

IN THE COUNTY COURT OF HINDS COUNTY, MISSISSIPPI

STATE OF MISSISSIPPI

PLAINTIFF

VS.

CRIMINAL ACTION NO.: 16-624

ROBERT SHULER SMITH

DEFENDANT

**DEFENDANT'S MOTION TO REQUIRE ATTORNEY GENERAL TO PRODUCE
TRANSCRIPT OF SECRETLY RECORDED TAPE RECORDINGS OF
CONVERSATIONS BETWEEN IVON JOHNSON AND ROBERT SMITH;
TO PRODUCE THE PERSON OF IVON JOHNSON;
AND TO PRODUCE THE PERSON OF CHRISTOPHER BUTLER**

Defendant Robert Shuler Smith (hereinafter "Smith") moves the Court to require the Mississippi Attorney General to produce at the hearing set for Thursday, August 18, 2016, at 9:30 a.m., the following:

- A. The transcripts of the tape recordings, recorded by the State's "confidential informant" described on page 4 of the State's Motion to Disqualify Defense Counsel [Docket 26];
- B. The person of Ivon Johnson, who is the "confidential informant" referenced in the State's Motion to Disqualify Defense Counsel; and
- C. The person of Christopher Butler, who alleges that he has been threatened in order to induce false testimony.

In support of this Motion, Smith says:

1. The Mississippi Attorney General seeks to disqualify Attorney Jim Waide from representing Robert Smith on the grounds of Waide's knowledge concerning Smith's attempting to obtain Waide to represent Christopher Butler. The State's Motion to Disqualify Defense Counsel is supported by a conversation which Ivon Johnson secretly recorded.

2. Johnson and Butler have relevant knowledge about the same matters about which the State seeks to obtain testimony from Waide. “If the lawyer's intended testimony . . . can be obtained from other sources, the lawyer is not a necessary witness, and Rule 3.7(a) does not operate to disqualify the lawyer as trial counsel.” Douglas R. Richmond, *Lawyers As Witnesses*, 36 N.M. L. Rev. 47, 51-52 (2006) (footnotes omitted).

3. Besides being relevant on the Motion to Disqualify Defense Counsel, Butler’s testimony is also relevant on the State’s Motion to Stay Proceedings. Specifically, Butler alleges he has been threatened to give false statements against Smith. See letter written by Butler, Exhibit “A.” If such threats have occurred, there may be continuing pressure on Butler to testify falsely. In the face of such pressure to give false testimony, a stay is not appropriate.

4. Butler was housed at the Rankin County Jail. Nevertheless, public records indicate that Butler has been transferred to an “unknown agency.” See Current Status Report of Christopher Butler, Exhibit “B.”

5. Smith cannot produce Confidential Information Johnson because he is unable to locate Johnson. Johnson was recently indicted. See Indictment of Ivon Johnson, Exhibit “C.” Johnson entered a guilty plea. See Docket in *United States v. Johnson*, Exhibit “D.” Johnson has entered into a Plea Agreement. See Plea Agreement, Exhibit “E.” While the charges against Johnson are brought by the Federal Bureau of Investigation, the Mississippi Attorney General claims to be working jointly with the Federal Bureau of Investigation. See Press Release issued by the Mississippi Attorney General, Exhibit “F.” Thus, the Mississippi Attorney General has control over Johnson.

6. Because Butler is a necessary witness on the pending State's motions, this Court should issue a Writ of *Habeas Corpus Ad Testificandum* requiring Christopher Butler to be at the hearing. This Court should require the Mississippi Attorney General to produce Ivon Johnson at the hearing. This Court should also require production of the Johnson tapes and transcripts of the tapes.

7. Should the State fail to produce this evidence, the charges against Smith should be dismissed with prejudice. The right "to call witnesses in one's own behalf has long been recognized as essential to due process." *Chambers v. Mississippi*, 410 U.S. 284, 294 (1973).

8. On August 15, 2016, at approximately 2:00 p.m., Defendant Smith's attorney notified State's attorneys Larry Baker and Robert Anderson that he requests that they produce Johnson and Butler at the hearing. They declined to do so, claiming the testimony is not relevant. They further state they do not know whether or not there is a transcript of the tapes.

9. On August 15, 2016, defense counsel notified Butler's present attorney, Damon Stevenson, that he intends to request Butler's presence at the hearing.

ACCORDINGLY, Smith requests that at the hearing on the State's Motion to Disqualify Counsel, and the State's Motion for Stay of Proceedings, the Attorney General be required to produce:

- A. The State's "confidential informant," Ivon Johnson;
- B. Christopher Butler, who was last know to be located at the Rankin County Jail, in which case a Writ of *Habeas Corpus Ad Testificandum* should be issued; and
- C. All tape recordings, and transcripts of all tape recordings, containing conversations in which Smith and Ivon Johnson participated.

Respectfully submitted this the 16th day of August, 2016.

ROBERT SMITH, Defendant

By: /s/ *Jim Waide*
Jim Waide, MS Bar No. 6857
waide@waidelaw.com

WAIDE & ASSOCIATES, P.A.
332 North Spring Street
Tupelo, MS 38802-3955
Post Office Box 1357
Tupelo, MS 38802-1357
(662) 842-7324 / Telephone
(662) 842-8056 / Facsimile

ATTORNEYS FOR ROBERT SMITH

CERTIFICATE OF SERVICE

This will certify that undersigned counsel for Defendant has this day filed the above and foregoing with the Clerk of the Court, utilizing this Court's electronic case data filing system, which sent notification of such filing to the following:

Assistant Attorney General Robert Anderson
P. O. Box 220
Jackson, MS 39205
rande@ago.state.ms.us

Assistant Attorney General Larry Baker
P. O. Box 220
Jackson, MS 39205
lbake@ago.state.ms.us

VIA EMAIL:

Deenie L. Glass, Paralegal and
Court Administrator to Judge James D. Bell
BELL & ASSOCIATES, P.A.
318 S. State Street
Jackson, MS 39201
dglass@judgebell.com

VIA EMAIL:

Damon R. Stevenson, Esq.
Stevenson Legal Group, PLLC
1010 N. West Street
Jackson, MS 39202-2568
damon.steven@gmail.com
(Attorney for Christopher Butler)

SO CERTIFIED, this the 16th day of August, 2016.

/s/ Jim Waide

JIM WAIDE

Dear [REDACTED],

My name is Christopher Dale Butler. I'm currently detained at the Hinds County Detention Center in downtown Jackson. I have several [ISSUES] involving prosecutors here in the state of Mississippi. I'm arrested for a \$500 dollar fraud and fake pretense with an excessive bond of \$500,000.00 dollars which is total wrong. Violating my Constitutional Rights (8 amendment). Assistant Attorney Generals' Patrick Peasley and Shaun Yorkhuron are trying to black mail me into telling them something that I just don't know. They asked my attorney Sanford Knox to ask me what my relationship is with the Hinds County D.A. The problem is, I don't have one with him but they told my lawyer that if I don't tell them, that they would give me a bond that is too high to make bond and that they would come with more charges. It isn't fair that I'm being put in between the Hinds County D.A. office and the A.G. office mess. Can someone please

EXHIBIT
tabbies
A

help me with this, I have 2 kids
and a 73 year mother that stays
with me and that is depending on
me.

Included are my Indictment
and a letter from the
D.A. to my attorney showing
his concerns to this matter.

My Indictment has false
charges on it as well.

Thank you
Christopher Potter

Mississippi Statewide VINE

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If you do not see the result you are looking for please try narrowing your search or refer to the Quick Help for more information.

We have found 8 match(es) based on the information you entered.

[Search again](#) [Why can't I find the offender or court case I'm searching for? \(/#/quickhelp?par=search\)](#)

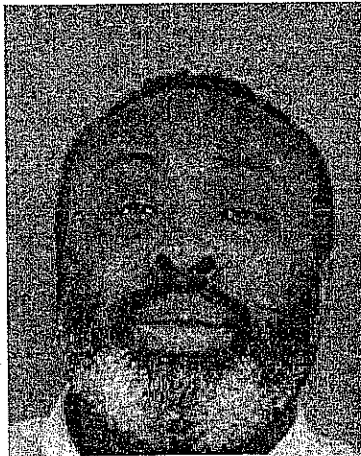
Offender Name:	BUTLER, CHRISTOPHER DALE
Custody Status:	Transferred
Age:	39
Location:	Unknown Agency
Race:	African American
Contact Facility:	Hinds County Sheriffs Department

Registration for notification is not currently available for this offender.

Less Info

Offender ID:	7700030502
Gender:	Male
Date of Birth:	07/11/1977
Additional Information:	(no results)

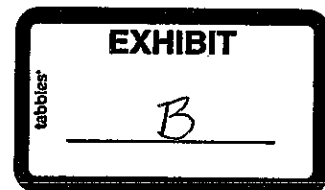
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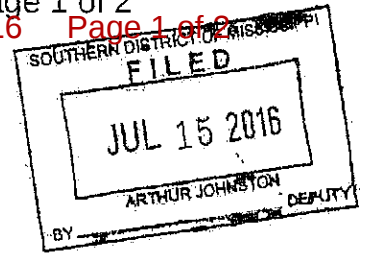


Offender Name:	BUTLER, CHRISTOPHER DON
Custody Status:	Unsupervised Custody
Age:	34
Reason:	Probation or Parole
Race:	White
Contact Facility:	Mississippi Department of Corrections

Notify Me of Status Changes

Less Info





UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

UNITED STATES OF AMERICA

* CRIMINAL NO. 3:16cr52

VERSUS

* JUDGE TSL

IVON JOHNSON

* MAGISTRATE JUDGE LRA

BILL OF INFORMATION

THE UNITED STATES ATTORNEY CHARGES:

COUNT 1

A. CONSPIRACY:

Beginning shortly after June, 2013 and continuing until on or about February of 2016, the exact dates being unknown, in the Southern District of Mississippi, the defendant, IVON JOHNSON, an agent of Hinds County, Mississippi, and others, did combine, conspire, confederate, and agree together to commit an offense or offenses against the United States, to wit: Title 18, United States Code, Section 666(a)(1)(B), that is, did corruptly solicit, demand, accept and agree to accept a thing of value from a person, intending to be influenced and rewarded in connection with a transaction and series of transactions of Hinds County District Attorney's Office involving \$5,000 or more.

B. AT ALL TIMES RELEVANT HEREIN:

Hinds County, Mississippi, a political subdivision of the State of Mississippi, was a local government that received federal assistance in excess of \$10,000 during each one-year period beginning October 1, 2013, and ending September 30, 2015.



C. OBJECT OF THE CONSPIRACY

The primary object of the conspiracy was to obtain money in exchange for favorable treatment in court proceedings in Hinds County, Mississippi.

D. OVERT ACTS:

In furtherance of the conspiracy and to effect the object thereof, IVON JOHNSON, and others, committed or caused to be committed the following overt acts, among others, in the Southern District of Mississippi and elsewhere:

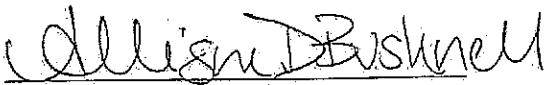
1. IVON JOHNSON accepted money from a co-conspirator, totaling at least \$15,000 throughout the conspiracy, on behalf of criminal defendants, including S.B., an individual charged with a felony offense in Hinds County, Mississippi.

2. On or about October 20, 2014, IVON JOHNSON, as an agent of the Hinds County District's Attorney Office, moved to reduce the bond amount of S.B. from approximately \$15,000 to approximately \$3,500 in exchange for approximately \$500.

All in violation of Title 18, United States Code, Section 371. [18 U.S.C. § 371].

LORETTA E. LYNCH
ATTORNEY GENERAL

STEPHANIE A. FINLEY
UNITED STATES ATTORNEY


By: Allison D. Bushnell (La. Bar No. 27443)
Assistant United States Attorney
300 Fannin St., Ste. 3201
Shreveport, LA 71101-3068
318/676-3600

**U.S. District Court
Southern District of Mississippi (Northern (Jackson))
CRIMINAL DOCKET FOR CASE #: 3:16-cr-00052-TSL-LRA-1**

Case title: USA v. Johnson

Date Filed: 07/15/2016

Assigned to: District Judge Tom S. Lee
Referred to: Magistrate Judge Linda R.
Anderson

Defendant (1)

Ivon Johnson

represented by **Ivon Johnson**
PRO SE

Pending Counts

CONVERTS TO OWN USE PROPERTY
OF ANOTHER
(1)

Disposition

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Disposition

Highest Offense Level (Terminated)

None

Complaints

None

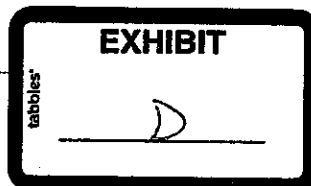
Disposition

Interested Party

Probation Jackson

Interested Party

Probation Officer Chris Whitver



Plaintiff

represented by Allison Duncan Bushnell Federal Gov
 U. S. ATTORNEY'S OFFICE - Shreveport
 Western District of Louisiana
 300 Fannin St., Suite 3201
 Shreveport, LA 71101
 318/676-3618
 Fax: 318/676-3663
 Email: allison.bushnell@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Assistant US Attorney

Date Filed	#	Docket Text
07/15/2016	<u>1</u>	INFORMATION - FELONY as to Ivon Johnson (1) count(s) 1. (RRL) (Entered: 07/15/2016)
07/19/2016		Set/Reset Hearings as to Ivon Johnson: Entry of guilty plea hearing set for 7/28/2016 09:30 AM in Courtroom 4A (Jackson) before District Judge Tom S. Lee (LWE) (Entered: 07/19/2016)
07/19/2016		NOTICE OF SETTING: Initial Appearance and Arraignment set for 7/27/2016 01:30 PM in Courtroom 6D (Jackson) Anderson of the Jackson Federal Courthouse, 501 E. Court Street, Jackson, MS before Magistrate Judge Linda R. Anderson (WG) (Entered: 07/19/2016)
07/27/2016	<u>2</u>	WAIVER of Counsel by Ivon Johnson (WG) (Entered: 07/27/2016)
07/27/2016		Minute Entry for proceedings held before Magistrate Judge Linda R. Anderson: Initial Appearance and Arraignment as to Ivon Johnson (1) Count 1 held on 7/27/2016 in Jackson, MS. Appearances: Allison D. Bushnell, AUSA; Ivon Johnson, pro se defendant; and Robert B. Wilder, Jr., USPO. Defendant sworn and informed of his rights, including the right to counsel and right to indictment by a grand jury. Defendant knowingly and voluntarily waived the right to counsel and his right to indictment by a grand jury. Defendant waived the formal reading of the Bill of Information and entered a plea of not guilty. \$10,000 unsecured bond set and posted. Court will enter order continuing cause for plea and sentence. Defendant shall be released after processing by the U.S. Marshal. Tape Number: 7-27-16-LRA. (WG) (Entered: 07/27/2016)
07/27/2016	<u>3</u>	WAIVER OF INDICTMENT by Ivon Johnson (WG) (Entered: 07/27/2016)
07/27/2016	<u>4</u>	ORDER CONTINUING CAUSE FOR PLEA AND SENTENCE as to Ivon Johnson. Signed by Magistrate Judge Linda R. Anderson on 7/27/2016. (WG) (Entered: 07/27/2016)
07/27/2016	<u>5</u>	ORDER Setting Conditions of Release as to Ivon Johnson (1) \$10,000 unsecured. Signed by Magistrate Judge Linda R. Anderson on 7/27/2016. (WG) (Entered: 07/27/2016)
07/27/2016	<u>6</u>	Unsecured Bond Entered as to Ivon Johnson in the amount of \$ 10,000.00 (WG) (Entered: 07/27/2016)
07/28/2016	✓	Minute Entry for proceedings held before District Judge Tom S. Lee: Change of Plea Hearing/Entry of Guilty as to Ivon Johnson held on 7/28/2016, as to Count 1. MOU and SEALED plea supplement accepted by the court. Sentencing set for 10/13/2016 09:00 AM in Courtroom 4A (Jackson) before District Judge Tom S. Lee. Defendant allowed to remain on present bond. (*Defendant may also retain passport for limited purpose of trip to Jamaica). (*Defendant appeared pro se; AUSA Allison Bushnell; USPO C. Whitver)

Court Reporter/Transcriber Brenda Wolverton, Telephone Number : 601-608-4188. (LWE)
 (Entered: 07/28/2016)

07/28/2016	<u>7</u>	NOTICE OF ASSIGNMENT (PROBATION) Officer Chris Whitver as to Ivon Johnson. (MGB) (Entered: 07/28/2016)
07/28/2016	<u>8</u>	PLEA AGREEMENT as to Ivon Johnson (LWE) (Entered: 07/28/2016)
08/09/2016	<u>10</u>	Digital Audio File regarding Arraignment, Initial Appearance held on 07/27/2016 before Linda R. Anderson.AUDIO FILE size(9.3 MB) (Lewis, Nijah) (Entered: 08/09/2016)

PACER Service Center			
Transaction Receipt			
08/16/2016 09:42:19			
PACER Login:	wl0055:2662661:0	Client Code:	
Description:	Docket Report	Search Criteria:	3:16-cr-00052-TSL-LRA
Billable Pages:	2	Cost:	0.20

PLEA AGREEMENT



Rec'd 7/28/16

Subject United States v. Ivon Johnson Criminal No. 3: 16-52	Date 7-28-16	SOUTHERN DISTRICT OF MISSISSIPPI FILED JUL 29 2016 BY: ARTHUR JOHNSTON DEPUTY
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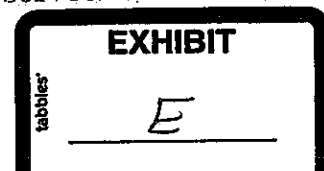
To: Ivon Johnson

From: Allison D. Bushnell
 Assistant United States Attorney
 Western District of Louisiana
 Criminal Division

IVON JOHNSON, Defendant herein, representing himself, has been notified and understands and agrees to the items contained herein, as well as in the Plea Supplement, and that:

1. Count of Conviction. It is understood that, as of the date of this plea agreement, Defendant has indicated that Defendant desires to plead guilty to Count 1 of the Bill of Information.

2. Sentence. Defendant understands that the penalty for the offense charged in Count 1 of the Bill of Information, charging a violation of Title 18, United States Code, Section 371, is not less than zero (0) years nor more than five (5) years in prison; a term of supervised release of not less than one (1) year nor more than three (3) years; and a fine of up to \$250,000. Defendant further understands that if a term of supervised release is imposed, that term will be in addition to any prison sentence Defendant receives; further, if any of the terms of Defendant's supervised release are violated, Defendant can be returned to prison for the entire term of supervised release, without credit for any time already served on the term of



supervised release prior to Defendant's violation of those conditions. It is further understood that the Court may require Defendant to pay restitution in this matter in accordance with applicable law. Defendant further understands that Defendant is liable to make restitution for the full amount of the loss determined by the Court, to include relevant conduct, which amount is not limited to the count of conviction. Defendant further understands that if the Court orders Defendant to pay restitution, restitution payments cannot be made to the victim directly but must be made to the Clerk of Court, Southern District of Mississippi.

3. Determination of Sentencing Guidelines. It is further understood that the United States Sentencing Guidelines are advisory only and that Defendant has considered the fact that the Court must review the Guidelines in reaching a decision as to the appropriate sentence in this case, but the Court may impose a sentence other than that indicated by the Guidelines if the Court finds that another sentence would be more appropriate. Defendant specifically acknowledges that Defendant is not relying upon anyone's calculation of a particular Guideline range for the offense to which Defendant is entering this plea, and recognizes that the Court will make the final determination of the sentence and that Defendant may be sentenced up to the maximum penalties set forth above.

4. Breach of This Agreement and Further Crimes. It is further understood that should Defendant fail or refuse as to any part of this plea agreement or commit any further crimes, then, at its discretion, the U.S. Attorney may treat such conduct as a breach of this plea agreement and Defendant's breach shall be considered sufficient grounds for the pursuit of any prosecutions which the

U.S. Attorney has not sought as a result of this plea agreement, including any such prosecutions that might have been dismissed or otherwise barred by the Double Jeopardy Clause, and any federal criminal violation of which this office has knowledge.

5. **Financial Obligations.** It is further understood and specifically agreed to by Defendant that, at the time of the execution of this document or at the time the plea is entered, Defendant will then and there pay over the special assessment of \$100.00 per count required by Title 18, United States Code, Section 3013, to the Office of the United States District Court Clerk; Defendant shall thereafter produce proof of payment to the U.S. Attorney or the U.S. Probation Office. If the Defendant is adjudged to be indigent, payment of the special assessment at the time the plea is entered is waived, but Defendant agrees that it may be made payable first from any funds available to Defendant while Defendant is incarcerated. Defendant understands and agrees that, pursuant to Title 18, United States Code, Section 3613, whatever monetary penalties are imposed by the Court will be due and payable immediately and subject to immediate enforcement by the United States as provided in Section 3613. Furthermore, Defendant agrees to complete a Department of Justice Financial Statement no later than the day the guilty plea is entered and provide same to the undersigned AUSA. Defendant also agrees to provide all of Defendant's financial information the Probation Office and, if requested, to participate in a pre-sentencing debtor's examination. If the Court imposes a schedule of payments, Defendant understands that the schedule of payments is merely a minimum schedule of payments and not the only method, nor a limitation

on the methods, available to the United States to enforce the judgment. If Defendant is incarcerated, Defendant agrees to participate in the Bureau of Prisons' Inmate Financial Responsibility Program regardless of whether the Court specifically directs participation or imposes a schedule of payments. Defendant understands and agrees that Defendant shall participate in the Treasury Offset Program until any and all monetary penalties are satisfied and paid in full by Defendant.

6. **Transferring and Liquidating Assets.** Defendant understands and agrees that Defendant is prohibited from transferring or liquidating any and all assets held or owned by Defendant as of the date this Plea Agreement is signed. Defendant must obtain prior written approval from the U.S. Attorney's Financial Litigation Unit prior to the transfer or liquidation of any and all assets after this Plea Agreement is signed and if Defendant fails to do so the Defendant understands and agrees that an unapproved transfer or liquidation of any asset shall be deemed a fraudulent transfer or liquidation.

7. **Future Direct Contact With Defendant.** Defendant acknowledges that if forfeiture, restitution, a fine, or special assessment or any combination of forfeiture, restitution, fine, and special assessment is ordered in Defendant's case that this will require regular contact with Defendant during any period of incarceration, probation, and supervised release. Further, Defendant understands that it is essential that defense counsel contact the U.S. Attorney's Financial Litigation Unit immediately after sentencing in this case to confirm in writing whether Defendant will continue to represent himself in this case and in matters involving the collection of the financial obligations imposed by the Court. If the U.S.

Attorney does not receive any written acknowledgment from Defendant within two weeks from the date of the entry of Judgment in this case, the U.S. Attorney will presume that Defendant will represent himself and the Financial Litigation Unit will communicate directly with Defendant regarding collection of the financial obligations imposed by the Court. Defendant understands and agrees that such direct contact with Defendant shall not be deemed an improper *ex parte* contact with Defendant if Defendant fails to notify the U.S. Attorney of any change in legal representation within two weeks after the date of entry of the Judgment in this case.

8. Waivers. Defendant, knowing and understanding all of the matters aforesaid, including the maximum possible penalty that could be imposed, and being advised of Defendant's rights to remain silent, to trial by jury, to subpoena witnesses on Defendant's own behalf, to confront the witnesses against Defendant, and to appeal the conviction and sentence, in exchange for the U.S. Attorney entering into this plea agreement and accompanying plea supplement, hereby expressly waives the following rights (except that Defendant reserves the right to raise ineffective assistance of counsel claims):

a. the right to appeal the conviction and sentence imposed in this case, or the manner in which that sentence was imposed, on the grounds set forth in Title 18, United States Code, Section 3742, or on any ground whatsoever, and

b. the right to contest the conviction and sentence or the manner in which the sentence was imposed in any post-conviction proceeding, including but not limited to a motion brought under Title 28, United States Code, Section

2255, and any type of proceeding claiming double jeopardy or excessive penalty as a result of any forfeiture ordered or to be ordered in this case, and

c. any right to seek attorney fees and/or costs under the "Hyde Amendment," Title 18, United States Code, Section 3006A, and the Defendant acknowledges that the government's position in the instant prosecution was not vexatious, frivolous, or in bad faith, and

d. all rights, whether asserted directly or by a representative, to request or receive from any department or agency of the United States any records pertaining to the investigation or prosecution of this case, including without limitation any records that may be sought by Defendant or by Defendant's representative under the Freedom of Information Act, set forth at Title 5, United States Code, Section 552, or the Privacy Act of 1974, at Title 5, United States Code, Section 552a.

e. Defendant further acknowledges and agrees that any factual issues regarding the sentencing will be resolved by the sentencing judge under a preponderance of the evidence standard, and Defendant waives any right to a jury determination of these sentencing issues. Defendant further agrees that, in making its sentencing decision, the district court may consider any relevant evidence without regard to its admissibility under the rules of evidence applicable at trial.

Defendant waives these rights in exchange for the United States Attorney entering into this plea agreement and accompanying plea supplement.

9. Complete Agreement. It is further understood that this plea agreement and the plea supplement completely reflects all promises, agreements and conditions made by and between the United States Attorney's Office for the Western District of Louisiana and Defendant.

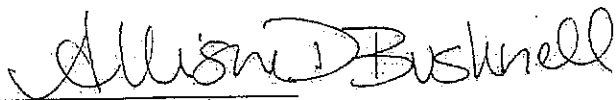
Defendant and Defendant's attorney of record declare that the terms of this plea agreement have been:

1. READ BY OR TO DEFENDANT;
2. EXPLAINED TO DEFENDANT BY DEFENDANT'S ATTORNEY;
3. UNDERSTOOD BY DEFENDANT;
4. VOLUNTARILY ACCEPTED BY DEFENDANT; and
5. AGREED TO AND ACCEPTED BY DEFENDANT.

WITNESS OUR SIGNATURES, as set forth below.

LORETTA E. LYNCH
ATTORNEY GENERAL of the UNITED STATES

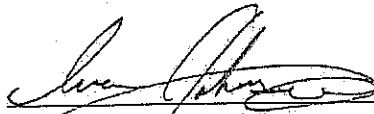
STEPHANIE A. FINLEY
United States Attorney



ALLISON D. BUSHNELL
Assistant United States Attorney

7/14/16

Date

 Pro Se

IVON JOHNSON
Defendant

07/14/2016

Date

N/A
Attorney for Defendant

Date



Fax: (601) 359-2009
www.agjimhood.com

NEWS RELEASE
Date: June 22, 2016
FOR IMMEDIATE RELEASE

Rachael Ring
Public Information Officer
(601) 359-3279
rring@ago.state.ms.us

Hinds County District Attorney Arrested; Accused of Illegally Consulting Criminal Defendants

Jackson, Miss.- Hinds County District Attorney Robert Shuler Smith was arrested today following a joint investigation by the Attorney General's Office and the FBI into allegations that Smith illegally advised or defended individuals charged with crimes, Attorney General Jim Hood announced today.

Smith, 45, of Jackson, was arrested at his office by investigators with the Attorney General's Office and the Hinds County Sheriff's Office. Smith was charged with six counts of violating Mississippi Code Section 97-11-3, a misdemeanor. That law states that the attorney general or district attorney shall not "consult, advise, counsel or defend" a person charged with a crime or misdemeanor.

The joint investigation between the Attorney General's Office and FBI revealed that Smith violated Mississippi law related to his involvement with two different criminal defendants while serving as district attorney.

Smith was booked into the Hinds County Jail. If convicted, Smith could be removed as district attorney and prohibited from holding any other elected office or government position. Additionally, he faces a \$500 fine.

"It is particularly sad to have to prosecute and seek removal from office a fellow prosecutor," said Attorney General Jim Hood. "We greatly appreciate the hard work of the FBI on this case and we hope to resolve this as soon as possible."

"Those who are sworn to uphold the law are not above the law," said Donald Alway, special agent in charge of the FBI in Mississippi. "Though today's charges are only allegations, public corruption poses a fundamental threat to our national security and way of life. It impacts everything from how well our borders are secured and our neighborhoods protected...to verdicts

