislative session that convened on January 14 and concluded on June 2, 2025, I filed a bill, House Bill 2071, to address outstanding issues relating to conflicts of interest in the review of alleged medical abuse by CAPs doctors. House Bill 2071 also provides additional protections and guarantees that parents receive and are not obstructed from obtaining medical records of their child, including possible conflicting conditions and the names of physicians and their opinions. I filed this because of my ongoing commitment to providing due process to families who are investigated for allegations of abuse. This bill was passed into law and will become effective on September 1, 2025.

9. During the same recent legislative session, I filed House Bill 2072, an act relating to advance directives and health care and treatment decisions to withhold or withdraw life-sustaining treatment, creating a criminal offense. This bill, which did not pass into law, would have made an exception in the tort laws for health care liability claims arising from withholding or withdrawing life-sustaining treatment in violation of the laws regulating such. It would have also created a first degree felony offense for causing the death of a patient by withdrawing or withholding life-sustaining treatment contrary to the patient’s validly executed directive or contrary to a decision made on behalf of the patient by the person authorized to make such decisions under the law. I filed

this bill in part because of my concern about seeming improprieties around the decision to remove Mr. Roberson's daughter Nikki from life support on February 1, 2002, after which she was pronounced dead.

10. After this bill was filed on January 24, 2025, I was approached by a representative of Children's Medical Center of Dallas (CMCD) to meet and discuss House Bill 2072. CMCD was where Mr. Roberson's daughter Nikki was removed from life support and later pronounced dead, seemingly without first obtaining authorization from her legal guardian, Mr. Roberson.

11. A meeting was held in my Capitol office on February 18, 2025, between myself, my staff, and representatives of CMCD to discuss H.B. 2072. In discussing the hospital's protocol for establishing who has legal authority to consent to medical treatments, CMCD representatives indicated that they take these issues seriously and conduct fact-finding, especially in life-or-death decisions. It was evident during that meeting that CMCD was aware of the Roberson case. During that meeting, it was represented to me as fact that, before CMCD removed Nikki from life support, CMCD had followed their protocols and verified the legal conservatorship of Nikki by contacting the court of jurisdiction in Anderson County, Texas and received confirmation that Nikki's maternal grandparents were the legal guardians with authority to make end-of-life decisions on her behalf. I responded that I did not believe that was accurate, although I did not have access to the pleadings in the custody lawsuit affecting Mr. Roberson's daughter. The basis for my skepticism was that it had been widely reported that Mr. Roberson had been awarded custody a few months before his daughter's death. If Mr. Roberson was the sole managing conservator at the time of Nikki's death, the law is clear that a possessory conservator cannot usurp a major medical decision. That kind of decision, as a matter of established law, is left to the sole managing conservator.

12. I am familiar with the docket sheet for the custody lawsuit in Anderson County that was called *In the Interest of Nikki Michelle Curtis/Bowman/Roberson*, Cause No. 3-38338. According to that docket, several entries were made after Mr. Roberson's daughter was taken off life support at the CMCD on February 1, 2002. These entries are:

- 2.04.02 MOTION FOR TERMINATION OF CONSERVATORSHIP AND FOR FINAL 2 I 2 00001889\0064 DISPOSITION OF THE BODY OF THE CHILD WHICH WAS SUBJECT TO THIS SUIT

- 2.05.02 FIRST AMENDED MOTION FOR TERMINATION OF CONSERVATORSHIP 2 | 2 00001889\0064 AND FOR FINAL DISPOSITION OF THE BODY OF THE CHILD WHICH WAS SUBJECT OF THIS SUIT
- 2.05.02 ANSWER 2 | 2 00001889\00642912°00001889\00642913
- 2.05.02 JUDGE CALHOON WRITES - SIGNED ORDER ON MOTION FOR FINAL DISPOSITION OF THE BODY OF THE CHILD WHICH WAS SUBJECT TO THIS SUIT
- 2.05.02 ORDER ON MOTION FOR FINAL DISPOSITION OF THE BODY OF THE 2 | 2 00001889\006 CHILD WHICH WAS SUBJECT OF THIS SUIT

13. These entries follow an entry dated November 16, 2001, which states only: “JUDGE CALHOON WRITES - FINAL HEARING. AGREEMENT REACHED ANNOUNCED AND ADOPTED BY THE COURT.” There is no way to confirm from the docket sheet itself what the substance of the “Agreement” was. But based on my understanding of the facts, Mr. Roberson had been made sole managing conservator at some point by agreement of the parties.

14. Based on the face of the docket sheet for the custody lawsuit, a member of the public unfamiliar with the facts, such as a CMCD representative, would have had no way of knowing on February 1, 2002, who had legal authority to make end-of-life decisions affecting Nikki. The last docket entry states only this: “JUDGE CALHOON WRITES - FINAL HEARING. AGREEMENT REACHED ANNOUNCED AND ADOPTED BY THE COURT.” The entry does not explain what the final agreement was—only that one had been reached. Therefore, CMCD would have had to rely on officials in Anderson County, familiar with the facts, to attest to who had legal authority to make the decision to withdraw life-sustaining care from Mr. Roberson’s daughter in 2002.

15. Because my understanding in 2024, based on review of public filings, I believed that only Mr. Roberson had that legal authority. Therefore, I pointed out to representatives for the CMCD, that there would have been no need for anyone to file a pleading called “MOTION FOR TERMINATION OF CONSERVATORSHIP AND FOR FINAL DISPOSITION OF THE BODY OF THE

CHILD WHICH WAS SUBJECT TO THIS SUIT” if Mr. Roberson’s conservatorship had been terminated before a decision was made to remove his daughter from life support.

16. My perception was that CMCD became aware for the first time during this meeting with me in 2025 that hospital staff had been misinformed by Anerson County about who had authority to withdraw life-sustaining treatment from Mr. Roberson’s daughter Nikki when that action was taken. But I have no specific knowledge of any inquiries made on CMCD’s behalf on or around February 1, 2002, and to whom those inquiries, if any, were made and what response was received.

17. On or around June 17, 2025, I became aware that the Attorney General’s Office had taken over the representation of the State of Texas in pending criminal proceedings affecting Mr. Roberson’s and that the Attorney General’s Office had filed a motion seeking a new execution date for Mr. Roberson. That day, I contacted Mr. Roberson’s current attorney, Gretchen Sween, and shared with her my understanding of CMCD’s position that they had been informed by representatives of Anderson County that the maternal grandparents had legal authority to authorize withdrawing life-sustaining treatment from Mr. Roberson’s daughter when that action was taken on February 1, 2002.

18. As a public official and as a private citizen, I am deeply troubled that the State of Texas is pushing to execute someone when so many questions surround how his daughter died and when substantial evidence, yet to be considered by any court, suggests that he committed no crime and instead is the victim of a CAP’s misdiagnosis and an excessive haste to remove his daughter from life support. Excessive haste also characterizes the autopsy that was performed the next day, after Mr. Roberson had already been arrested. Many experts have since weighed in about how deeply flawed that autopsy was, performed by a medical examiner who had been expressly told about the CAP’s diagnosis and the father’s arrest, biasing the entire process.

19. The factual circumstances surrounding the end-of-life decisions and autopsy of Mr. Roberson’s daughter Nikki are precisely why I and bipartisan Texas lawmakers enacted Senate Bill 1578 in 2021 with no dissenting votes, and why lawmakers passed my bill, House Bill 2071 that will go into effect September 1 of this year.

If requested, I am prepared and willing to testify in court regarding the matters described above.

I hereby declare under penalty of perjury of the laws of the State of Texas that the foregoing is true and correct to the best of my knowledge.

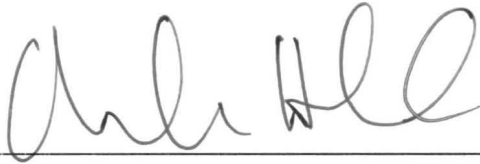


Lacey Morgan Hull

ACKNOWLEDGEMENT

Before me, Andrew Holcomb a notary public, on this day personally appeared Lacey Morgan Hull, known to me to be the person whose name is subscribed to the foregoing instrument, who acknowledged to me that she executed the same for the purpose and consideration therein expressed.

Given under my hand and seal of office this 30th day of June, 2025.



Notary Public, State of Texas

