

Testimony begins in murder trial on Tuesday

The Leader-Union

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Wednesday, August 17, 2011

In his opening statement, Fayette County State's Attorney Stephen Friedel told jurors that he would be presenting evidence that would prove that Clifford Baker murdered a neighbor couple and attacked another neighbor while brandishing a knife. In his opening statement, the lead attorney for the Loogootee teen charged with first-degree murder and home invasion said he would not dispute many of the facts presented by the prosecution. But defense attorney Monroe McWard said that he would present at least two experts who would support the contention that Baker's actions were the result of "insanity and involuntary intoxication." The defense intends to present evidence that Baker was improperly prescribed an anti-depressant drug. Baker, 16, is charged with four counts of first-degree murder for allegedly fatally shooting Mike Mahon, 60, and Deb Tish, 53, in the couple's Loogootee home in the early hours of Aug. 4, 2010. He is also charged with home invasion for entering the home of Steve and Randy Krajefksa that same morning and attacking Randy Krajefksa. Baker, who was 15 when charged with the murders and home invasion last year, has been housed in the Madison County Juvenile Detention Center in lieu of \$2-million bond since his arrest. The trial got under way on Tuesday afternoon with opening statements and the testimony of five prosecution witnesses, including the Krajefskas, the first two law enforcement officers responding to the scene of the crimes and the woman who was the girlfriend of Baker's father at the time of the incidents. Jury selection was completed on Monday afternoon, after 60 potential jurors were interviewed. Because of the potential difficulty in getting a jury, Judge Michael McHaney directed Fayette County Circuit Clerk Mary Sue Ruot to have 120 potential jurors – double the normal amount – available for the trial. In his opening statement, Friedel said, "There is something special about one's home." There, he said, "We have the ability to be who we want to be. Your place is where you can go to sleep and not have to worry about intruders," Friedel said. Prior to McWard telling jurors that he would present an involuntary intoxication defense, Friedel explained the difference between voluntary and involuntary intoxication. Friedel also told jurors that in addition to deciding on the drug issue, they must determine, "Does the drug condition cause the person to do the act?" McWard said, "Our case revolves around our experts. "Make sure you understand, there was a tremendous tragedy in this county. Two people were killed, two homes were invaded – we don't dispute that," he said. McWard said that when the Krajefskas discovered Baker in their home, "He was behaving like a mad man." "Police will tell you he is delirious, he is uncooperative. He is

not under control,” McWard said. “Later, he even asks if he killed his father.” He told jurors that there is no explanation, no motive given by the prosecution in this case. McWard said that on July 22 of last year, Baker shot himself and shot the family dog. “That’s the type of behavior that gets you in the hospital ... in psychiatric care.” After that incident, McWard said, Baker was taken to Gateway Foundation in the Metro East area for treatment, and he was prescribed duloxetine, the generic equivalent of Cymbalta, an anti-depressant. He told jurors that the defense case revolves around the testimony of a licensed clinical psychologist and a medical doctor with a psychiatric and child adolescence specialty. Claiming that Baker was involuntarily intoxicated, McWard said the teen “did not understand his actions to be wrong.” The first prosecution witness to testify was Randy Krajefska, who said she woke up at about 2:30 a.m. on Aug. 4 to observe a young male walk alongside her bed and into a closet, closing the door behind him. She testified that she turned on a light and walked to the closet, and when she opened the door, “he punched me in the mouth.” Krajefska said her husband yelled for her to get out of the bedroom while he approached the youth. She testified that she went into the bathroom, and noticed when looking in the mirror that she had been cut above left eye. She said she realized it was Baker who was in her house when she heard her husband yelling, “Put it down, Clifford. Put it down.” Both Randy and Steve Krajefska testified that after Baker left their house, they noticed that lights inside the home of Mahon and Tish were on. They testified that they called the couple’s home a couple of times and also called Mahon’s cell phone number. Steve Krajefska testified that when he confronted Baker, “he was like in an attack mode, kind of hunched over.” He said he noticed that Baker had a knife in his hand, and he saw the teen make a quick, short lunge toward him with the knife. The Krajefskas confirmed that the knife Baker had was taken from their kitchen. “He didn’t do or say anything,” Krajefska said. “He didn’t make a sound.” Krajefska said that when he saw the lights on in the Mahon and Tish residence, “I knew something had happened over there. Because they hadn’t answered (the phone), I knew something was terribly wrong.” A short time later, Randy Krajefska said under cross-examination, they saw Baker walking on a road behind the Mahon and Tish residence, waving his arms up and down and yelling in a way that “reminded me of a war hoot, an Indian war hoot.” Also testifying on Tuesday afternoon were Fayette County Sheriff’s Office deputies Steve Coody and Josh Wattles, the first law enforcement officers to arrive in Loogootee that morning. Both testified that they had been dispatched for a home invasion, and were told that Baker was the suspect. They agreed to go first to the home where Baker lived with his father, Jeff Goldman, and Goldman’s girlfriend at the time, Tina Fryman. Upon their arrival, they saw Baker and his father in the garage, yelling and screaming. Coody testified that Baker was “trying to staple himself in the chest” with a staple gun. When Baker failed to comply with their commands and began to walk away from them, Coody said, he used a tazer gun on the youth. After that, he said, the teen complied, and was handcuffed and put in Coody’s squad car. Coody testified that he then heard the Krajefskas frantically yelling for him to check the Mahon and Tish

residence. Going into the home, Coody noticed two rifles on the kitchen table, then found the couple laying on a mattress in the living room. After Mahon and Tish failed to respond to him, he noticed that they had sustained what he said were obvious fatal gunshot wounds. Defense attorney Mark Wykoff asked Coody whether he had “ever experienced a suspect ... as out of control as Clifford Baker was.” Coody said, “I would say, probably not.” Asked why he had an ambulance dispatched for Baker, Coody said it was because it was a juvenile who had been tasered. Wykoff asked whether that decision was also made because “of his behaviors,” Coody said, “Yes.” In his opening statement, McWard made reference to Baker making “animal noises.” Under cross-examination, Coody said he remembered Baker “grunting and growling, what I would call growling. Under re-direct examination by Friedel, he said that he remembered the teen “breathing in and out heavy, possibly hyperventilating.” Wattles said under cross-examination, “I remember him saying, ‘I’m gonna kill the world. I’m going to kill them all.’” The final witness on Tuesday was Tina Fryman, who now goes by Tina Jones. She testified under cross-examination that while she was not Baker’s stepmother, she did many things to care for Baker. Jones testified that Clifford came into the bedroom she shared with the teen’s father at about 2:45 a.m. on Aug. 4, saying that he was hot and didn’t feel well. About an hour later, she said, he came back into the bedroom. “He was waving his arms. He was talking gibberish. He wasn’t making any sense whatsoever. “I didn’t know if he was dreaming ... or overdosing,” Jones said. She testified that Baker had said what she understood as “I killed maw,” meaning his grandmother. Jones said that one of her first actions was to go to the kitchen to check the bottle containing Baker’s duloxetine, to see if he had taken more than the prescribed amount. When Baker and his father were outside, she said, she heard the teen say, “I killed them (Mahon and Tish) both.” Under cross-examination, Jones said that when Baker came into their bedroom the second time, he was “mumbling” and “flopping all over the place.” She said Baker took one of her cigarettes and lit it, saying that he hadn’t smoked in front of her before. Later, she said that he had, “maybe once.” Her testimony ended with Friedel and McWard rapidly firing questions at her. Friedel questioned her as to why she had not felt the need to call for an ambulance, based on Baker’s behavior and her statement that his eyes had rolled back into his head. McHaney ended the questioning, saying “This has gone way, way, way beyond the scope of re-, re-, re-, re-direct (questioning).” Those testifying on Tuesday morning included Goldman and Stacy Heselton, an Illinois State Police trooper. During his testimony, Heselton, a trained juvenile officer, said he was riding with Baker to Fayette County Hospital when he heard Baker say that he had that evening drank some beer, vodka and possibly whiskey, had taken six Cymbalta pills, smoked some cannabis and “taken a handful of other pills.”