

Judge: Death for murder, kidnapping

By FRANK FERNANDEZ

Staff Writer

BUNNELL -- Cornelius Baker appeared to show no reaction Wednesday as he was sentenced to die for killing a Daytona Beach grandmother after kidnapping her during a home-invasion robbery.

Baker, 22, pistol-whipped Elizabeth Uptagrafft, 56, as he burst into her Michigan Avenue home on Jan. 7, 2007. When Baker struck her, the gun fired, its bullet burning a bloody gash along Uptagrafft's head.

Baker also beat and choked Uptagrafft's elderly mother, Charlene Burns, who was on oxygen, and then pistol-whipped and beat Uptagrafft's son, Joel Uptagrafft, then 40. After stealing jewelry and an ATM card, Baker eventually drove Uptagrafft in her car to some brush in remote western Flagler County where he shot her twice.

In sentencing Baker to death, Circuit Judge Kim C. Hammond said he gave "great weight" to the crime's "especially heinous, atrocious or cruel" nature.

"In this case, Elizabeth Uptagrafft was subjected to hours of absolute hell," Hammond said. "One cannot begin to imagine what physical and emotional anguish she experienced from when she was first pistol-whipped, watched her family brutalized and held at gunpoint, was then kidnapped, driven around for hours, released to run for her life, only to be chased down and shot between the eyes."

Some of Uptagrafft's family members wept during the sentencing. The 74-year-old Burns, oxygen tubes running from a small canister to her nose, said afterward that she was pleased.

"I think that it's just deserts," Burns said. "And he won't ever be out on the street again to do this terrible thing to anybody else, and I'm very happy."

Burns now lives with another daughter, Brenda Gillespie, 56, of Holly Hill.

"I didn't put Cornelius Baker in this justice system," Gillespie said after the sentencing. "He made that choice himself. And, so right now, other than deep sympathy and offering prayers out to his family, all I can do right now is try to think of my sister and say: 'Sis, we're halfway there. Justice is coming.'"

The other half is the case against Baker's then-girlfriend, Patricia Roosa, 21, who could face the death penalty if convicted of first-degree felony murder in Uptagrafft's slaying. Authorities said Roosa helped Baker with the robbery and kidnapping of Uptagrafft. Roosa remained in the car when Baker chased and shot Uptagrafft, authorities said. No trial date has been set for Roosa.

Baker was convicted Aug. 25 and on Aug. 28 the same jury recommended 9-3 that he be sentenced to death. The Florida Supreme Court will automatically review the death sentence. Hammond also sentenced Baker to life in prison for home invasion robbery with a firearm and another life term for kidnapping. He also gave Baker 15 years for aggravated fleeing and eluding a law enforcement officer. The sentences will run consecutively.

Baker's mother, Jessica Smith of Bunnell, held back tears as she left the courtroom and declined comment.

Hammond noted Baker's troubled upbringing, including his mother abusing alcohol and drugs while she was pregnant. Baker failed kindergarten and first grade and was placed in a special education class in second grade, Hammond read from his sentencing order. Baker's mother failed to get her son quick medical attention after an eye injury, costing her son his eye. Later, kids picked on him because of the loss of sight, according to testimony.

Hammond pointed out that Baker had used marijuana almost daily since age 12 and was addicted to alcohol by 16.

Elizabeth Uptagrafft's daughter, Stacey Firestone, 36, of Gaston, Ala., said she was glad Baker would never be able to hurt another family again. Baker will soon be housed alone in a death row cell, which is 6 x 9 x 9.5 feet high.

"When you are on death row, it's a solitary situation and that doesn't look too bad to me for what he's done," Firestone said. "Being in a solitary cell, by yourself, is pretty good punishment for a person like him, as far as I'm concerned."

Another one of Uptagrafft's sons, Brian Uptagrafft, 32, of Palm Coast, commended the Daytona Beach Police Department, the Flagler County Sheriff's Office and the Bunnell Police Department.

"They did their jobs flawlessly and you know the punishment fits the crime," Brian Uptagrafft said. "There's a place for people like my mother and there's a place for people like him and he's going to that place, just like my mother is in her place."