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Teen appeals murder convictions, life sentence

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VANDALIA — A Loogootee teen is appealing his first-degree murder convictions and life sentence after a judge turned down a request for a reduced sentence.

Judge Michael McHaney denied a request by Clifford Baker's attorneys to reduce the sentence of life imprisonment without parole for the Aug. 4, 2010, slayings of Debra Tish and Mike Mahon.

Baker's attorneys argued in Fayette County Circuit Court Tuesday that McHaney had the power of discretion in sentencing Baker based on an Illinois Supreme Court case. McHaney, however, believed when he handed down the sentence he was bound by law to give a sentence in accordance with the penal code.

The attorneys also disagreed with the home invasion sentence Baker received for entering the home of Steve and Randy Krajefska on the same night as the murders. They argued the 30-year sentence, to be served consecutively to the life sentence, was excessive.

"The defendant would have to die before he could serve the second consecutive sentence and logic dictates that is excessive," said Baker's attorney Mark Wykoff.

They also claimed it was a separate offense and should be remanded to juvenile court because Baker was 15 years old when the murders occurred.

Following McHaney's denial for resentencing, Baker's attorneys presented motions for additional pay for expert witnesses who testified during the trial.

In preparing for the trial, McHaney said he asked then if the defense had sufficient funds "to get experts to trial."

"That's why I said 'the spigot is turned off.'" he recalled.

Baker's attorney Monroe McWard said his recollection was different.

"In May or June, we said we would take up the issue of payment of experts on a later date," he said. "You turned off the 'spigot' with the forensic pharmacologist."

McHaney questioned some of the fees, including Dr. Marcia Slomowitz's.

“Slomowitz charged eight hours for the trial. She spent two hours on the stand. What’s the rest for?” he asked.

McWard admitted he did not know and asked for time to get more details on the charges, adding he wouldn’t ask the court to approve the fees without that information.

State’s Attorney Stephen Friedel noted amount limits were set and the county has paid about \$20,000 for the expert witnesses. McHaney continued to point out other expenses charged by Slomowitz.

“Aug. 18, travel and prepare for trial, \$4,000. That’s outrageous, and that’s just one example,” he said.

“This ends now,” said McHaney in denying the additional funds for payment. “This case is over.”

McHaney did approve a request by Baker’s attorneys to have a public defender assigned to assist Baker with his appeal of the conviction and sentence. A notice of appeal to the Fifth Judicial District in Mount Vernon was filed following the hearing Tuesday.

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