

(Cite as: 952 So.2d 129)

HGuice v. StateMiss.,2007.

Supreme Court of Mississippi.

Phelan Terrell GUICE

v.

STATE of Mississippi.

No. 2004-CT-01931-SCT.

Jan. 11, 2007.

Rehearing Denied April 5, 2007.

Background: Defendant was convicted, after a jury trial in the Circuit Court, Hinds County, Winston L. Kidd, J., of aggravated assault with weapon, and was sentenced to 20 years' imprisonment as habitual offender. Defendant appealed. The Court of Appeals, [952 So.2d 187, 2006 WL 163517](#), affirmed. Certiorari was granted.

Holdings: The Supreme Court, [Carlson](#), J., held that:

(1) discharge of an accused, based on violation of state speedy trial statute, is not automatic, and

(2) defendant waived state statutory right to speedy trial.

Affirmed.

[Diaz](#), J., filed a dissenting opinion, in which [Graves](#) and [Dickinson](#), JJ., joined.