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FOR IMMEDIATE RELEASE

Michael Baker given 10 year sentence for providing substance that killed Josiah Scott

On December 1, 2024, Josiah Scott was walking home with friends when Michael Baker approached and offered a drink of a substance to the group. Josiah Scott, age 12, accepted the substance and took a drink. Baker then took a drink himself. Both collapsed shortly after consuming the substance. When first responders arrived, officers located Baker in possession of a firearm. Baker's criminal history consists of 4 prior misdemeanor convictions out of Illinois and, thus, he was allowed to legally possess a firearm. However, this firearm had the serial numbers removed, making the possession criminal. Josiah and the defendant were both hospitalized and transported to Indianapolis for treatment. Days later, Josiah Scott passed away. The Marion County Coroner's Office later issued a report indicating the cause of death as Undetermined. Baker's final charges included Possession of an Altered Firearm, Contributing to the Delinquency of a Minor Causing Death, and Reckless Homicide – all Level 5 felonies.

Baker pleaded guilty to 2 of the Level 5 felonies – Possession of an Altered Firearm and Contributing to the Delinquency of a Minor Causing Death. Per Indiana law, a Level 5 felony is punishable by a sentence of 1 to 6 years. Double jeopardy prevents Baker from being convicted of both the Reckless Homicide and the Contributing causing Death. By running the sentences consecutively, Baker received a total sentence of 10 years that calls for 4 years in prison, followed by 3 years in the Vigo County Community Corrections residential facility (commonly known as work release) and then 3 years on probation.

Multiple victim impact statements from family and friends were delivered in court, including one from Josiah's mother, Karah Scott. More than one expressed that the sentence was not long enough, but they had also chosen to forgive the defendant. "In my eyes there will never be enough time in prison to really serve justice for losing my son." Karah said. While referencing scripture, Karah also expressed "Unlike a lot of people, I choose to forgive you."

"Our heart is broken for Karah and the family and friends of Josiah." Prosecutor Terry Modesitt said. "Once again, our laws limit the available penalties for an offender who has recklessly killed someone. I will be the first person to say that justice is not served by this sentence when 12 year old Josiah lost his life; when Karah lost her son. I have already begun working with Senator Greg Goode to again ask our Legislature to increase the penalty for Reckless Homicide."

In 2014, the Indiana Legislature lowered the penalty for Reckless Homicide and Operating a Vehicle While Intoxicated Causing Death from up to an 8 year sentence down to a maximum 6 year sentence. In 2019, Prosecutor Terry Modesitt, along with a local family, petitioned our Legislature to increase these crimes to at least a Level 4 felony with a maximum sentence of 12 years. The Indiana Legislature later increased OVWI Causing Death to a Level 4 felony. However, Reckless Homicide remains a Level 5 felony.