

August 21, 2011

Defense rests in Baker case

Rebuttal set for Monday

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Effingham Daily News

VANDALIA — Attorneys for a Loogootee teen charged with double homicide rested their case early Friday, but not before presenting expert witnesses about the effects of a drug they argue triggered the teen's homicidal behavior, a claim the state questioned heavily during cross examination.

Defense witnesses Friday stated 16-year-old Clifford Baker was a different person when he started taking the antidepressant Cymbalta a little more than a week before Mike Mahon and Debra Tish were found murdered in their home last August.

"He looked tired. He didn't seem like himself," said Baker's uncle, Robert Goldman, adding Baker normally joked and laughed around in his presence.

Goldman testified then 15-year-old Baker told him on Aug. 2, 2010, he was having nightmares.

"He was dreaming about people killed and trying to kill him. He said he dreamed about suicide," Goldman said.

Goldman advised Baker to give the drug a couple of days.

"I was going to check back in on him in a couple of days. I waited too long," he said.

Baker is accused of killing Mahon and Tish in the early morning of Aug. 4, 2010, and then entering another home where he struck one of the homeowners in the face.

Robert Goldman said he didn't tell Baker's father, Jeff Goldman, who Robert Goldman described as an alcoholic, of the teen's problems with the drug because the two brothers "didn't get along too good." However, the day before the murders, Robert Goldman said he did bring up the issue of the drug with Jeff Goldman's girlfriend, Justina Fryman.

Robert Goldman also said he was concerned about Baker's behavior before the teen started taking Cymbalta, recalling the period prior to July 22 when Baker shot himself and shot and killed his dog.

“I know he and his dad had been getting into it quite a bit. He was a little depressed. Not in a good mood,” he testified.

Robert Goldman confirmed a family history of suicide with his paternal grandmother and his father, who shot himself in the stomach when Robert was 2 or 3.

Baker’s attorneys pointed to Cymbalta as the catalyst for Baker’s alleged suicidal dreams, an adverse effect of the medication he was taking for major depression.

Neuropharmacologist Dr. Jonathan Lipman testified such adverse effects manifest immediately in a person. He added it usually takes four to six weeks of the drug building up in a person’s system before the antidepressant’s effects are achieved.

In the meantime, the other effects of the drug can exacerbate depression, he said.

“It can get the patient to act on suicidal thoughts and make it worse in short term,” he said.

Lipman said depression can turn into mania, which is characterized by such behavior as talking a mile a minute or bouncing off the walls. Lipman testified that although suicide is violence directed at oneself, it has been linked to violence against others through a study of a national database that tracks suicide and homicide cases.

While Lipman testified Cymbalta is approved by the FDA for treatment of depression, it isn’t approved for those under the age of 24.

Jurors were shown the “black box warning” on Cymbalta, which warns of the drug’s most severe adverse effects of increased suicidal behavior and thinking in children, adolescents and young adults, which he said have been shown to be most susceptible. The drug is not approved for pediatric patients or those with a manic or bipolar disorder.

Defense attorney Mark Wykoff asked Lipman if a doctor can prescribe the drug for a non-FDA-approved person.

“Absolutely. They do it all the time,” he said.

Child and adolescent psychiatrist Dr. Marcia Slomowitz testified Friday that she does not prescribe Cymbalta to patients who are adolescents or young adults because of the warning. Slomowitz testified the drug made Baker have nightmares of someone killing him or he killing someone else. The nightmares, she

added, were so vivid, Baker had a hard time distinguishing the dreams from reality.

Slomowitz attributed the nightmares to Cymbalta because, she said, when he stopped taking the medication, his nightmares disappeared.

Slomowitz believes Baker was in a psychotic state the morning of the murders characterized by the animalistic sounds and crouching behavior at the Krajefska residence, as well as attempts to shoot himself with a staple gun afterward. She ascertained Baker was in a state of internal distress, restless and fidgety, but that can't visibly been seen.

As a result, she said, he lacked the capacity to understand right from wrong or understand the criminality of his behavior.

During cross examination, Fayette County State's Attorney Stephen Friedel proceeded to fire questions at Slomowitz, pointing out Slomowitz based her evaluation on one three-hour interview she had with Baker in March.

Friedel questioned Slomowitz why she said the Cymbalta warning includes an increase risk of suicide and violent behavior, when violent behavior was not listed as a risk.

Slomowitz said she based the assertion on other literature in her report. But when Friedel pointed out that other literature wasn't listed in the appendix of her report, Slomowitz admitted she had not given a source for every single piece evidence.

Friedel asked Slomowitz how she arrived at the conclusion that the July 22 incident was a suicide attempt.

"Did you see the wound?" he asked. "Do you know where he was shot?"

Slomowitz said she gleaned from reports he shot himself in the right side of his abdomen.

"Were any vital organs there?" Friedel asked.

"Cliff isn't a doctor, so he may not know where they are," she surmised, adding the shooting was serious. "He could have died." "If it's a true suicide attempt, why not shoot himself in the head?" Friedel asked.

"There are a number of ways (to commit suicide), including shooting oneself in the abdomen," Slomowitz replied.

Slomowitz admitted she did not use the wound as part of her conclusion, but rather based it on information from Gateway Regional Medical Center.

Friedel pointed out Baker had no recollection of the incident when he arrived at Gateway.

“He lied to the staff at Gateway,” said Slomowitz.

“So, he’s capable of lying,” Friedel said. “He wanted to get out of the hospital, so he told the staff what they wanted to hear,” she said.

Slomowitz opined Baker was psychotic — out of touch with reality — when he committed the murders.

“At what point did Cliff become out of touch with reality?” asked Friedel.

“I can’t tell you when insanity took over,” Slomowitz replied, adding she also couldn’t determine when it ended.

Friedel noted Slomowitz’s report states Baker’s behavior changed after his grandmother died when he was in sixth grade at the age of 10.

“Was he 10 in the sixth grade when he repeated the fifth grade?” he asked.

“I obviously made a mistake what grade he was in,” she said, losing her voice.

Friedel also pointed out in an April preliminary report, Slomowitz stated Baker understood the criminality of his conduct and had knowledge of his actions when he threw the knife in the bean field. Baker allegedly had a knife when he was in the Krajefka home following the murder of Mahon and Tish.

“That was with info I had available at the time. My final report supersedes that,” said explained.

Friedel asked Slomowitz why she omitted the knife conclusion from her final report.

“I thought he was psychotic, and I wasn’t sure about the knife,” she said.

Friedel asked her why a psychotic would get rid of a knife. “Because psychotics do things that don’t make sense,” she replied.

Friedel asked if she knew the smoke detector at the Mahon residence had been shot, which she replied she did not.

“Why would a psychotic person shoot a smoke detector?” he questioned.

“Perhaps, he thought it was a blob on the ceiling or something coming to get him. I’m giving you a hypothetical,” she answered. Slomowitz said Baker didn’t remember the shootings when she evaluated him.

“If his life were part of a bad dream, why can’t he remember the bad dream?” Friedel asked. “You say he had a dream state going on.” “I don’t know what was in his mind at the time. If it was a dream state or not,” she said.

However, Friedel observed Baker was able to recall the July 22 incident when he shot himself and killed his dog.

Baker told Slomowitz he had drank a substantial amount of alcohol that day, which the dog didn’t like and it was nipping at him, so he shot the dog.

“He put the dog on the track so it looked like someone else shot him,” she said.

Friedel referred to Slomowitz’ conclusion that Baker was not psychotic at the time.

“He was upset with the dog, shot the dog, felt really bad and shot himself,” she said.

Friedel asked why, following the murders, a psychotic person goes to his dad and says “I killed ‘em. I killed ‘em all. Come see what I’ve done.”

“I don’t know. Maybe the psychosis was intermittent,” she said. Friedel asked whether the Cymbalta alone could cause such behavior.

“It might have,” she said. “But he wasn’t just on Cymbalta alone.” The trial will resume Monday with a rebuttal from the state and closing arguments are scheduled for 9 a.m. Tuesday.

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