

William Baker wrote:

- > I hope the following info will help with the passage of house bill
- > 228- My son Scott Baker responded to aid law enforcement after a
- > Deputy had been killed and his partner wounded. This happened in May
- > 2003 at Harlem Montana. My son was not at the area of the shooting
- > until 4-5 min. after all firing had stopped.He confronted the
- > murderer and by aiming his rifle and giving commands,he was
- > able to handcuff the suspect and place him in the patrol car. He rifle
- > was taken at that time. The rifle was never introduced at the trial
- > and was not on the evidence list. All witnesses gave testimony at the
- > trial that all the shooting had taken place in a field several hundred
- > feet from the deputies patrol car.The suspect was found guilty of
- > murder and attempted murder.On July 20th 2005 we received a evidence
- > receipt for the marlin 30-30 rifle after several requests.17 or 18
- > cartridges were found in the area of the murder that were from the
- > officers sidearms.The defendant was convicted of shooting both
- > officers with the murdered deputy"s sidearm. In a response filled in
- > Blaine County district court, County Attorney Laird stated in
- > part,that on appeal new or additional defense counsel may not view the
- > Marlin 30-30 rifle at or near the crime scene with an empty cartridge
- > in the chamber in the same light as the State or previous counsel. The
- > State Attorney General's office sent a reply to our request on 4/4/
- > 2008. The response states that they cannot release the "factual
- > evidence". The reply also states that if Jackson, the murderer, is
- > granted a new trial " there is at least a substantial likelihood the
- > rifle at issue could become a central piece of evidence"" It was
- > incumbent on the prosecution to rebut assertions this rifle could have
- > been the source of the projectiles utimately killing the officer".
- > The rifle was not modified in any way and my son is not resticted from
- > having a firearm. I was the original purchaser of the rifle. We gave
- > our son Scott the rifle for his High School Graduation gift. County
- > Attorney Laird did offer to give us (used gun price ) for the rifle.We
- > could have replaced his graduation gift with something from a pawn
- > shop, but we declined the offer. I am glad that my grandfather didn't
- > hawk his model 1894 hex barrel 32-40 rifle or I may not have had it
- > passed down to me. I am not a lawyer but having served as the Cheif of
- > Police in Harlem for several years I have a basic understanding of
- > evidence. This rifle was not at the crime scene at the time of the
- > crime,was not fired at or near the scene,was not used in a crime,and
- > 54 witnesses testified that all evidence presented at trial pointed to
- > Jackson being the guilty party.If the State of Montana continues to
- > discredit the actions of individuals that do come to the aid of law
- > enforcement or fellow montanans everyone loses. I have copies of all
- > the papers that I have referenced should you need them. Hope this will
- > help. Thank You William E. Baker 240 N Savoy Rd. Harlem Mt. 59526.
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