

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

MARCUS BAKER

PLAINTIFF

V.

CAUSE NO. 3:21-CV-203-CWR-LGI

**HINDS COUNTY CIRCUIT COURT AND
SHERIFF LEE D. VANCE**

DEFENDANTS

ORDER

Marcus Baker is a pretrial detainee in the custody of Hinds County, Mississippi. Baker awaits trial for two charges of kidnapping, for which Hinds County law enforcement originally arrested him on October 24, 2016. Docket No. 4 at 2.

The Hinds County Circuit Court released Baker on conditional bond on April 9, 2018 [Docket No. 4-7]; however, the court issued a bench warrant for Baker's detention following his failure to comply with the terms of his bond on September 12, 2019. *See* Docket No. 4-8. Pursuant to the bench warrant, law enforcement arrested and returned Baker to the Hinds County Detention Facility on November 29, 2019. Docket No. 4-11.

Baker filed a motion to dismiss the case against him for speedy trial violations on December 19, 2017. Docket Nos. 4 at 3 and 4-11. The Hinds County Circuit Court issued an Order on November 12, 2020. In it, the Circuit Court first underscored that the ongoing COVID-19 pandemic rendered the Court unable to hold trials "since March 2020," and then granted Baker's request for a speedy trial "to the extent that his trial can be scheduled and can timely and safely proceed, without an increased risk of harm to the public safety of all parties and citizens during the current coronavirus pandemic." Docket No. 4-10.

Baker renewed his motion to dismiss for speedy trial violations in Hinds County Circuit Court on January 26, 2021. Docket No. 4 at 5. He also filed a concurrent "motion for habeas

corpus" in Mississippi Supreme Court. *Id.* The Mississippi Supreme Court ordered the State and trial court to respond. *Id.* In compliance with this motion, the State presented a timeline of the proceedings in the case, and the trial judge submitted that she expected the case to conclude by the July or August 2021 term of the court. *Id.* at 5-6.

Baker filed this federal habeas petition claiming violations of his federal and state rights to a speedy trial in March 2021. In it, Baker alleged that he had been continuously incarcerated since November 2019. Docket No. 1 at 7. He claimed that his continued pretrial detention violated the speedy trial guarantees under Mississippi and federal law. *Id.* at 7-8. The State filed a motion to dismiss Baker's claim on June 1, 2021.

On August 4, 2021, the State filed a supplement to its motion to dismiss. There, the State advised that the Hinds County Circuit Court had continued Baker's trial previously set for July 19, 2021 to the November 2021 term due to concerns regarding the ongoing pandemic. Docket No. 6 at 1. Accordingly, in the supplement, the State renewed its motion to dismiss Baker's federal habeas claim for failure to state a claim. *Id.* at 2.

The Court will deny the State's motion to dismiss, as Baker has stated a claim upon which relief may be granted. Baker attempted to exhaust his available remedies by seeking relief from the trial court in December 2017, a little less than four years ago, and then again by reviving his claims before the state trial court and Supreme Court in January 2021, more than 10 months ago. More than five years have elapsed between his arrest and the present. And given the ongoing pandemic, notwithstanding the imminent trial setting, it is not apparent that Baker's trial in Hinds County Circuit Court will actually proceed this month. Accordingly, Baker's petition states a constitutional claim for relief.

In light of the trial date, the State shall provide the Court with a written update regarding the status of Baker's trial in Hinds County Circuit Court by December 6, 2021. As Baker has stated a claim, though, the State's present motion to dismiss is denied.

SO ORDERED, this the 17th day of November, 2021.

s/ Carlton W. Reeves
UNITED STATES DISTRICT JUDGE