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Ex-Sheriff Baca loses bid to get out of prison during coronavirus pandemic



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A judge has denied a request from disgraced former Los Angeles County Sheriff Lee Baca to be released from federal prison in Texas because of the coronavirus pandemic.

U.S. District Judge Percy Anderson ruled Sunday that although 77-year-old Baca faced a heightened risk of contracting COVID-19, releasing him from custody on bail would not mitigate the threat to his health. The judge pointed out the precautions taken in federal prisons, including the screening of staff and the end of social visits, along with the risks posed by a return trip to Southern California and the higher infection rate in L.A. County.

“Sadly, there is no safe location,” Anderson wrote in his decision.

The judge also denied Baca’s request to have his conviction and sentence vacated.

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Baca, who was found guilty of thwarting a civil rights investigation into his department’s troubled jail system and lying to federal investigators about the obstruction, had argued that the use of an anonymous jury amounted to a violation of his constitutional rights. Anderson rejected the claim.

“Sheriff Baca intends to appeal this decision immediately and hopes the 9th Circuit, unlike Judge Anderson, will exercise its discretion and compassion to grant him bail at this time,” defense attorney Nathan Hochman said in a statement Monday, noting that his client was in “the late stages of Alzheimer’s disease.”

Baca is about two months into a three-year prison term at the Federal Correctional Institution La Tuna, a low-security prison outside El Paso. He’s among a cast of inmates seeking release amid the global coronavirus pandemic, including former Colombian drug kingpin Gilberto Rodriguez-Orejuela, 81, and Michael Cohen, 53, the former personal attorney to President Trump.

Baca was convicted in 2017 but remained free on bail until February as his lawyers pressed his case before the 9th U.S. Circuit Court of Appeals. That court upheld the conviction, and in January, the Supreme Court denied a request to review the case.

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Federal prosecutors had opposed Baca's release while fighting to have his conviction and sentence vacated. In a filing last week, the U.S. attorney's office in Los Angeles reminded Anderson of his own comments when handing down a prison sentence: The once-respected sheriff had committed a "gross abuse of the public trust,' 'blind obedience to a corrupt culture' and betrayal of the 'core values'" he once espoused." The prosecutors were unswayed by Baca's bid for exceptional treatment.

"The court previously noted that an Alzheimer's diagnosis should not be a 'get out of jail free' card," federal prosecutors wrote, "and that should remain true today."

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