

Baker sentenced to life in prison

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By Rich Bauer, Managing Editor

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"I only wish the court could make it part of his sentence that he be required to have pictures of Deb and Mike in his cell, so that the first thing he sees in the morning and the last thing he sees at night are the faces of the two people he brutally murdered." That was among the points made by LaTisha Paslay, a niece of Deb Tish, during the impact statement she delivered during the sentencing hearing for Clifford W. Baker last Friday in Fayette County Circuit Court. That hearing concluded with Judge Michael McHaney giving Baker two life sentences for fatally shooting Tish and Mike Mahon as they slept in their residence in the early morning hours of Aug. 4, 2010. Baker, who was 15 at the time of the murders, was convicted of murder, and also of home invasion, during a jury trial in August. In addition to the two, concurrent life sentences, McHaney gave Baker three 30-year sentences for home invasion. He ordered that two of the sentences for that offense, for entering the Tish and Mahon residence, are to be served concurrently, and concurrent to the life sentences. The third 30-year term, for entering the residence of Steve and Randy Krajefski after the murders, is a consecutive sentence. Prior to being sentenced, Baker gave a brief statement. "I'm sorry for everything that has happened ... everyone's been hurt," he said. "I'm sorry for the pain," Baker said. After the hearing, the lead attorney for Baker, Monroe McWard of Taylorville, said that he had already filed a motion asking trial Judge Michael McHaney to reconsider the trial judgment and sentencing. That motion will be argued on Nov. 1 at 1 p.m.

McWard also said that he planned to file an appeal in the case. "There are some issues we want to get before the appellate court," he said. Those issues include Baker being prescribed the anti-depressant drug Cymbalta a short time before he committed the murders and home invasions. Friday's hearing began with McHaney denying the post-trial motions filed by McWard and Baker's two other attorneys, Mark Wykoff Sr. of Springfield and Mike Havera of Taylorville. Among the arguments made in the post-trial motions was a claim that McHaney should have allowed a defense motion to move the trial to another county. McWard argued that the fact that jurors asked to be released from the courthouse while spectators were held in the courtroom indicates there was prejudice toward the defendant. Fayette County State's Attorney Stephen Friedel said, "I think that is a conclusion that is not based on observations." McHaney agreed. "Throughout the trial, the jury was able to view the spectators. They were hugely one-sided in favor of the (victims)." The judge said the defense argument gives the

impression that jurors were afraid to leave after returning a guilty verdict. "That's totally wrong, based on the way that people were lined up in the courtroom. They should have been afraid to leave had they returned a not guilty verdict," McHaney said. "That argument's completely wrong," he said. "I'm not buying that argument." In denying the post-trial motions, McHaney said, "The defendant is not entitled to a perfect trial; he is entitled to a fair trial. He got one." During the sentencing phase of the hearing, Baker's attorneys presented a number of witnesses, including three staff members from the South Central School District, Baker's father and his live-in girlfriend at the time of the crimes, his mother and his uncle. Friedel's arguments for life sentences included impact statements written by relatives of Tish and Mahon. South Central Middle School Principal Greg Grinestaff and two SCMS special education teachers, Cindy Garrett and Laura Taylor, testified that Baker was well-behaved and respectful in the classroom. However, outside the classroom, they conceded, it was a different story. Taylor said that she was aware that Baker had problems "in unstructured areas, such as the hallway." Grinestaff said that Baker had "had altercations with (other) students over the years ... fighting incidents." Baker's father, Jeff Goldman, admitted that he has had a drinking problem, and that the drinking had affected his ability to provide stability for his son. Goldman said that his mother helped take care of his son, and that "it was kind of hard on him (Baker)" when his mother died in 2007. McWard had Goldman admit that he kept his son around the home as much as possible, and did not allow him to participate in extracurricular activities. The reason, Goldman said, was "because I didn't want him to be like me." Goldman testified that he believed that his son's use of Cymbalta caused him to do what he did on Aug. 4 of last year. "He said he didn't want to take it, because it didn't make him feel right," Goldman said. Asked by McWard what kind of punishment he wanted given to his son, Goldman said. "I would like to see my boy on the outside before I die. "He was a good boy. I love my boy. I don't want to see him spend the rest of his life in prison," Goldman said. Justina Jones, Goldman's girlfriend at the time of the murders and home invasions, also said that Baker "was a good kid," and that she noticed a difference in him after he began taking Cymbalta. When asked what kind of punishment she would like to see for Baker, Jones broke down on the stand, saying through tears, "I wish we could go back. "Not only two lives were took, but another one, as well," she said. "He was a child. "I don't want to see him gone (to prison) for the rest of his life. He doesn't deserve it." When challenged by Friedel on that statement, Jones said, "He needs to be (put in prison), but not for the rest of his life ... because he's a child." Robert Goldman, Baker's uncle, said that he tried to do as much as he could for the teen, based on the fact that his father had a drinking problem. "To me, he's like my boy," Goldman said. He testified that Baker had told him that the Cymbalta "was making him feel different." He conceded under questioning by Friedel, "I shoulda told somebody" what he saw in the teen while he was taking Cymbalta. "I should have stepped in ... this never would have happened," Robert Goldman said. Baker's mother, Tequila Baker, said she lost contact with her son after losing custody of him when he was a year old. She said that she then moved to

Indiana. "I couldn't make it over here" after losing her driver's license, Baker said. She testified that she had attempted to visit her son, but Jeff Goldman "wouldn't let me see him. He would tell me to leave." Baker said she went to prison for having marijuana in the presence of her children when her son was 13 years old. She said her son wrote to her for some time, then quit writing. They established a relationship through Facebook for a while, she said. Baker said she would leave phone messages for her son, asking him to call her, but he didn't return the calls. "I just didn't force it (a relationship)," she said. Two of the relatives of Tish and Mahon who wrote impact statements read their statements to McHaney. Paslay said, "My Aunt Deb and Uncle Mike were taken from us in the most-inhumane and brutal way that anyone can be taken from this world – they were murdered in their sleep." She recalled that as children, she and her brother would go to the Tish and Mahon residence every Saturday morning to watch cartoons, and that her aunt "was there for every milestone we had in our lives. "She always smiled and was so kind-hearted. But this court will never get to know her, because the coward at the defense table took her from us. "To say that I am angry would be a major understatement. I am angry that we have to live without Deb and Mike every day due to the deliberate act of the coward at the defense table. "I am angry that the defense thinks so little of Deb and Mike that they would even think that anything other than pure evil is what caused this to happen," she said. "I am angry that there is no way that the family of the defendant cannot be held accountable for the actions of the defendant, because, due to their neglect and recklessness, they allowed him to become the person who killed Deb and Mike for enjoyment," Paslay said. "I hope that every time the defendant closes his eyes, he sees what he did to them, and I hope that it haunts him until the day he dies, which we can only hope is in prison. "We will not let one act of evil take from us the memories we have of Deb and Mike. They will live forever in our hearts, and I know that they are always with us in spirit, and I know that we will see them again someday. "This world was a much-better place with Debbie and Mike in it," Paslay said. Patty Martin, a sister of Tish, said, "This senseless, violent crime wreaked fear into all of our lives and devastated our hearts. Now, we must deal with this fear, and the many emotions that come with it, the best we can. "There are some who might think that with the sentencing, this is almost over, but it is truly just the beginning. "Now, no matter how long it takes or how many generations it affects, our family has the duty to make sure that justice is fully served," Martin said. "Always remember – this crime took the very last breath from two wonderful people in our family, and justice won't be fully served until the convicted takes (his)," she said. Also writing impact statements were Mahon's children – Melissa J. Bell, and Chad Mahon and his wife Amanda – and Randy Krajefska. Krajefska read her statement to McHaney, saying, "After he murdered Mike and Deb, and before he entered our bedroom, he had quietly searched our home for what we believe was a gun. "We spoiled his plans by waking up. I have often wondered, what would have happened had he succeeded? "What an indelible mark he (Baker) has placed on all our families and community. "Not only the loss of two wonderful people, but the loss of that sense of security and sanctuary one usually finds in

their home," Krajefkska said. In recommending life sentences, Friedel said he did not believe that under Illinois law, McHaney had a choice but to impose those sentences. "I think it has to follow the law," Friedel said, referring to the law that mandates life sentences for double murders. "Even if it doesn't, it should," Friedel said. He said that testimony at the hearing showed that Baker was well-behaved in controlled settings, and also that he was not in other settings. "Left to his own devices, he had trouble at school. "Left to his own devices, he killed his two neighbors. "Left to his own devices, he broke into a neighbor's residence," Friedel said. "There is no doubt in my mind that had they (Krajefskas) not woken up, this would have been four homicides, possibly five," he said. "Left to his own devices, Clifford Baker is a danger to the entire community," Friedel said. While Baker's father was apparently abusive and failed to get adequate treatment for his son, Friedel said, "It is ultimately Clifford Baker who is responsible. "It is his actions that caused the deaths of Mike Mahon and Deb Tish," he said. Wykoff attempted to use case law in arguing that McHaney had some discretion in sentencing Baker. Pointing at the family members of the victims, Wykoff said, "I know these people hurt, and they should." He said that when he leaves court in a case such as this, he often "wonders how I can even do what I do. "I'm human, too. I feel pain, too," he said. "I have thought about the pain the families have experienced on my own time." Wykoff said that he believes there is case law that would allow McHaney to give the teen a long prison sentence, instead of life in prison. And, he said, he believes there is proof that he can be a "positive, productive member of society." He asked Baker be "removed from society until he reaches Social Security age. We talking his 60's, your honor. "That incapacitates him until he's old and he's infirmed. He would be a broken-down old man," Wykoff said. "You have discretion. I ask that you exercise that discretion," he said. In pronouncing sentence, McHaney said that he agreed with Friedel, not Wykoff. "I don't have any discretion," he said in imposing the two life sentences.