

MEMORANDUM DECISION

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ATTORNEY FOR APPELLANT

R. Patrick Magrath
Alcorn Sage Schwartz & Magrath, LLP
Madison, Indiana

ATTORNEYS FOR APPELLEE

Theodore E. Rokita
Attorney General
J.T. Whitehead
Deputy Attorney General
Indianapolis, Indiana

IN THE COURT OF APPEALS OF INDIANA

William J. Baker,
Appellant-Defendant,

v.

State of Indiana,
Appellee-Plaintiff

June 29, 2022

Court of Appeals Case No.
21A-CR-2658

Appeal from the
Dearborn Circuit Court

The Honorable
James D. Humphrey, Judge

Trial Court Cause No.
15C01-2007-MR-3

Vaidik, Judge.

Case Summary

[1] William J. Baker appeals his fifty-five-year sentence for murder. We affirm.

Facts and Procedural History

[2] In July 2020, Baker and his wife hosted a high-school graduation party for their son. Other graduates were at the party, including Baker's son's best friend, Paycin Kritlow. Baker drank "quite a bit of alcohol" during the party, including vodka and moonshine, and became "pretty intoxicated." Tr. Vol. II pp. 58, 59. He was also on pain medication and an anti-depressant. Around 1:30 a.m., he entered his house and retrieved a 30-06 rifle. He then left the house and walked to an adjacent barn. Relying on light from the barn to use the rifle's scope, Baker shot Kritlow through the neck, killing him.

[3] After the shooting, Baker told police his seventeen-year-old daughter said Kritlow had raped her. Baker's daughter, however, denied being raped and denied saying so. Baker now says he "later realized that no one had ever assaulted his daughter" and that he "committed his offense in the midst of delusional thinking precipitated by the effects of alcohol and prescription[] drugs." Appellant's Br. pp. 7, 16.

[4] The State charged Baker with murder. The parties entered a plea agreement under which Baker would plead guilty as charged and his sentence would be capped at fifty-five years. At the guilty-plea hearing, Baker pled guilty, but then his attorney asked that Baker be evaluated to determine his "competency or

insanity at the time the matter occurred[.]” Tr. Vol. II p. 26. The State joined in the request. The trial court took Baker’s guilty plea under advisement and appointed two doctors to examine him. The appointed doctors found “there was not an issue of insanity at the time the offense was committed[.]” *Id.* at 218. As such, the court accepted Baker’s guilty plea and entered a judgment of conviction.

[5] In sentencing Baker, the trial court found several aggravating factors: (1) Baker shot Kritlow during a graduation party in the presence of Kritlow’s classmates; (2) Baker acted “consciously and deliberately,” “essentially lying in wait and hunting Paycin Kritlow in the dark”; and (3) the killing was “senseless and without any possible justification.” Appellant’s App. Vol. II pp. 248-50; Appellant’s App. Vol. III p. 2. The court also found three mitigating factors: (1) Baker pled guilty; (2) Baker is remorseful; and (3) Baker’s lack of criminal history. Concluding that the aggravators “substantially outweigh” the mitigators, Appellant’s App. Vol. III p. 5, the court imposed the maximum sentence allowed under the plea agreement, fifty-five years, all to be served in the Department of Correction.

[6] Baker now appeals.

Discussion and Decision

[7] Baker contends his sentence is inappropriate and asks us to reduce it. Indiana Appellate Rule 7(B) provides that an appellate court “may revise a sentence

authorized by statute if, after due consideration of the trial court’s decision, the court finds that the sentence is inappropriate in light of the nature of the offense and the character of the offender.” The court’s role under Rule 7(B) is to “leaven the outliers,” and “we reserve our 7(B) authority for exceptional cases.” *Faith v. State*, 131 N.E.3d 158, 160 (Ind. 2019). “Whether a sentence is inappropriate ultimately turns on the culpability of the defendant, the severity of the crime, the damage done to others, and a myriad of other factors that come to light in a given case.” *Thompson v. State*, 5 N.E.3d 383, 391 (Ind. Ct. App. 2014) (citing *Cardwell v. State*, 895 N.E.2d 1219, 1224 (Ind. 2008)). Because we generally defer to the judgment of trial courts in sentencing matters, defendants must persuade us that their sentences are inappropriate. *Schaaf v. State*, 54 N.E.3d 1041, 1044-45 (Ind. Ct. App. 2016).

[8] The sentencing range for murder is forty-five to sixty-five years, with an advisory sentence of fifty-five years. Ind. Code § 35-50-2-3(a). However, Baker’s plea agreement capped his sentence at fifty-five years. That is the sentence the trial court imposed. A defendant claiming an advisory sentence is inappropriate “bears a particularly heavy burden,” since the advisory sentence “is the starting point our General Assembly has selected as an appropriate sentence for the crime committed[.]” *Fernbach v. State*, 954 N.E.2d 1080, 1089 (Ind. Ct. App. 2011), *trans. denied*; see also *Shelby v. State*, 986 N.E.2d 345, 371 (Ind. Ct. App. 2013) (“We are unlikely to consider an advisory sentence inappropriate.”), *trans. denied*.

[9] The record supports Baker’s claim that his crime was “completely out of character” for him. Appellant’s Br. p. 17. He had no criminal convictions before this case, he has a loving and supportive family, and he has a solid employment and educational background. He also accepted responsibility by pleading guilty and has demonstrated genuine remorse. However, the horrifying nature of the crime is more than sufficient to support the advisory sentence of fifty-five years. Baker methodically retrieved a high-powered rifle, went to a place where the lighting allowed him to use the rifle’s scope, and shot an unsuspecting and defenseless Kritlow through the neck while he socialized with classmates after their graduation. As the trial court found, Baker essentially “hunted” Kritlow. He insists he was delusional because of the combination of alcohol and prescription medication, but he acknowledges his intoxication was voluntary and consistent with a history of alcohol abuse. While Baker may not have been in his right mind when he perpetrated this brutal attack, two doctors found he was legally sane at the time of the shooting, and by pleading guilty he admitted he acted knowingly or intentionally. *See* I.C. § 35-42-1-1(1) (“A person who . . . knowingly or intentionally kills another human being . . . commits murder, a felony.”). Baker has failed to carry his “particularly heavy burden” of convincing us that his advisory sentence is inappropriate.

[10] Affirmed.

Crone, J., and Altice, J., concur.