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Former Austin Firefighter James Baker entered a plea of “Guilty” in the 450th District Court today on an indictment charging him with the state jail felony offense of Invasive Visual Recording. Sentencing will take place on November 2, 2018.

The indictment in this case accused Mr. Baker of videotaping a female firefighter, without her permission, while she was in a changing room at an Austin Fire Station. Mr. Baker was the victim’s supervising lieutenant at the time of the incident. The recording did not constitute a violation of prohibitions on photographing intimate areas as defined by law because it did not depict any portion of the victim’s anatomy below her neck. Additionally, the recording was discovered by the victim and turned over to the Austin Police Department, who conducted a thorough investigation. Thus, it was not viewed by the defendant or broadcast or transmitted by him.

This office does not enter into plea negotiations without careful deliberation and intense scrutiny of the facts of each case. Victims are always consulted before any plea offer is made to a defendant. We fully understand that the victim is not happy about the plea offer in this case, but our charge is to see that justice is done. This includes taking into account the harm to the victim, the conduct, and the effect on the perpetrator. The case involving James Baker was resolved in the same manner as other serious cases handled in this office every day.

The State recommended a five-year deferred adjudication, which places him under community supervision by the probation department for the maximum time allowable by law, in exchange for his acceptance of responsibility and guilty plea. Mr. Baker has also agreed to permanently surrender his credentials to be a firefighter, EMT, or EMT instructor. Mr. Baker will no longer be a firefighter or EMT and his guilty plea to a felony offense will remain on his record for years beyond the term of his community supervision and will always be accessible to law enforcement and licensing agencies. The State also recommended restitution to the victim for any associated costs or a \$2000 fine if there is no restitution.

Mr. Baker has no criminal history; he submitted to an evaluation by a psychologist regularly relied upon by the State, who concluded he was at low risk for re-offending.

This resolution addresses the legitimate objectives set forth in law: deterrence, rehabilitation, and punishment necessary to prevent likely recurrence.