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Former Waco-area preacher asks court to appoint defense experts in his murder trial in his wife's death



By Tommy Witherspoon Tribune-Herald staff writer

Wednesday, April 08, 2009

Former Waco-area Baptist preacher Matt Baker says he is indigent and is asking McLennan County taxpayers to pick up the tab for expert witnesses to help defend him on charges he murdered his wife.

In a motion filed Tuesday seeking funds to hire court-appointed experts, Baker's attorney, Richard Ellison, of Kerrville, says "fairness and due process" require that 19th State District Judge Ralph Strother approve funds for defense experts in psychology, toxicology, pharmacology and crime scene reconstruction.

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Strother has scheduled a hearing in Baker's case for Thursday. He is also expected to consider motions from Ellison to reduce Baker's \$500,000 bond and to sanction prosecutors for reportedly attempting to improperly contact Baker in the McLennan County Jail, knowing that he was represented by counsel.

Neither Ellison nor prosecutors would comment Tuesday because of a gag order by Strother.

A McLennan County grand jury indicted the 37-year-old former Waco Center for Youth chaplain and minister in the April 2006 death of his wife, Kari, a teacher and the mother of his two daughters.

Baker has said his wife took an overdose of sleeping pills because she was depressed over the death of her daughter. He has denied that he had anything to do with her death.

Prosecutors allege that Baker was pursuing a relationship with another woman and gave his wife sleeping pills before suffocating her with a pillow and staging her death to appear a suicide. A typed, unsigned note was found near her bed.

Hewitt police relied heavily on experts hired by Kari Baker's parents, James and Linda Dulin, to obtain an arrest warrant for Baker. The Dulins persuaded investigators to reopen the investigation into their 31-year-old daughter's death and have filed a wrongful death lawsuit blaming Baker. They and Kari Baker's friends have said she was not despondent and was looking forward to the future and a new job.

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Matt Baker

Ellison alleges in his motion for court-appointed experts that Baker cannot mount an adequate defense without hiring experts of his own to examine the evidence, study technical reports and consult with the defense.

Citing the need for a psychiatric expert, Ellison notes that the U.S. Supreme Court reversed a conviction because the trial court denied the defendant funds to retain a psychiatrist.

“(In Ake v. Oklahoma) The court concluded that the risk of an inaccurate verdict was high where the defendant was not assisted by a psychiatrist to help determine whether the insanity defense is viable, to

present testimony, and to assist in preparing the cross-examination of a state’s psychiatric witnesses. In this case, the mental state of the decedent is no less critical,” Ellison wrote in the motion.

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