

STATE OF MISSISSIPPI

Office of the Governor



EXECUTIVE ORDER NO. 1590

TO THE COMMISSIONER OF THE MISSISSIPPI DEPARTMENT OF CORRECTIONS:

WHEREAS, Article 5, Section 124 of the Mississippi Constitution of 1890 provides in relevant part: "In all criminal and penal cases, excepting those of treason and impeachment, the Governor shall have power to grant reprieves and pardons. . . ." Further, the Mississippi Supreme Court has affirmed: "[T]he power to pardon includes the power to commute sentences in criminal cases." *Whittington v. Stevens*, 73 So.2d 137, 140 (Miss. 1954); and

WHEREAS, on or about July 22, 2014, Marcus Taylor was indicted by the Grand Jury of Choctaw County, Mississippi on three counts: Count 1: Conspiracy to sell a Schedule III controlled substance; Count 2: Conspiracy to sell a Schedule V controlled substance; and Count 3: Breaking and entering into the business known as Ackerman Discount Drugs. Further, Taylor also was indicted as a nonviolent habitual offender; and

WHEREAS, in February 2015, Taylor accepted a plea bargain pursuant to which he would plead guilty to Count 1 of the indictment as a nonviolent habitual offender, and the State would recommend a sentence of fifteen years in the custody of the Mississippi Department of Corrections ("MDOC") with Counts II and III of the indictment to be dismissed, in addition to the dismissal of "any other pending charges in other counties related to burglary of a pharmacy." At his plea hearing, Taylor pled guilty to Count 1, conspiracy to sell a Schedule III controlled substance, and the trial judge accepted the recommendation of the State and sentenced Taylor to a term of fifteen years as a nonviolent habitual offender in the custody of the MDOC; and

WHEREAS, it is undisputed that, as recently confirmed by all ten members of the Mississippi Court of Appeals, at the time of his offense and sentencing, the maximum lawful sentence that could be imposed on Taylor pursuant to Miss. Code § 97-1-1 for the charge of conspiracy to sell a Schedule III controlled substance was five-years. Thus, as stated by the Mississippi Court of Appeals, "it is apparent that Taylor's fifteen-year sentence exceeds the five-year maximum sentence for the crime to which he pled guilty," and thus such fifteen-year sentence plainly is illegal. The illegality of Taylor's fifteen-year sentence was acknowledged by all ten members of the Mississippi Court of Appeals; and

WHEREAS, on or about June 1, 2015, Taylor began serving his sentence for conspiracy to sell a Schedule III controlled substance (nonviolent habitual offender). His estimated release date is June 1, 2030. To date, Taylor has served more than ten years in the custody of the MDOC for an offense that carries a maximum sentence under applicable law of five years. Thus, Taylor's continued service of this illegal sentence in excess of the five-year statutory maximum while procedural and substantive issues of Mississippi law are further considered by the Mississippi Court of Appeals and ultimately the Mississippi Supreme Court constitutes a miscarriage of justice.

NOW, THEREFORE, I, Tate Reeves, by the authority vested in me as Governor by Article 5, Section 124 of the Mississippi Constitution of 1890 and laws of the State of Mississippi do hereby grant Marcus Taylor (MDOC Inmate No. 103788) a **COMMUTATION** of his fifteen-year sentence to time served. I further direct the Commissioner of the MDOC to release Marcus Taylor from custody within five days of the date of this Order.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Mississippi to be affixed.

DONE at the Capitol in the City of Jackson, the 10th day of December, in the year of our Lord two thousand twenty-five, and of the Independence of the United States of America, the two hundred and fiftieth.

Tate Reeves
TATE REEVES
GOVERNOR

BY THE GOVERNOR:

Michael Watson
MICHAEL WATSON
SECRETARY OF STATE