

STATE OF INDIANA
EXECUTIVE DEPARTMENT
INDIANAPOLIS

EXECUTIVE ORDER 05-23

FOR: CLEMENCY FOR ARTHUR PAUL BAIRD II, DOC No. 872036

TO ALL WHOM THESE PRESENTS MAY COME, GREETINGS.

WHEREAS, In 1987, a Montgomery County jury found Arthur Paul Baird II guilty of the September 1985 murders of his pregnant wife, Nadine Baird, his mother, Kathryn Baird, and his father, Arthur Baird I;

WHEREAS, The Montgomery Circuit Court followed the jury's recommendation and sentenced Baird to death for the murder of his parents; the trial court also imposed a sixty-year sentence for the murder of Baird's wife and an eight-year sentence for the feticide involving his unborn child;

WHEREAS, Baird is guilty of the murders of Nadine Baird, Arthur Paul Baird I and Kathryn Baird and is legally eligible for the death penalty under I.C. 35-50-2-9(b)(8);

WHEREAS, Baird's claims have received proper and thorough consideration in the judicial system;

WHEREAS, Baird has asked that his sentence of death be commuted to Life Without Parole;

WHEREAS, There exists sufficient reasons to commute Baird's sentence, as explained in detail in the document titled Grant of Commutation to Arthur Paul Baird II, attached hereto and incorporated by reference in this Executive Order; and

WHEREAS, My review of the facts of this case leads me to exercise clemency by commuting Baird's sentence. This decision is based on the unique circumstances of this case. All the facts, not one single element, cause me to grant clemency.

NOW, THEREFORE, I, Mitchell E. Daniels, Jr., the Governor of the State of Indiana, by virtue of the power vested in me by the Constitution and laws of the State of Indiana, hereby commute the death sentence imposed on Arthur Paul Baird II for the murders of Arthur Paul Baird I and Kathryn Baird to Life Without Parole.



IN TESTIMONY WHEREOF, I, Mitchell E. Daniels, Jr., have hereunto set my hand and caused to be affixed the Great Seal of the State of Indiana on this 29th day of August, 2005.

Mitchell E. Daniels, Jr.

Mitchell E. Daniels, Jr.
Governor of Indiana

Todd Rokita
ATTEST: Todd Rokita
Secretary of State

GRANT OF COMMUTATION TO ARTHUR PAUL BAIRD II

The case of Arthur Baird would justify the death penalty based upon the nature of his crimes, the unchallenged certainty that he committed them, and the care and completeness of the legal process in imposing that sentence and in consistently upholding it over the years since those crimes occurred. Nonetheless, given certain unusual, probably unique circumstances in this case, a different outcome seems more just. These circumstances include:

- Life without parole was not an option in Indiana when Mr. Baird was sentenced. Such a sentence has since become an option and would be available to the jury today.
- The unanimous sentiment expressed by family members at the time of the trial and years later demonstrates that they believed life without parole was the most appropriate penalty for Mr. Baird. All members of the jury whose views are known also indicate that, had life without parole been an alternative available to them, they would have imposed it instead of the death penalty.
- Further reflecting that consensus, the State offered the equivalent of life without parole in a plea agreement that Mr. Baird appeared ready to accept before trial. However, at the time of submitting his plea, he suddenly reversed course and, apparently due to his delusional state, rejected the bargain the State saw fit to offer him.

Courts recognized Mr. Baird as suffering from mental illness at the time he committed the murders, and Indiana Supreme Court Justice Ted Boehm recently wrote that Mr. Baird is “insane in the ordinary sense of the word.” It is difficult to find reasons not to agree.

However, I reached today’s decision without substituting my judgment for others on the ambiguous issue of Mr. Baird’s degree of insanity. To me, it suffices to note that, had the sentence of life without parole been available in 1987, the jury and the State would have imposed it with the support of the victims’ families.

I conclude that the proper and just result in this case is for Arthur Paul Baird II to serve a term of life without parole, and I therefore commute his sentence accordingly.