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PRESS RELEASE

Edwardsville—Attorneys representing Madison County in federal court were granted a motion earlier this month for summary judgment in a civil case against three officers of the Madison County Sheriff’s Department involving a defendant who was being held at the County Jail in Edwardsville.

The plaintiff, Robert Baker-El, Jr., 46, was incarcerated at the County Jail in September 2011 when Baker-El alleged that one of the Sheriff’s Deputies used excessive force during an incident and that two other deputies failed to protect him from the excessive force.

According to the defense, deputies initially received information that Baker-El was in possession of a “shank”, therefore they ordered a lockdown of that cellblock and began questioning him. Baker-El refused to cooperate with deputies who sought to recover the weapon and then proceeded to lunge at one of the deputies. An altercation occurred with deputies eventually recovering a 3-inch piece of plastic that had been fashioned into a sharp point.

Attorneys Heidi Eckert and John Gilbert represented the Sheriff’s Department for Madison County. They filed a Motion for Summary Judgment that was granted by U.S. District Judge Michael J. Reagan on March 5, 2014, which effectively closed the case. According to the ruling, “the court’s role on summary judgment is not to evaluate the weight of the evidence, to judge witness credibility, or to determine the truth of the matter, but rather to determine whether a genuine issue of triable fact exists.” Additionally, the ruling stated that since the evidence didn’t show any use of excessive force by the deputy, Baker-El would be unable to succeed on his claim that the other two deputies failed to protect him.

State's Attorney Tom Gibbons commended the work of the County's attorneys. “Their work in this case has resulted in getting another baseless lawsuit against Sheriff Bob Hertz and his department thrown out of court. Their continued success saves the county money while protecting the dedicated men and women who serve our County as law enforcement officers.”

Baker-El is currently serving a 29 year prison sentence for aggravated robbery and possession of contraband in a penal institution at Lawrence Correctional Center.

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