IN THE MISSOURI COURT OF APPEALS
WESTERN DISTRICT

COMPLETE TITLE OF CASE

IN THE MATTER OF THE CARE AND TREATMENT OF JUSTIN HAGGERMAN, a/k/a JUSTIN C. HAGGERMAN, a/k/a JUSTIN COLE HAGGERMAN,

Appellant,

v.

STATE OF MISSOURI,

Respondent.

DOCKET NUMBER WD84144

MISSOURI COURT OF APPEALS
WESTERN DISTRICT

DATE: December 28, 2021

APPEAL FROM

The Circuit Court of Benton County, Missouri
The Honorable Mark B. Pilley, Judge

JUDGES

Division One: Thomson, P.J., and Ahuja and Mitchell, JJ. CONCURRING.

ATTORNEYS

Amy E. Lowe, Assistant Public Defender, St. Louis, MO, Attorney for Appellant.

Eric S. Schmitt, Attorney General, and Nathan J. Aquino, Assistant Attorney General, Jefferson City, MO, Attorneys for Respondent.

MISSOURI APPELLATE COURT OPINION SUMMARY

MISSOURI COURT OF APPEALS
WESTERN DISTRICT

IN THE MATTER OF THE CARE AND TREATMENT OF JUSTIN HAGGERMAN, a/k/a JUSTIN C. HAGGERMAN, a/k/a JUSTIN COLE HAGGERMAN, Appellant,
v.
STATE OF MISSOURI, Respondent.

WD84144 **Benton County**

Before Division One Judges: W. Douglas Thomson, Presiding Judge, and Alok Ahuja and Karen King Mitchell, Judges

Justin Haggerman appeals, following a bench trial, his civil commitment as a sexually violent predator. Haggerman raises a single claim on appeal. He argues that trial counsel provided ineffective assistance in advising Haggerman to waive his right to a jury trial. Finding no error, we affirm.

AFFIRMED.

Division One holds:

1. When addressing claims of ineffective assistance of counsel raised on appeal from a sexually violent predator civil commitment, we use the following approach: (1) If the claim raised may be determined based on the record before us, we decide the matter on appeal; (2) If, however, the record is insufficient to determine the merits of the claim, we then consider whether to remand for an evidentiary hearing; (3) If the claim raises sufficient allegations, remand is appropriate; if not, we may reject the claim outright; (4) In all scenarios, we evaluate the claim using both the "meaningful hearing" standard and the *Strickland* standard.

2. Here, Haggerman is not entitled to relief under the "meaningful hearing" standard, as he received a full and fair trial, wherein the State presented the evidence supporting its petition for civil commitment, and Haggerman's counsel cross-examined the State's witnesses and presented evidence on Haggerman's behalf, including Haggerman's own testimony.

3. Haggerman is likewise not entitled to relief under the *Strickland* standard, as he failed to make *any* allegation of prejudice flowing from his counsel's allegedly deficient performance. Therefore, his claim of ineffective assistance of counsel is denied.

Opinion by: Karen King Mitchell, Judge December 28, 2021

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