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August 15, 2016

VIA FEDERAL EXPRESS

Attn: Rusty Holmes
Mississippi Supreme Court
450 High Street
Carroll Gartin Building
Jackson, MS 39201

Re: **The Mississippi Bar v. Robert Schuler Smith**
Cause No. 2016-B-01062

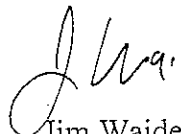
Dear Mr. Holmes:

Please find enclosed an Original and three (3) copies of the Answer of Respondent to Formal Complaint of the Mississippi Bar in the above-styled cause.

Consistent with my Certificate, I have mailed a copy of same to counsel of record.

With kindest regards, I am

Sincerely yours,


Jim Waide

JDW/mas
Enclosures

cc: Adam B. Kilgore, Esq.

SUPREME COURT OF MISSISSIPPI
(COMPLAINT TRIBUNAL)

THE MISSISSIPPI BAR

COMPLAINANT

VS.

CAUSE NO. 2016-B-01062

ROBERT SCHULER SMITH

RESPONDENT

ANSWER OF RESPONDENT TO FORMAL COMPLAINT
OF THE MISSISSIPPI BAR

COMES NOW Respondent Robert Schuler Smith, and having waived service of process, files this Answer to the Formal Complaint filed against him as follows:

COUNT I

Facts Regarding Allegations by County Court Judge Priester

Smith admits the allegations in paragraphs 1-7 of Count I of the Formal Complaint. Smith denies paragraphs 8-10 of Count I of the Formal Complaint.

Smith did not “disrupt a tribunal” or commit any other act of professional misconduct. As demonstrated by the preliminary hearing transcript, Exhibit “A,” Smith did attend the preliminary hearing of Christopher Butler, where he properly brought to County Court Judge Melvin Priester’s attention:

1. that drugs had been planted on Butler;
2. that at the request of the Attorney General, Circuit Judge Green had *ex parte* suppressed subpoenas which Smith had issued to assistant attorneys general and a circuit judge. The

subpoenas were issued to investigate allegations of threats against Butler by law enforcement officers and an employee of the Attorney General; and

3. that under *Williams v. State*, 184 So.3d 908 (Miss. 2014), the Attorney General has no authority to bring criminal charges without the consent of the district attorney.

These matters, which Smith properly brought to the attention of Judge Priester, had a basis in fact. See:

Exhibit "B": Affidavits of Stanley D. Smith and James Earl Smith;

Exhibit "C": Preliminary Report of Assistant District Attorney Jamie McBride to Smith with respect to a videotape of a search of the Butler home;

Exhibit "D": Sworn transcript of the statement of Josh Ledford, describing the search of the Butler home; and

Exhibit "E": Letter written by Christopher Butler.

COUNT II

Facts Regarding Allegations by Judge Green

With respect to Count II of the Complaint (Complaint by Circuit Judge Green), Smith denies paragraphs 15-21. Smith admits paragraphs 11-14.

Smith agrees that Judge Green, through *ex parte* communication with representatives of the Mississippi Attorney General's office, suppressed subpoenas, including subpoenas served upon assistant attorneys general Shaun Yurtkuran and Patrick Beasley. Without prior notice to the district attorney, Judge Green then appointed Amy Whitten as Special Master. District Attorney Smith knows of no statutory authority for appointment of a Special Master, at taxpayer expense, in a criminal case. Such an appointment is an unlawful expenditure of taxpayer money.

Smith attempted to investigate to determine by what authority such a “Special Master” was being appointed.

Smith admits that he did have a press conference because the public has a legitimate interest in knowing about unlawful conduct, even by a judge. Smith had ample factual basis for believing Judge Green was issuing unlawful orders in criminal cases. See, for example, documents contained in Exhibit “F.” These are documents evidencing Judge Green’s releasing criminal defendants under the supervision of a private company. There is no statutory authority to use taxpayer funds to pay a private company for supervising pretrial detainees, and some of the orders so releasing criminal defendants were without appropriate notice to the district attorney.

Smith’s note to Judge Green was not related to any pending case. It was written because Smith’s mother had requested to meet with Judge Green, since she wanted Smith and Judge Green to “get along.”

Affirmative Defenses Applicable to Both Counts

Smith raises the following affirmative defenses with respect to both Counts.

1. All of Smith’s speech is protected by the United States Constitution, Amendment One. His speech was not designed to influence any adjudicatory body. There was no “legitimate interest” in “regulating the speech.”¹ “[I]t is a prized American privilege to speak one’s mind, although not always with perfect good taste, . . . And an enforced silence, however limited, solely in the name of preserving the dignity of the bench, would probably engender resentment, suspicion, and contempt”²

¹*Gentile v. State Bar of Nevada*, 501 U.S. 1030, 1075 (1991).

²*Bridges v. State of California*, 314 U.S. 252, 270-271 (1941).

2. The Mississippi Bar disciplinary rules do not clearly prohibit the conduct complained of. The Bar rules are, therefore, unconstitutionally vague and unenforceable under the Fourteenth Amendment of the United States Constitution.

3. Taking disciplinary action against Smith based on allegations brought by judges who have themselves made *ex parte* communications, violates the clean hands doctrine and the equal protection clause of the Fourteenth Amendment to the United States Constitution.

4. The Mississippi Attorney General has made communications for the purpose of influencing a tribunal by sending out a press release announcing Smith's arrest, and implying that the Federal Bureau of Investigations supports the arrest. See Exhibit "G," Press Release from Attorney General Jim Hood. To prosecute Smith for communications with the press, without also prosecuting the Attorney General, denies equal protection of the law guaranteed by the Fourteenth Amendment.

5. There can be no sanction for any communication with a special master, appointed without lawful authority at taxpayer expense.

WHEREFORE, PREMISES CONSIDERED, Respondent Robert Schuler Smith requests that this hearing tribunal dismiss the Bar Complaint at the expense of Judges Green and Priester; alternatively, the Bar Complaint should be dismissed at the expense of the Bar. Because the action lacks a reasonably factual and legal basis, attorneys' fees should be assessed in Smith's favor.

RESPECTFULLY SUBMITTED, this the 15th day of August, 2016.

ROBERT SCHULER SMITH, Respondent

By: Jim Waide
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ATTORNEYS FOR RESPONDENT

CERTIFICATE OF SERVICE

This will certify that undersigned counsel for Respondent has this day served a true and correct copy of the above and foregoing **Answer of Respondent to Formal Complaint of the Mississippi Bar** upon all counsel of record by placing said copy in the United States Mail, postage-prepaid, addressed as follows:

**Adam B. Kilgore, Esq.
General Counsel
The Mississippi Bar
Post Office Box 2168
Jackson, MS 39225-2168**

DATED, this the 15th day of August, 2016.



Jim Waide

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IN THE COUNTY COURT OF THE FIRST JUDICIAL
DISTRICT OF HINDS COUNTY, MISSISSIPPI

STATE OF MISSISSIPPI

VERSUS

CAUSE NO.: 16-50-AG

CHRISTOPHER BUTLER

DEFENDANT

* * * * *

TRANSCRIPT OF THE PROCEEDINGS HAD AND DONE IN
THE PRELIMINARY HEARING OF THE ABOVE-STYLED AND
NUMBERED CAUSE BEFORE THE HONORABLE MELVIN V.
PRIESTER, SR., HINDS COUNTY COURT JUDGE, ON THE
3RD DAY OF MARCH, 2016.

* * * * *

APPEARANCES:

Present and Representing the State:

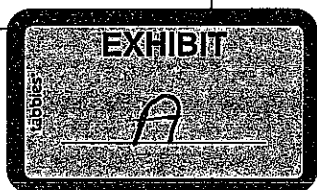
HONORABLE SHAUN YURTKURAN
HONORABLE PATRICK BEASLEY
ATTORNEY GENERAL'S OFFICE

Present and Representing the Defendant:

HONORABLE SANFORD KNOTT
ATTORNEY AT LAW

Also Present:

Honorable Robert S. Smith
Hinds County District Attorney



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TABLE OF CONTENTS

	PAGE
Style and Appearances -----	1
Table of Contents -----	2
Hearing Matters -----	3
Court's Ruling -----	28
Further Discussions -----	28
Court's Ruling -----	31
Hearing Concluded -----	34
Court Reporter's Certificate -----	35

1
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BY THE COURT: ~~State of~~
Mississippi v. Christopher Butler.
This is his preliminary hearing.

There are several issues,
obviously, that need to be dealt with
before we actually get to a prelim.
Mr. Knott, since you are there, why
don't you outline what your issues
are.

BY MR KNOTT: Very good, Your
Honor. Judge, good morning.

BY MR. SMITH: I'm sorry. Let me
just interrupt for one second.

BY MR KNOTT: Yes.

BY MR. SMITH: Your Honor, I think
the AG's Office is here to present the
case against Mr. Butler. And I
personally would like to know what
that is. I mean, I'm not trying to
interfere with the proceedings. I'm
just wanting to see what this is
about.

BY THE COURT: Personally you
would like to know what?

BY MR. SMITH: What the evidence

1 is. I think they are here to present
2 evidence in this case.

3 BY THE COURT: And you obviously
4 have a problem with that?

5 BY MR. SMITH: Well, we'll get
6 to-- yes, sir. But as far as the
7 presentation, I would like to hear
8 from them.

9 BY THE COURT: Well, as far as the
10 presentation, I want to hear from Mr.
11 Knott as to what his issues are.

12 BY MR. SMITH: Yes, sir.

13 BY MR. KNOTT: Your Honor, Mr.
14 Butler reported to court on two
15 affidavits that I received as of
16 yesterday. One of which is one
17 affidavit for false pretenses and the
18 other is for mail fraud. Does the
19 Court have a copy of the affidavits?

20 BY THE COURT: I do.

21 BY MR. KNOTT: Upon first looking
22 at the affidavit, I notice that the
23 affidavit is not only being prosecuted
24 by the AG's Office but it's also being
25 signed by the AG's Office.

1 ~~It's our position, Your Honor,~~
2 that the AG's Office does not have the
3 authority to prosecute Mr. Christopher
4 Butler on these charges, given that
5 these cases are cases arising out of
6 Hinds County; and there is simply no
7 authority for them to intervene at
8 this point in time.

9 This is not a case that has not
10 been decided before; that is, these
11 issues. These very same issues have
12 already been decided back in 2013 by
13 our Supreme Court in the case of
14 *Harvey Williams v. The State of*
15 *Mississippi*; a copy of which I have
16 given to counsel opposite and a copy
17 which, if I may, approach to give to
18 the Court.

19 BY THE COURT: (Examines
20 documents)

21 BY MR. KNOTT: Of the issues that
22 were presented in that case-- and if I
23 can just give a little bit of
24 background in that case. Harvey
25 Williams was indicted by the Hinds

1 County grand jury and charged with
2 murder arising out of an incident that
3 happened in the nightclub in 2003.

4 His case proceeded to trial in
5 2007, from which he was convicted by a
6 Hinds County jury. The case was
7 appealed. It was reversed and
8 remanded back to the lower court for
9 trial.

10 Upon receiving the remand order,
11 the District Attorney's Office
12 exercised its lawful discretion and
13 requested the case be dismissed. They
14 found out there was some additional
15 evidence that came up which had a
16 tendency to clear Mr. Williams, and so
17 they moved for the case to be
18 dismissed.

19 It was dismissed by the Honorable
20 Judge Hilburn. However, within a few
21 days after dismissing the case, Judge
22 Hilburn set that aside. Within months
23 after that-- I think Judge Hilburn may
24 have retired at that point in time--
25 Judge Weill took over the case,

1 disqualified the District Attorney's
2 Office and appointed the AG's Office
3 to prosecute Mr. Harvey Williams.

4 Now, at that point and at all
5 times therein, the District Attorney's
6 Office had not moved to be
7 disqualified nor did they have a
8 conflict of interest, but it exercised
9 their independent discretion to not
10 prosecute Mr. Williams because of
11 their independent investigation.

12 And, so, this case went up on
13 appeal. And in 2013 the Supreme Court
14 of Mississippi indicated and ruled
15 that the AG's Office did not have the
16 authority to intervene against the
17 will of the District Attorney to
18 prosecute Mr. Williams.

19 Now, the Supreme Court made it
20 very very clear-- and I will direct
21 the Court's attention to page 8 of
22 that opinion. At the bottom of page 8
23 where it starts "Under the applicable
24 statute," the Court reviewed the
25 statute that permitted the AG's Office

1 to get involved. That's Mississippi
2 Code Annotated Section 7-5-53.

3 And I quote, "Under the applicable
4 statute only two scenarios permit the
5 involvement of the Attorney General.
6 Number one, when required by public
7 service or, number 2, when directed by
8 the governor in writing. If one of
9 those applies, the Attorney General is
10 to assist the local District Attorney
11 in the discharge of his or her duties.

12 Here, the Court said District
13 Attorney Smith did not request or
14 require assistance. He decided, in
15 his discretion, not to prosecute this
16 case. That decision duly was ratified
17 by the order of the circuit judge;
18 namely, Judge Hilburn."

19 And, Judge, at the bottom of that
20 opinion-- let me direct the Court's
21 attention to paragraph 23. Paragraph
22 23 basically indicates when the AG's
23 Office could be appointed to prosecute
24 in this jurisdiction. And it says
25 that, and I quote,

1 "If at the time of impaneling the
2 grand jury in any circuit court the
3 District Attorney be absent or unable
4 to perform its duties, or if after
5 impaneling the grand jury the District
6 Attorney be absent or unable to
7 perform his duties or be disqualified,
8 the Court shall forthwith appoint some
9 attorney at law to act for the State
10 in the place of the District Attorney
11 during his absence or inability or
12 disqualification. And the person
13 appointed shall have the power to
14 discharge all the duties of the office
15 during the absence or inability or
16 disqualification of the District
17 Attorney."

18 And, so, the Court goes on to
19 summarize that in the case of Mr.
20 Williams there is no directive by the
21 governor. There was no finding that
22 it was required by public service.
23 There was no motion to recuse other
24 District Attorneys' Office to-- that
25 it could not handle this case. And

1 because of those things, among others,
2 the Supreme Court found that the AG's
3 Office could not intervene in this
4 case.

5 Now, that case is no different
6 from this case. After finding out and
7 reviewing the affidavit, this morning
8 I went and visited with the District
9 Attorney's Office and ask the question
10 specifically "did the District
11 Attorney's Office request the
12 assistance of the Attorney General to
13 prosecute Mr. Butler?" And the answer
14 was no. And the District Attorney is
15 here in person to confirm that.

16 So, based upon the clear law that
17 we now have, which, incidentally,
18 arose out of this jurisdiction back in
19 2013, this case and these affidavits
20 that were filed against Mr. Butler
21 were not filed because they had
22 permission and were not filed because
23 they had authorization by the
24 governor. They were not filed because
25 Mr. Smith and his office had recused

1 himself or otherwise been
2 disqualified.

3 They were filed against Mr. Butler
4 as an attempt to, I take it, intervene
5 in this case and, in essence, overrule
6 the District Attorney's Office. And
7 so, therefore, Judge, based upon this
8 case alone and the law that is cited
9 therein, these affidavits should be
10 dismissed.

11 BY THE COURT: Thank you, Mr.
12 Knott. Mr. Smith, would you like to
13 be heard now?

14 BY MR. SMITH: After the AG's
15 Office.

16 BY THE COURT: You were just kind
17 of--

18 BY MR. SMITH: Well, they brought
19 the case.

20 BY THE COURT: Come to the podium,
21 please, and tell me what your position
22 is.

23 BY MR. SMITH: Well, first all, I
24 do agree with counsel. The AG's
25 Office is well aware of Harvey

1 *Williams v. State*. That was a case
2 that went all the way to the Supreme
3 Court that clarified existing law that
4 says they cannot prosecute cases in
5 Hinds County at their discretion. I
6 was actually one of the respondents in
7 that matter.

8 I think that they have brought
9 this case, which is on July 19th-- I
10 don't even know whose-- can I approach
11 the bench, Your Honor?

12 BY THE COURT: (Gestures for him
13 to come forward.)

14 BY MR. SMITH: --whose signature
15 that is at the bottom. I don't
16 recognize it. I just want to identify
17 that signature at the bottom.

18 BY THE COURT: (Examines document)
19 It looks like Judge Morton.

20 BY MR. SMITH: That's one of the
21 things that I was going to allow the
22 Attorney General's Office to
23 authenticate, is this affidavit. And
24 then I'll respond.

25 (No response from the Attorney General's

1 Office.)

2 BY MR. SMITH: I would just like
3 the record to reflect that today's
4 date is March 3, 2016, and that the
5 Attorney General's Office is present
6 in the courtroom. Shaun Yurtkuran and
7 Patrick Beasley, representing the
8 Attorney General's Office in court
9 today, along with other employees of
10 the AG's Office.

11 I wanted the record to reflect
12 that they are present here today.

13 BY THE COURT: The record will so
14 reflect.

15 BY MR. SMITH: Thank you.

16 BY THE COURT: Particularly since
17 I'm going to ask one of you to come
18 forward and tell me what your position
19 is now. When I say "your" position, I
20 mean the Attorney General's Office.

21 BY MR. YURTKURAN: Yes, Your
22 Honor. May I approach?

23 BY THE COURT: Please.

24 BY MR. YURTKURAN: Your Honor, of
25 course, we were here for a preliminary

1 hearing. That's what was scheduled
2 for today. We have just been hit with
3 this case, I guess is what Mr. Knott
4 explained.

5 So let me just-- from what I
6 understand. I know of the *Harvey*
7 *Williams* case as the facts scenario
8 being completely different than this
9 case. In that case that District
10 Attorney's Office, under Faye
11 Peterson, had actually indicted that
12 case. Later Mr. Smith assumed office
13 and then he attempted to, I believe,
14 nol pros the case. Judge Weill tried
15 to transfer it to the Attorney
16 General's Office and the Court said
17 that he couldn't do that. That's what
18 I believe the case does say.

19 Mr. Knott's argument is that
20 essentially that the Attorney General
21 of the State of Mississippi doesn't
22 have the authority to prosecute any
23 case in the entire state without the
24 consent of the District Attorney of
25 each corresponding district.

1 Your Honor, I think that position
2 is wrong. I don't see how it's
3 possible. And again, in this case
4 specifically, there's a code section
5 7559 which gives the Attorney General
6 authority to investigate white collar
7 crimes, including wire fraud for which
8 the defendant is charged in this case.

9 Your Honor, if this were the case,
10 that the District Attorney has to
11 agree to every prosecution that the
12 Attorney General engages in-- has the
13 District Attorney objected to every
14 single one in the past, or has he
15 agreed to every one in the past? I
16 think that needs to be explained to
17 the Court as well.

18 And finally, Your Honor, this
19 seems a more appropriate argument for
20 after this defendant has been
21 indicted, not for a preliminary
22 hearing. Thank you, Your Honor.

23 BY THE COURT: Defendant has not
24 been indicted yet?

25 BY MR. YURTKURAN: No, Your Honor.

1 This is his preliminary hearing.

2 BY THE COURT: This is his
3 preliminary hearing.

4 BY MR. YURTKURAN: He has been
5 indicted in other cases that the DA's
6 Office is handling.

7 BY MR. KNOTT: It matters not that
8 the defendant has been indicted, Your
9 Honor. If the AG's Office has the
10 authority, they have the authority.
11 If they don't have the authority, then
12 they don't have the authority. It
13 matters not about indicting.

14 In the *Harvey Williams* case, at
15 the time Judge Weill got the case--
16 it's in the opinion-- he agreed that
17 when Judge Hilburn had set aside the
18 order of dismissal that Judge Hilburn
19 was in error and said the case should
20 have been dismissed.

21 At that point Judge Weill,
22 nevertheless, said, okay. AG's
23 Office, you can intervene at this
24 point in time and you can prosecute.
25 In other words, they had to go back

1 through the original steps of doing
2 it.

3 So it matters not that he has been
4 indicted or not because the case was
5 dismissed in the *Harvey Williams* case.
6 Judge Weill was wrong, with all due
7 respect to the Court, according to our
8 Supreme Court.

9 Before the AG can get involved,
10 they have to have the statutory
11 authority to do so. And that's why
12 the Supreme Court went through such
13 great pains in outlining for the bench
14 and the bar exactly what their
15 responsibilities are and their
16 authority--

17 BY THE COURT: Let me cut you off
18 just for the sake of time.

19 BY MR KNOTT: Sure.

20 BY THE COURT: If he hasn't been
21 indicted and this is his preliminary
22 hearing, which group is--

23 BY MR. SMITH: They can present it
24 and I'll join them.

25 BY THE COURT: You have no problem

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with joining their--

BY MR. SMITH: I'm not joining with them but they can proceed. They can continue their preliminary hearing, but I do have a response after they present this.

BY THE COURT: Well, you are saying they can continue it. Mr. Smith, to my knowledge, it hasn't been started.

BY MR. SMITH: Your Honor, I'll just get right to it.

BY THE COURT: Thank you. I appreciate it.

BY MR. SMITH: On the 19th of January Mr. Yurtkuran, who is seated over here in the courtroom, and Patrick Beasley were subpoenaed. A subpoena was issued to them by the District Attorney's Office. They were supposed to show up on the 19th of January. Okay.

When they did not show up, of course, there was ex parte communications with the circuit judge,

1 Tomie Green, and she issued an order
2 to set these subpoenas aside
3 temporarily, and then she recused
4 herself and appointed another judge.
5 On the same day that that happened,
6 while we were inside the hearing, they
7 filed this affidavit on Mr. Butler.

8 Now, these two gentlemen were in
9 the District Attorney's Office; know
10 about Mr. Butler's case, know that
11 it's under investigation, know that
12 the charges against Mr. Butler on the
13 drug charges were-- and I do believe
14 that the Court did hear the forfeiture
15 hearing where the agents seized a
16 videotape. And that videotape was
17 seized by that agency and obstructed
18 justice so that no one would see what
19 was on that videotape which would show
20 that Mr. Butler was framed twice.
21 They know that.

22 BY THE COURT: Well, I personally
23 take issue with that in that I sat
24 through watching that video for
25 approximately 12 to 16 hours, and

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there was nothing to show.

BY MR. SMITH: Well, we have an expert who corroborates the fact that it was tampered with.

BY THE COURT: Well, that's a little different than what you said.

BY MR. SMITH: Right. So--

BY MR. YURTKURAN: Your Honor, for the record, I've never seen the video. I just wanted that clear.

BY THE COURT: But I have seen the video.

BY MR. SMITH: They are still under subpoena. They have been running around trying to avoid it. But they still have to show up at the next hearing.

So, on the day that they were supposed to show up and didn't, they filed this charge at 5:00 with no hearing, neither did the Court have a hearing on the subpoenas to be quashed which is required, and then jumped off the case and set a special master on a criminal case.

1 BY THE COURT: They filed a
2 request for a subpoena to be quashed,
3 you said?

4 BY MR. SMITH: Well, they did it
5 ex parte, yes, sir. And once the
6 order was delivered to me around
7 almost 5:00, Mr. Butler then gets
8 arrested for this, knowing that the
9 subject matter of the testimony was
10 about Christopher Butler's
11 indictments. They know that.

12 BY THE COURT: The subject matter
13 of their testimony for which you had
14 subpoenaed?

15 BY MR. SMITH: Yes, sir.

16 BY THE COURT: All right.

17 BY MR. SMITH: So it's
18 interesting-- I'd like to hear what
19 they have to say about that.

20 BY THE COURT: Well, Mr. Smith,
21 I'm going to have to ask you to stay
22 at the podium until I tell you to sit
23 down; because it seems like every time
24 you're walking away and we haven't, in
25 my opinion, sufficiently finished our

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discussion.

BY MR. SMITH: Okay.

BY THE COURT: Obviously, by way of some of the allegations you've made just now--

BY MR. SMITH: I can prove every last one of them. Yes, sir.

BY THE COURT: Fine. But you know what? I don't care.

BY MR. SMITH: Okay!

BY THE COURT: All right. If this is how we're going to deal with each other, we'll deal with each other this way.

BY MR. SMITH: Yes, sir.

BY THE COURT: I don't care what you feel you can prove. What I care about is the fact that there's an initial appearance scheduled for today on this defendant for specific charges. And I'm not going to inject myself into the cloak and dagger issues between the DA's Office and the senior circuit judge and whatever judge or whoever it was that took the

1 case. That's way over my pay grade
2 right now. Okay.

3 BY MR. SMITH: I understand that,
4 yes, sir.

5 BY THE COURT: What they did or
6 didn't do on whatever day you said
7 was, I really don't care because I
8 don't think it has one ounce of impact
9 on a preliminary hearing.

10 BY MR. SMITH: Well, may I say
11 this? *Harvey Williams v. State* has an
12 impact on this matter, and that went
13 to the Supreme Court. I'm finished
14 with my discussion for now unless you
15 have questions for me. And I'll let
16 the AG's Office present their case.

17 BY MR. BEASLEY: Your Honor, may I
18 be heard very briefly?

19 BY THE COURT: Very briefly.

20 BY MR. BEASLEY: I believe what
21 Mr. Knott-- and Mr. Knott, please
22 correct me if I'm wrong. What he's
23 basically saying is that we don't have
24 jurisdiction to proceed in this
25 matter. If that's his position, I

1 would ask the Court, if the Court is
2 going to rule on that, then to go
3 ahead and make that ruling; and then
4 we'll respect the Court's ruling and
5 basically go back to the office.

6 This suggestion that we be allowed
7 to put on a preliminary hearing and
8 then the District Attorney make a
9 decision or give a dissertation on his
10 position at that point, we would
11 object to.

12 BY THE COURT: It's clearly your
13 position, Mr. Smith, that the Hinds
14 County DA have the authority to go
15 forward on this initial appearance and
16 not the Attorney General's Office? Is
17 that basically correct?

18 BY MR. SMITH: That's my
19 understanding of the Supreme Court
20 case.

21 BY THE COURT: I'm asking you
22 that.

23 BY MR. SMITH: Maybe I just didn't
24 understand you. You asked me was that
25 what *Harvey Williams v. State*

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represents?

BY THE COURT: I'm asking you what the position of the Hinds County District Attorney's Office is relative to the Attorney General's Office of the State of Mississippi presenting this initial appearance.

BY MR. BEASLEY: Preliminary hearing.

BY THE COURT: Excuse me. Preliminary hearing.

BY MR. SMITH: Well, they can present it, but at the same time, Your Honor-- I'm allowing them to present it for a different reason that you say was above your pay grade. But I think that they understand *Harvey Williams v. State*, and they know not to intervene in Hinds County cases.

BY THE COURT: All right. Let's get down to brass tacks.

BY MR. SMITH: Okay.

BY THE COURT: Are you prepared to present this?

BY MR. SMITH: They filed it.

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BY THE COURT: Are you prepared to present this?

BY MR. SMITH: I'm prepared to listen to what they are going to present.

BY THE COURT: Are you-- and all I want is a yes or no-- prepared to present this right now?

BY MR. SMITH: I'm prepared to enforce the subpoenas that I served on these two who have evaded process for the last month. That's what I'm prepared to do. But I cannot present a case that I didn't bring.

BY THE COURT: So your answer is no, you're not prepared to present this?

BY MR. SMITH: Your Honor, it's very clear.

BY THE COURT: No, no. I don't want to hear anything--

BY MR. SMITH: It's very clear that I'm not presenting it.

BY THE COURT: I want to hear an answer to my question first.

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BY MR. SMITH: It's very clear--

BY THE COURT: I want to hear an answer to my question first.

BY MR. SMITH: I have answered it.

BY THE COURT: No, you haven't.

BY MR. SMITH: And I have said--

BY THE COURT: You haven't answered it satisfactorily.

BY MR. SMITH: That I did not have the case.

BY THE COURT: You have not answered it satisfactorily.

BY MR. SMITH: I did not present the case. I did not file this affidavit.

BY THE COURT: So the answer to my question is you do not at this point in time stand ready to present this matter today?

BY MR. SMITH: Not until they confer with my office like the Supreme Court said they should.

BY THE COURT: All right. I assume you have witnesses to present, Mr. Knott?

1 BY MR. KNOTT: Well, for purposes
2 of the prelim, we do not have
3 witnesses, unless we have to have a
4 prelim and then we have to have a
5 bond-- unless the subject of bond
6 comes up.

7 BY THE COURT: Okay. I guess I
8 should say, do you have any witnesses?

9 BY MR. KNOTT: We do. For
10 purposes of bond. That's correct,
11 Your Honor. However, again, we submit
12 to the Court for a ruling.

13 BY THE COURT: I'm getting there.

14 BY MR. KNOTT: I understand.
15 Because he does have a half million
16 dollar bond.

17 BY THE COURT: The Court finds
18 that there is no entity prepared to
19 prosecute, if you will, this initial
20 appearance; therefore, bond will
21 remain at \$500,000 until such time as
22 Mr. Smith gets--

23 BY MR. SMITH: No, sir. There are
24 attorney generals present in the
25 courtroom who filed this affidavit.

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They made the arrest. Of course, it's not my case, yet. It's their case. They are here to present evidence in this case, and the Court knows that.

Why are they able to sit over on the sidelines on this case when they are here to present evidence in the matter.

BY THE COURT: Mr. Smith, if you have a beef with the Attorney General's Office, you deal with the Attorney General's Office.

BY MR. SMITH: I will. May I be seated?

BY THE COURT: That is the Court's order. It is so ordered. Do you want to say something?

BY MR. KNOTT: I do, Your Honor.

BY THE COURT: Actually, the gavel has fallen.

BY MR. KNOTT: I know. With all due respect to the Court's ruling and, of course, the lack of gavel, you mentioned about initial appearance and, of course, this is a preliminary

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hearing.

BY THE COURT: Preliminary hearing.

BY MR. KNOTT: Right. Judge, if you find that no entity is prepared to go forward, I think, by way of reference, you must be then sustaining our motion. Because, again, based upon this opinion, the AG's Office does not have that authority. And by you saying they don't have the authority, the case really should be dismissed at this point in time.

So, by the Court's finding that there was no authority able to prosecute, the affidavits that were filed against Mr. Butler in January must go away; because the affidavits were filed by the AG's Office.

BY THE COURT: Okay. Anything else?

BY MR KNOTT: No, Your Honor.

BY THE COURT: Is there something else?

BY MR. KNOTT: In addition, of

1 course, because this was set for a
2 preliminary hearing and no facts have
3 gone forth, based upon the Court
4 saying there's no authority who is
5 able to go forward, then he should be
6 discharged. Even if the affidavits
7 are not dismissed, he should be
8 discharged because there is no
9 probable cause finding.

10 BY THE COURT: All right. Having
11 heard the argument of the defendant,
12 the Court finds that what has happened
13 here this afternoon is nothing more
14 than a power struggle between entities
15 other than the Court. And based on
16 the totality of the circumstances,
17 that being the major circumstance, the
18 Court will not take this up today.

19 Had there been a different
20 presentation, Mr. Knott, you would be
21 absolutely right. But based on what I
22 find to be just the absolute lack of
23 respect for the Court by officers of
24 the court, I'm ruling this to be a
25 total nullity.

1 Nothing happened here of any
2 consequence today other than two
3 agencies argued. So, my ruling stands
4 as it is. Now I can say that is my
5 ruling.

6 BY MR. BEASLEY: Your Honor, for
7 purposes of the record, I just want
8 the Court to know that we-- at least
9 the Attorney General's Office-- did
10 not come here to argue, nor at any
11 time did we mean to show the Court any
12 disrespect. The reason I make that
13 comment is in light of what the Court
14 just said.

15 We showed up here today in good
16 faith to go forward with the
17 preliminary hearing. We understand
18 that the Court has ruled that-- at
19 least it's our understanding, and I
20 would like to get some clarification
21 on this matter-- that we do not have
22 the authority to initiate proceedings
23 in this type of matter without the
24 permission of the District Attorney.
25 Is that the Court's finding?

1 BY THE COURT: I don't think it
2 was without the permission of the
3 District Attorney but rather without
4 the request of the District Attorney
5 or-- excuse me. The factors are "when
6 required by a public service or when
7 directed by the governor in writing."
8 I'm taking that from *Williams v.*
9 *State.*

10 BY MR. BEASLEY: Thank you, Your
11 Honor.

12 BY THE COURT: Did you have
13 something else, Mr. Knott?

14 BY MR. KNOTT: If you will allow
15 me to say something. Would the Court
16 entertain, or at least consider--
17 given the Court's decision, I'm just
18 having difficulty getting to the other
19 part of the Court's decision; that is,
20 to keep him in custody on a half
21 million dollar bond versus dismissing
22 the case.

23 Despite what the Court has seen,
24 my client is caught in the middle.

25 BY THE COURT: I understand that,

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and I take that into consideration in terms of coming to this conclusion.

It does not please me to leave someone down in Raymond-- or in custody, I should say.

BY MR. KNOTT: Sure.

BY THE COURT: But nor does it please me to be put in the middle of something else under the guise of this man's preliminary hearing. And that's what I believe has happened today. Therefore, we'll simply hear it on another day. It will not be heard today. The Court has issued its order. We stand adjourned.

* * * PRELIMINARY HEARING CONCLUDED * * *

COURT REPORTER'S CERTIFICATE

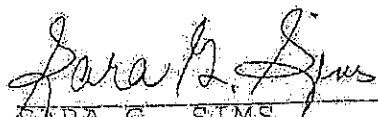
STATE OF MISSISSIPPI

COUNTY OF HINDS

I, Sara G. Sims, Official Court Reporter for the Hinds County (County) Court, do hereby certify that the foregoing 34 pages, and including this page, constitute a true and correct transcript of the proceedings had upon the Preliminary Hearing in the aforesaid-styled and numbered cause before the Honorable Melvin V. Priester, Sr., Hinds County Court Judge, on March 3, 2016

I do further certify that my certificate annexed hereto applies only to the original and certified transcript. The undersigned assumes no responsibility for the accuracy of any reproduced copies not made under my control or direction.

Witness my signature, this the 5th day of March, 2016.


SARA G. SIMS
Official Court Reporter
CSR 1118

GENERAL AFFIDAVIT

STATE OF Mississippi

COUNTY OF Hinds

PERSONALLY came and appeared before me, the undersigned Notary, the within named Stanley D. Smith, who is a resident of 3619 Hollywood Avenue, Hinds County, State of Mississippi, and makes this his/her statement and General Affidavit upon oath and affirmation of belief and personal knowledge that the following matters, facts and things set forth are true and correct to the best of his/her knowledge:

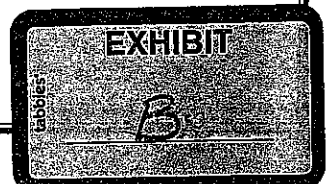
I am Stanley D. Smith DOB July 5, 1968 of 3916 Hollywood Avenue, Jackson Mississippi 39213. Christopher Butler myself and several other people and were standing out in a yard on Hollywood next to Christopher's house. We observed two narcotics agents pass us in a maroon impala with tinted windows between 4 P.M. and 4:30 on April 3, 2012.

At that time, everyone in the yard began to leave because the narcotics officers were riding down the street. I borrowed Christopher Butlers blue avalanche because I did not want to walk down the street to my house with my backpack. I had marijuana in a backpack that still had tags on it. I had a pound or better of marijuana that was basically shake and seeds. In another plastic bag I had 2-3 ounces of shake and I had three pounds of marijuana in that same bag. I had another package that contained nearly a pound I had some small sacks of marijuana in the side pocket and digital scales and sandwich bags. I then went in the house, where I told my brother, James Smith, that if he had any drugs to get them out of the house to me because narcotics officers were in the area. He had some crack in one sandwich bag tied up in the corner which he placed in the backpack that was in the back of the truck. I went in the kitchen to check my meat that was thawing, but it was not ready to cook. I then went back outside to see if the narcotics agents were still in the area. At that time I walked back down the street. Some other guys decided to start playing cards so I joined in I began to play cards. Christopher Butler came from his house, walked next door and asked me for the keys to his truck. I gave Christopher Butler the keys to his truck and told him that the truck was in my yard. I asked Christopher if was be about to leave and he said "no". I did not mention that my backpack was in the bed of the blue Avalanche. I tried to call Christopher when I realized that he had got in the truck and left. I later learned that Christopher Butler was stopped and the police found the bag in the back of the truck. I am very sorry that this has happened but I must be responsible for my property.

DATED this the 13th day of April 2012
Stanley D. Smith
Signature of Affiant

SWORN to and subscribed before me, this the 13 day of April 2012
Notary Public
NOTARY PUBLIC

My Commission Expires:
October 2012



GENERAL AFFIDAVIT

STATE OF Mississippi

COUNTY OF Hinds

PERSONALLY came and appeared before me, the undersigned Notary, the within named James Earl Smith, who is a resident of 3916 Hollywood Avenue, Jackson Mississippi 39213. County, State of Mississippi, and makes this his/her statement and General Affidavit upon oath and affirmation of belief and personal knowledge that the following matters, facts and things set forth are true and correct to the best of his/her knowledge:

I am James Earl Smith DOB September 11, 1962. My brother Stanley walked in the house between 4 P.M and 4:30 on April 3, 2012. He told me that there were police riding down the street and if I had any drugs to get them out of the house. I placed a small amount out crack cocaine in the black book bag in the bed of Christopher Butler's blue Avalanche. I later learned that Christopher Butler drove off in the truck before I could get my drugs out of the bag in the back of the truck. The crack in the black backpack book bag belonged to me.

DATED this the 13 day of April, 2012

James Earl Smith
Signature of Affiant

SWORN to and subscribed before me, this the 13th day of April, 2012.

[Signature]
NOTARY PUBLIC

My Commission Expires:
October 2017

STATE V. CHRISTOPHER BUTLER
Cause Numbers 12-0-452 & 12-0-831
Dates of Offenses April 19, 2011 & April 3, 2012

Note Prose Motion:

On January 22, 2015, the State and the Defense made an ore tenus motion to the Court to nol pros Cause Numbers 12-0-242 and 12-0-831. The State was represented by District Attorney Robert Smith. The Defendant Christopher Butler was represented by Kevin Rundlett, the Defendant Kwanza Hillard was represented by Brad Oberhausen and Judge Jeff Weil was the presiding justice. At the conclusion of the hearing Judge Weil request the parties to provide a detailed written motion outlining all of the facts supporting that the case should be dismissed and demands the state to produce the following:

- An affidavit from Josh Ledford
- an affidavit for the computer expert Travis Turner
- Copies of video tape from the surveillance system legend detail what can be seen at certain points on the video
- all police reports in Cause Nos 12-0-242 & 12-0-831
- All lab reports from the State Crime Lab regarding the Marijuana siezed in both causes
- Copies of search warrants from each cause
- written statement of Kwanza Hillard taken at the scene of the raid

Subsequent to the January 22, 2016 hearing the State requested a transcript of the same which was provide by the court reporter on February 2, 2015. No further action was taken by any party regarding the ore tenus nol pros motion. On May 8, 2015 Judge Weil entered an order in each cause number denying the nol pros motions to provide written motions for the same which he contends is record by Rule 6.07 of the URCC.

Video Surveillance System:

On May 23, 2010, Kwanza Hillard purchased a 16 channel DVR surveillance system for her home located at 1227 Wooddell Drive, Jackson, MS. The system was purchased from WLLturn Construction through Turner Electric and installed by Travis Turner. According to Travis Turner the system overwrites itself when the memory is filled but that it should hold historical data for about thirty days. It is unclear from the receipts from the system and Travis's testimony whether the system also recorded audio. There is a suggestion that it did. On the day of the April 19, 2011 raid the following cameras were in operation in the Wooddel home:

- Camera 1 - Back or side door adjacent to driveway
- Camera 2 - Front door which observes when marijuana is found
- Camera 3 - Outside camera viewing carport, disturbed during raid
- Camera 4 - Inoperable, may be aimed at house entry for laundry room
- Camera 5 - Guest bedroom



- Camera 6 - Outdoor camera of back or side entrance, disturbed during raid
- Camera 7 - Outdoor camera of driveway, disturbed during raid
- Camera 8 - Outdoor camera side of home, grass and air-conditioning units seen
- Camera 9 - Master bedroom
- Camera 10 - Child's bedroom
- Camera 11 - Interior hallway
- Camera 12 - 2nd Child's bedroom, larger than the one viewed on camera 10
- Camera 13 - Kitchen
- Camera 14 - Exterior camera showing street, quality poor
- Camera 15 - Living room

Video Storage:

We currently have the surveillance system DVR in evidence at the DA's Office. In addition, we have a flash drive containing seven hours of video from each of the 15 cameras during the time of the raid from noon on April 19, 2011 until 7:00 p.m., which is currently viewable. The total viewable video is approximately 105 hours. Additionally, we possess a 1TB removable hard drive alleged to be a copy of all available video from the surveillance system DVR which is not easily viewable.

We have provided a copy of the external hard drive to Travis Turner who is attempting to render the same reasonably viewable to us. We have asked him in particular to expedite the footage from camera 2 from 6:00 a.m. until on the day of the April 19 raid to see if we can observe who placed the marijuana in aurn in the front foyer of the house.

April 19, 2011 Raid:

Officers involved in this raid are:

- John Dear
- Kenneth Blanford
- Evan Strong
- Justin Hollingsworth
- Keith Burnett
- Stephen Coleman
- Sherry Jones
- Richard Wright
- Eric Fulton
- Ryan Webb

Detective Dear of the Mississippi Bureau of Narcotics, on the morning of April 19, 2011 obtains a search warrant from Jackson Municipal Judge Jennifer Studebaker for the home located at 1227 Wooddale Drive, Jackson, Ms. In support of the search warrant Det Dear provides an affidavit stating his probable cause as follows:

“On April 19, 2011 I Detective Dear received information from a confidential and reliable

source, who has proven to be reliable because of the information this source has furnished this detective in the past, which has proven to be true and correcting the areas of narcotics activities in an around the City of Jackson.

This confidential and reliable source now tells this detective that he/he has seen marijuana sold and stored from 1227 Wooddale Dr. (tan brick house with a black gate around the house with a garage door) in Jackson Mississippi. The subject responsible for the drug trafficking at this location is a black male known as Christopher Butler. This confidential and reliable source has observed this trafficking from this location by the subject with in the past 24 hours."

No independent observation or controlled buys were done by Detective Dear or the officers involved in the raid. The officers forced entry into the home around 12:30 p.m. and were in the home for five or six hours. Four gallon size freezer bags were located at the property containing 1,722 grams of marijuana. Only two reports were provided concerning the location of where the marijuana was found. Detective Dear states:

"After securing this residence a systematic search was conducted starting with the front of the house where we made entry and working our way to the rear. During the course of this search 4 gallon size bags filled with marijuana was recovered under a cushion of the couch in the first room inside the front door of this location."

In the police report sent to us in the file a Detective Hood (sic) states:

"Upon making entry to this location each and every room was secured at which time the entry team realized that no one was home. A systematic search of this residence was then conducted starting with the first room inside the front door where entry was made (this room was searched first due to the strong smell of marijuana inside the room). As the room was searched Captain Fulton recovered 4 gallon size Ziploc bags filled with suspected marijuana inside a hole under a cushion of an autumn."

Surveillance Video:

On the surveillance video forced entry can be seen on camera 2 at 12:32. Shortly after entry officers begin searching house. At 12:41 an officer goes straight to the autumn in the foyer lifts the cover and finds the marijuana. He then gets other officers to examine the autumn. At 12:51 an officer lifts the lid to the autumn and looks inside again. At 13:21 a drug dog is walked into the foyer. The dog does not appear to alert on anything. At 13:24 Detective Dear removes the 4 bags of marijuana from the autumn, places them in a plastic grocery sack that he brought in from outside. At approximately the same time, on camera 15, Detective Dear can be seen carrying the bag into the living room of the house and placing on a table. Shortly thereafter shadows of officers removing the bags of marijuana from the plastic bag and placing them back on the table can be seen. Later during the search, items of bagged evidence is seen being placed on top of the 4 bags of marijuana and ultimately all of the evidence is put in a grey duffel bag and removed from the home by the rear or side door captured in camera 1. During the search, Josh Ledford and his two year old daughter can

be seen in the kitchen of the house camera 13.

Inconsistencies/Concerns:

- The first room of the house searched is not the foyer where the marijuana is found
- Captain Fulton does not recover the marijuana, Detective Dear does
- The marijuana was not found under a couch cushion as stated by Dear above it is in an autumn
- Det Hood(sic) says that there was a strong smell of marijuana in the first room of the house. None of the detectives seem to act like they smell marijuana. The drug dog never seems to alert that it smelled marijuana
- The officer who first found the marijuana, who is not Detective Dear, walks straight to the autumn as if he knew where the marijuana was
- The house appears to be thoroughly searched but the foyer where the marijuana was found was not
- The marijuana was not recovered for 45 minutes after it was first found
- The presence of Ledford, his daughter and the drug dog team are not mentioned in any police report that has been provide to us
- The detectives during the raid turn 3, possibly 4 cameras so that they may not record video of the raid
- Is the foyer the first room in the house or is the living room? Detective Hood (sic) says the marijuana is found in the first room that is searched. The living room is one of the first rooms searched the foyer is not

STATE V. CHRISTOPHER BUTLER

Cause Numbers 12-0-452

April 19, 2011 Raid

Camera 2 - Front Entrance

- 12:32:06 - Forced entry into home;
- 12:41:59 - Detective other than Det. Dear "B-lines" to ottoman containing marijuana;
- 12:47:52 - Detective Dear inspects ottoman containing marijuana;
- 12:57:12 - Officer goes to ottoman containing marijuana and joined by 2nd officer;
- 13:21:36 - Drug dog seen at front entrance around the ottoman containing marijuana;
- 13:24:25 - Detective Dear recovers marihuana from the ottoman and place it in a bag;
- 13:24:57 - Detective Dear carries bag of marihuana into the living room;

Camera 15 - Living Room

- 13:25:08 - Detective Dear bings bag of marihuana into living room places it on an end table;
- 17:03:12 - Detective Dear picks up gym bag and brings it to the evidence;
- 17:03:45 - Detective Dear and other officer place evidence and marihuana in gym bag;
- 17:05:41 - Detective Dear removes gym bag of evidence from house via side entrance.

**TRANSCRIPT OF SWORN STATEMENT OF
JOSH LEDFORD**

COURT REPORTER: Raise your right hand. Josh, do you solemnly swear that the statement you're about to give will include the truth and nothing but the truth?

JOSH LEDFORD: I do.

Q. Would you state your full name, please.

A. Joshua Nolan Ledford.

Q. And where do you live, Josh?

A. In Pearl, Mississippi.

Q. What's your address?

A. 3125 Highway 468.

Q. And how old are you?

A. I am 34 now.

Q. What's your date of birth?

A. 12-3-78.

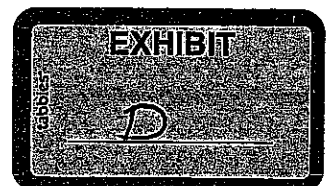
Q. And what's your cell phone number?

A. My cell phone number presently?

Q. Yes.

A. It's 769-257-1148.

Q. Do you know – first of all, tell me what you do for a living.



- A. I do small carpentry, framing work, basically refurbishing work on homes that's either been damaged by a storm or just, you know, general fixing up.
- Q. And do you know a gentleman by the name of Christopher Butler?
- A. I do.
- Q. How do you know Christopher?
- A. I know him through my wife, and his wife were both friends at the moment in time, were going to the same hospital and doctor, had children in the same place. They ended up being friends so we kind of, you know, made a friendship through them having the children there.
- Q. I'm going to ask you to describe for me, if you can remember, back on or about April the 19th of 2011. Do you remember where you were at that time?
- A. In the morning or preceding to this incident here?
- Q. Just describe what you did that day and what happened.
- A. When I got up in the morning time?
- Q. Sure.
- A. Basically just like any other day, got up, just kind of cleaned around the house, returned some calls. I had a check that I had just needed to go pick up and cash from a job that I had finished. I believe that was maybe a Tuesday. I went and cashed the check. I also had loaded up some – a big set of dresser drawers that a friend of mine's mom wanted me to redo. So I picked them up and put them in the truck. I had previously, the weekend before this date, had stopped by to drop off a birthday gift for their son.
- Q. Whose son?
- A. Mr. Butler's and Kawanza's (sp?) son. I believe they were, at that moment in time, had been out of town or had just got back and were kind of getting their part together and done. He had told me that they didn't have time to have gotten my youngest daughter a gift yet, to wait til Monday or Tuesday and they would give me a call whenever they got things kind of settled up and whatnot. And he did so maybe a little before lunch, and I said that's fine. I'll finish doing things I need to do, and I'll swing by there. And so I got my check, cashed it, picked up the dresser drawers, all that stuff, made my way out to South Jackson to their residence. As I pulled up, I noticed there were several SUVs, nice SUVs -- not necessarily what you would think was law enforcement or such – in the driveway, so I pulled to the side on the property line on the street.

Q. You're talking about Christopher Butler's house?

A. Yes.

Q. Okay.

A. Okay. I had my youngest daughter with me. So as I parked, I proceeded to get out of the vehicle, going to the back – it's a four-door truck. I went to the back door on the driver's side to get my daughter out, and I heard an individual kind of, you know, running, stepping, talking about freeze, freeze, pistol drawn. Asked me what I was doing. I said, I'm getting my daughter out of the back, you know, out of her car seat. And he said, which house are you here for, and I pointed at the Butler residence there. And he told me to put my hands behind my back, proceeded to go ahead and handcuff me.

Q. Did this person identify himself?

A. No, not necessarily. I just, you know, kind of got the drift – you know what I'm saying – from the fatigues that were on. You know, common knowledge told me that it was a police officer of sort. So he patted me down. At that time, some other ones come out. They were questioning me about do I know who Mr. Butler is, or do I know the name of the individual that lives at the house. And I was like, yes, and told them – you know what I'm saying – my reason for being there. I explained to them, you know – they were really rude-ish at the time, you know, I mean. And I'm like, you know, all this is uncalled for, you know. What's going on, you know. I've got my daughter in the back and it's a hot kind of day. She was kind of getting squally. So needless to day, they picked my license and stuff out of my back pocket. They ran it and it come back clean. They took my money out, asked me why I had so much money. I told them I just cashed a check, that the, you know, thing was in the truck there, the little receipt, you know, where you cash a check. And so he went and he checked that and made some remarks, you know. One of the other ones that came out made some remarks about, oh, no, you're here for, you know, some drugs or, you know, you know this guy. You're here for some drugs. And I said, I don't know anything about that. I said, I did some work on this man's house when they built the addition, you know. I'm here to pick up a birthday gift. I explained to him what the birthday gift looked like that I had got for them. Basically, from several days prior, I knew that there was, you know, birthday gifts – small children's birthday gifts and different kinds of ones, like a little drum set and different things. And I explained the thing that I had got so they could go in and verify. So one of them went in and verified that, you know. They were still very insistent and speculative on me about his whereabouts or something along that nature.

Q. Were you still outside by your car at this time?

A. I was still outside at this time. By this time, my daughter, she was really, really squalling, and I'm asking the gentleman –

Q. How old was your daughter at the time?

A. She had to be just barely over one, maybe 14 or so months. Maybe just – yeah.

Q. Okay.

A. Anywho, I asked him, you know, can I get my daughter. He said no, and she kept going on. I said, well, can I walk over there, you know, by her, and he said yeah. So I walked over there by her trying to comfort her. He finally did let me out of the cuffs so I could get her. I said, you know, she's hot. I need to get her out of the car, yada, yada, yada. So they let me get her out. I stood there with her for a while. She had ran out of juice. She was squalling wanting some juice. And I said, you know, is there anyway I can, you know, get some water or anything. And he was like, no, you just wait right here and walked away and talked to an individual. He came back to me and they were like, okay, why don't we want to come inside where it's cooler at. They proceeded to take me inside the house.

Q. Which way did they take you in the house?

A. Through the garage. And by doing work on that house, I knew the layout of the house. So you go in through the garage on the right-hand side of the garage would be a door. It goes through the laundry. It opens up into a little dining area. And there's an open bay kitchen and dining area combined there. And they sat me down. There's a loft window that allows you to see the street from the kitchen area there. And so we sat down on that little loft that poked out there and –

Q. Could you see the front door from where you were?

A. Yeah, the front door would have been behind me, so I could turn and look right out the front door. By sitting in that position, I could also look straight down the hallway where the addition was added onto. To the left of the hall is a large living room, and to the right is the master bedroom and the bathroom closetry area. So when they got me in, I kind of got the bad cop from all of them. I don't really know any names. I can remember faces. It seemed to me that there was a lot of scurrying about. A lot of questioning me, which led me to think that, you know, y'all are asking me a lot of stuff that really y'all ought to be knowing.

Q. What were they asking you?

A. Like where the whereabouts of Mr. Butler was. Do you know where any drugs or illegal things would be in this house. I said, no, I don't. And they were asking me, you know, have you ever – in the time that you worked on the house, did you ever witness, you know, any weed smoking or smelled any marijuana smoke. And I said no.

Q. At about what time was this?

- A. Had to be after lunch. I'd say probably 12:45 maybe, 1:15, early 1:00. Just shortly after lunchtime, before mid afternoon. I could probably say that they kept me inside the house for a good 45 minutes or better.
- Q. Okay.
- A. Like I say, it was kind of the round, you know, one would come and, you know, tell us what you know and blah, blah, blah. We know you're here for this and that, and, you know, that. And I'm like, man, I don't know nothing about none of this, you know. It was like, they were actually getting more angry, you know, as they scurried through the house, I guess, not finding what they were looking for. You could say body language -- you know what I'm saying -- of upset and anger, in a sense, did not seem very professional. Let me put it in that sense. I mean, there was nothing like, here's my badge, you know. All of their stuff was kind of tucked in.
- Q. Did you know there was a video surveillance system set up in Chris's house?
- A. I believe there was one that was designed to be in the house by the way the house was laid out.
- Q. Did you know that?
- A. Yes, in a sense.
- Q. Did you observe the officer's body language? Did you get any indication that they thought there was a video surveillance system?
- A. No, they did not.
- Q. Okay. So then what happened?
- A. Like I say, I kind of got the round from all of them. One would come and be, you know, very rude-ish calling me names, yada, yada, yada.
- Q. What kind of names?
- A. Just sorry white motherfucker, you know. You know, why are you going to take up for that black nigger. You know if the shoe was on the other foot, he wouldn't do it for you. And I told them, I said, I -- it don't matter about no other shoe being on the other foot. I can't -- I don't know what y'all are talking about. You know, I --
- Q. They used the "n" word?

A. Oh, yes. Yes, very fluently. Even the one black officer that was there that I observed had no problem, you know what I'm saying. I mean, he was – you know, I mean, at one point in time he had even talked about slapping me while I'm holding my daughter, calling me a lying son of a bitch and, you know, just carrying on basically trying to scare me. They threatened me with DHS coming to get my daughter if I didn't tell them, you know, this, that, and the other. And I, you know, well, really – you know what I'm saying – just the thought of that and the sense in itself. Without breaking down and crying, I just shook my head and I was like, man, y'all are going to have to do what you've got to do because I don't know nothing. I can't tell you nothing I don't know. And like I say, they were pretty insistent or thought that I did, which I didn't, you know. So I just, you know, basically told them the same thing every time, which was the truth. I don't know. I can't help you. They asked me, well, if you did some work in this house, you know, do you know if there was any secret, you know, doors or compartments. I said, no, not to my knowledge. You know, stuff – if the house was not all the way complete in times that I came in and did work and left.

Q. Did you see any officers at or near the front door?

A. Yes.

Q. How many?

A. I know at times, for sure, there was at least two to three behind me talking. I could hear the different voices back and forth, really not anything just, you know, specific as far as whole sentences that I could be able to --

Q. Isn't there a room right next to the front door?

A. The way the front door is, when you come off the walkway off the garage, you come to the little walkway, and there is a burglar bar door there, okay. And that takes you into what I assume to be a smoking area for like, you know, cigarette smoke because they didn't want to smoke in the rest of the house.

Q. But there's a room when you come through the barred door?

A. It's just a little – it's not necessarily a room, but I guess you'd call it a room. It's just a small little –

Q. Keep going.

A. It's just a small little sitting area that, you know, if you want to smoke a cigarette or whatever, you know, you could stand in there versus smoking inside the house house.

Q. Okay. You said that some of the officers or agents were at the front door talking while you

were being detained.

A. Uh-huh.

Q. Would they have been able to see in that little room?

A. Maybe so. I don't believe you would be able to see if you were, you know, standing back from the house, inside, but if you're standing at the door, yeah, you can slightly see in the room.

Q. Did you see agents going all through the house?

A. Oh, yeah. Yes. I mean, they were scurrying all about. I mean, they were just jumping from side to side across the hallway coming past me going to the original section of the house. You have to imagine that the dining and kitchen area is center of the home now, okay. And this being the front door in the original house, okay. So you've got seventeen or eighteen hundred square feet of original home on this front side, and then the kitchen which would have normally been at the back of the house, when the add-on was, now it's in the middle.

Q. Okay. While they were scurrying around the house, did you have any indication that they had found anything?

A. No.

Q. That they had found any drugs?

A. No.

Q. Any money?

A. No.

Q. Okay.

A. Not at this time.

Q. All right.

A. Like I say, so after six or seven of them kind of all gave me their little round of trying to intimidate me or get me to tell something with no luck, one of them come by. I remember this. He come by and walked outside, and I could hear him talking. He come back inside, and he's like, I just got off the phone with the CI. The CI says the man's been known to keep stuff in the attic or air conditioning vents or something like that, okay. And so they all came

to maybe just a slight little huddle, you know, and was like, okay, well search one good time, yada, yada, yada. So they all kind of disbursed, mostly going back towards the addition part of the home. And it was odd because I seen several go into that room and come out and then like the last fellow to go in there, he comes out and turns the corner, and he's like, I got it. You know, and I see this bundle of money. And it didn't look like it was -- it didn't look like it was, I guess, in its entirety, if that makes any sense. Say you've got a -- you know how they make clear book bags and different things like that for the schools now or in airplanes, say a square kind of one of those maybe, okay. But it was like tattered, you know. I don't know if it was a bag or some kind of wrapping or what, but it was tattered. You could tell it was torn and it was not very well shaped. Let me put it that way. He come out, and he was like, oh, we got this, you know, yada, yada. And they were kind of like, yeah, you know, kind of hyped up behind that. And that kind of died down. Like I say, it may be have been in between that, another one or so come and, you know, tried to coerce me into telling them whatever. And one of them said that, well, we've got a guy from Rankin County coming over that wants to see you. And I was like, okay, I mean, it's not like I'm going anywhere anyway until y'all allow me to. So we sat there, and this guy finally shows up and walks in the door there. And the guy -- the original guy that had the pistol on me outside, one of the more ruder kind of fellows, he said, you know this guy right here. And he looked at me and he said, no, he don't look familiar. And he asked me my name, and I told him my name. And he said, no. And then he asked me where I lived, general stuff, and I told him. He -- it appeared to me he was not interested in me at all. So whatever that was for, I guess, was insignificant. About that time also, I remember seeing the dogs.

Q. They brought dogs in?

A. Yes. Uh-huh. A gentleman came in the house. He told me, he said, so you say you don't smoke any marijuana or you haven't handled any marijuana today. And I said no. He said, well, why is my dog, you know, hitting on your truck. And I said, I don't know. And so apparently they had been outside searching my vehicle and all this kind of stuff at the same time. Like I say, they brought the dogs through.

Q. They brought the dogs through the house?

A. Uh-huh.

Q. Where did the dogs go?

A. They come in from the laundry area, went back to the back, come out, went into the older part, the original part of the house and then went out that door that would be behind me, which was actually the front door.

Q. To your knowledge, did the dogs alert on any drugs?

- A. No. I never seen any drugs. Never heard any conversation of any drugs being found or otherwise. The only thing I heard at one point in time was shortly after the money was found and all this stuff, the dogs had been through, and I kind of gathered just from paying attention and listening, that the dogs were gone or back in the truck out in the street or something. And I remember hearing the fellows behind me, I remember hearing one of them says, oh, it smells strong of weed up in here, you know. And I was –
- Q. This was after the dogs had come through?
- A. Yeah. Yes. In the house, this little foyer area, the cigarette smoking area.
- Q. Did you smell any marijuana?
- A. No, I never did. And I just remember hearing them say, oh, it smells strong of marijuana. We need to check this area out one more time real good, yada, yada, yada. They commenced to doing so, and I – I could almost say that maybe in a sense, at that point in time when they were behind me and the guy said that, that something right wasn't happening there because they had been there the whole time. You know, they'd been in and out of the house the whole time, all these individuals. I mean, this guy's has called whoever the CI was and then come back in the house, you know, in the same area.
- Q. So at this point they had found the money, the drug dogs had been through the house, they had had multiple agents in the house for how long, an hour so?
- A. Yeah, I would say. I would say I was at least in there myself personally 40 or 45 minutes.
- Q. And then you heard someone say, oh, it smells strong of marijuana in here, and this was after all –
- A. All this.
- Q. Okay. Continue.
- A. Now, I don't know if anything was whatever, but you know I never heard anything said about being found or anything like that. That's all I heard was the statement saying it smells strong of marijuana in here. I never smelled none. Of course, the room was right there. I mean, if you open the door, I mean, if it was that loud of a smell, like if you just poured out Clorox or Pinesol, as much as they were coming in and out the doors, the air would have drafted, and I would have smelled it also. Like I say, I mean, it was a very unsettling feeling. I was more concerned of why they kept – you know what I'm saying – going to these extents. And, you know, they kept asking me questions about, you know, Mr. Butler, you know, hiding spaces in his house, all this odd, you know, just strange stuff. And I'm thinking to myself that, you know – you know, especially after hearing the guy get off the phone with the CI. I mean, I'm

not, you know, the smartest person in the world, but I've got general kind of common sense knowledge just like – it just didn't seem like things were in order for y'all – you know what I'm saying – to be going to all this extent, and it was messy. You know, it just seemed real messy. It didn't seem professional. But the language and the actions towards me were most definitely not professional, you know. I could understand, you know, that's y'all's job however you do – whatever you – you know what I'm saying.

Q. Tell me more about what you actually observed after you heard the officer say it smells strongly of marijuana in here.

A. Okay. Pretty much after that point, it was – I really didn't see or hear anything, you know, about any drugs. But obviously, they took the money outside. By that time, they were kind of, I guess, hands down just kind of done with me. One of the individuals came around with a piece of paper. I want to say it said MBN witness or personal statement or something, you know, person on the scene, some kind of statement form. They just asked me my name, my driver's license, other general stuff, asked for a contact number. Pretty much after that, I mean, it was – I mean, they didn't mess with me or talk to me anymore really. By that time, some regular JPD officers had appeared on the scene. One was a woman. She come in, and she talked to me just for a brief moment. They were, you know, pretty much – an older fellow there, I guess, I could assume that maybe he was the captain or the leader or whatnot just by observing, you know, throughout this time. At one point in time, he come up to me, kind of bad mouthed me a little bit and was like, well, we've got your information, yada, yada, yada. You better hope you're right, yada, yada, yada, because if things turn around here, I will arrest you too, and pretty much make me, I guess, an accomplice to whatever the case may be, pretty much told me just wait a few more minutes and we'll let you go. I sat there. I guess they went back out, searched my truck again maybe, come back and was like, here's your keys, yada, yada, yada. He still had my driver's license, so he was like, you know, we're done, you can go. I said, well, I can't go. I need my driver's license. And he gave me my driver's license, and me and my daughter got out of there pretty swiftly trying to get away from all of that situation there.

Q. Did anybody ever call you afterwards to ask you anything?

A. Huh-uh.

Q. And they didn't find anything illegal in your car, right?

A. No.

Q. And you never heard anybody in the house while you were there get excited about finding any drugs --

A. Huh-uh.

- Q. -- any indication that they actually found drugs while you were in the house?
- A. (No audible response.)
- Q. How long do you think you were actually detained in the house?
- A. Probably forty, forty-five minutes at least.
- Q. Which way did you leave the house?
- A. From where I was parked --
- Q. Did you go out the front door, or did you go out the garage door?
- A. I went back out the garage door.
- Q. But you heard them say something when they found the money?
- A. Oh, yeah. Yeah.
- Q. What did they say?
- A. He just turned the corner and said, I got it, I got it. And, you know, kind of -- you know, several different things. I got it, hit the jackpot, you know what I'm saying. And they were all, oh, oh, you know, and trying --
- Q. Do you know where the --
- A. We got the money, you know. You know, just kind of --
- Q. Was there a treadmill in the house that you remember?
- A. I believe so. On the building of that house, when you go from out of that kitchen area, straight looking towards the backyard is the hallway for the addition. On the left side, like I earlier, is the living room. If you walked into that living room, there's another room there. Actually, I think it's two rooms there to the right. One is actually an exercise room. I believe that room is the one that's the furthest down on that wall on the lefthand side.
- Q. And you said they took the money that you had on you from the check you had cashed, did they give that back?
- A. Yes.

Q. Give me just a second.

A. Uh-huh.

Q. Now, you know you are under oath. Do you have any reason to lie in this matter?

A. No, sir.

Q. And what you've just testified to is the truth?

A. Yes, sir.

Q. Anything else that you can think of?

A. Not of any real importance.

Q. Thank you.

(END OF RECORDING)

Dear: To whomever this may concern at URLBT (3 on your side)

I'm Christopher Dale Butler, an inmate housed in the downtown jail in Jackson Ms. My Inmate number is 7700030502 and my Social is 425-29-2359. I write these numbers to you because I've been mistaken for someone else before in Hinds County jail system and for some reason no one wants to get it right, Even tho my life may be on the line. But this is only one issue that I am writing you about today. There is a great wrong going on between the Hinds County District Attorney's office and the Mississippi State Attorney General's office and I find myself caught between these offices. On January 19, my life changed completely. I was arrested from ^{my} job for an alleged fraud of \$500 dollars and false pretense. And as if that wasn't already a bad enough situation, the assistant attorney general came to my attorney and said: Tell Christopher to tell us what his relationship is with the District Attorney Robert Smith and we will drop all charges but if he doesn't, then we will request excessive bond and come with more charges. Thing is, I don't know Robert Smith. Never even met the guy other than in court dealing with a prior situation from 5 years ago. I'm going to touch on this matter for a second. Back in 2011 and 2012 I was set up and arrested by the MBN for pass of mery. Both times I wasn't at (my then) girl friends home but somehow they still went in her home to retrieve money. To make a long story short Robert Smith found evidence of corruption and other threats that lead him to file a motion to dismiss. The Honorable Judge Well refused to sign and that's when things got rough for me. In the state of Mississippi it seems that no one believes justice works both ways. Just because a person is arrested for something doesn't mean he is guilty. I'm not claiming to be this innocent perfect guy but don't believe for one moment that everyone in law enforcement is up right and not corrupt. I have witness many corrupted law enforcement officers at work. And they feed on guys as myself who may have had a troubled past. But who is there to protect us from that? Robert Smith step up and did the right thing in my case after his own investigation and now I'm being punished for it. My Bond is \$500,000.00 for a \$500.00 fraud and false pretense. I'm in jail with murderers who's bond is lower than mine. Some light need to be shed to this situation. In closed ace letters I've sent to the AG. office and also a copy of my Indictment and also a letter from the Hinds County D.A. Robert Smith expressing his concerns in this matter. Please contact me because I truly need help. May God Bless You
Thank You

Does not justice work both ways? Is a person
not innocent until proven guilty? I ask these questions
because for some reason in Mississippi just because you
are arrested for a crime that somehow you must be
guilty. As if the police couldn't have gotten it wrong. ~~As~~
as if there isn't a thing called corruption.

My name is Christopher Dale Butler SS#
125-39-2359 / inmate 7200030502. I grew ^{up} in Georgetown
community, Jackson Ms. Hollywood Ave my entire life. Every
day all I saw was drug dealing on my streets. ~~every day~~
I'm not using it as an excuse but eventually I got
involved. My very first arrest was in 1994, I was 16
years old in high school. By the time I went to court
it was 2 years later. I took a plea of nonjudicated
probation. I was a minor, but some reason this charge
is showing up on my Indictment. But anyway, a
few years later after coming off my one year probation
and graduating high school, I was arrested back to back
years for poss. of marij. Both times was for about an ounce

2 each time. I was a ~~g~~ gang man smoking marij just
ke pretty much of my environment. I was convicted of
with poss. of marij. Sentence to 3 years and drug and alcohol
program. These are my only conviction but for some reason,
in my indictment its showing 2 counts of sale of cocaine
in my prior history and that is totally incorrect. This need
to be corrected.

But back to the matters that are at hand. I've
been to jail several times ~~o~~ over my life and alot of it
in the wrong place, wrong time situation. Being arrested
with other people but no conviction because I wasn't guilty.
I don't claim to be some innocent guy that has never
done anything wrong but I do ~~to~~ believe in justice
and that justice should be fair. If I'm being prosecuted
for some thing it should be for that and that only. Not
for what you and anyone else feel that I wasn't prosecuted
for in my past. And that leads me to speak on this
matter dealing with ~~to~~ my arrest in 2011 and 2012
for poss of marij. It was pure corruption and framing
on behalf of the MIBN or their informant that caused

that whole situation to go the way that it did. But I'm a man, and I've never been scared to go to jail or something I was guilty of, but not if I know that drugs were being planted for money or whatever reason it was done. I don't know, but it was a pure set up. Robert Smith, Hinds County D.A. found evidence of this after his own investigation and decided to file a motion to dismiss. I've never met him in my life, only know him for appearing in the court room. So all this speculation that Robert and I having a relationship is pure crazy. It sounds to me that, you and others feel that justice only means if a person is arrested for something, then that person is automatically guilty and that just simple isn't true. So telling my attorney to ask me that was ~~totally~~ totally wrong and shows blatant disregard to the D.A. ~~name~~ integrity. You've once worked with him so ~~maybe~~ I'm sure you know him better than I do but I don't know him so when I see him speaking up for me, it's in the name of justice and fairness. So I ask you again, Doesn't justice means if a person

s guilty then that person is punished for his/her crime but if he/she isn't then they should be set free, without further discrimination. DR Is this just the same old Mississippi.

Now let me fast forward to ~~the~~ now, the present me. I'm sitting in jail right now for a \$500 dollar raid and false pretense of \$500,000.00 dollar bond which is totally excessive. Then you come with 2 counts of embezzlements for \$50,000.00 dollars bonds. Your main witness is the store manager Mr. Somardar. Why haven't you talk to Judy Hannah, the secretary so she can tell you the truth in this whole entire matter. The store never did anything wrong and the store never lost any money. The finance company may have lost money but each customer that did those finance did it with there own intention. No one at the store told them to do it, they were doing for the people who was bringing them up there to the store. One after another after another. Check the video tapes, you will see for yourself. I ~~have~~ never even done a finance, that's not my department. Talk to judy not Mr. Somardar and learn the truth.

Then maybe y'all know this and just so focus on me
and not the truth of the matter, because how y'all feel
about Robert Smith. That's not fair to me or to justice
I'm losing everything just sitting in jail and I know you
don't care but I have a 73 year old mother that stays
with me and 2 of my kids. This isn't right. Find it
in your heart to seek the truth. GOD sees us all.

Inclosed is my Indictment.

Total Incorrect

Thank You

Christopher Smith

Release Today

FILED

JUL 21 2015

IN THE CIRCUIT COURT OF THE FIRST JUDICIAL DISTRICT
OF HINDS COUNTY, MISSISSIPPI

BARBARA DUNN, CIRCUIT CLERK
BY _____ D.C.

STATE OF MISSISSIPPI

VS. Quwanterius Allen

DEFENDANT

SSN: xxx-xx-9481

NO. 15-386 TTG

DOB: 6/16/96

Amended
ORDER SETTING CONDITIONAL BOND
(Medical)

This cause came on before the Court for consideration for Bond release inasmuch as Defendant is suffering a serious and or chronic medical condition which is best treated outside of the Hinds County Detention Center. Defendant has been charged with (1) Murder (2) Agg Assault. Having thoroughly considered Defendant's Motion and Defendant's chronic and/or serious medical condition, as well as having considered whether Defendant is a risk of flight and whether Defendant is a risk to the safety of his community and/or-himself, the Court finds that the Defendant is chronically and or seriously ill, that Defendant is not a flight risk, that Defendant is not a danger to him/herself nor the public, and should be released for intensive supervision under monitoring of Probation Services Company of Hinds County, Mississippi.

IT IS THEREFORE ORDERED AND ADJUDGED that Defendant is hereby set conditional bond as follows:

1. Bond is hereby set at \$ _____, OR
- ✓ 2. Defendant is **RELEASED ON HIS OWN RECOGNIZANCE**, OR
3. BOND IS REDUCED to \$ _____, OR
4. Defendant is hereby released on **THE SAME BOND** as set by an earlier Court in the amount of \$ _____.

IT IS FURTHER ORDERED THAT AS A CONDITION OF THE HEREIN BOND, Defendant shall, within forty-eight (48) hours of release from detention, contact the Hinds County Probation Services Company (PSC) and thereafter comply with all terms and conditions for PSC's monitoring and supervision, until further order of the court. Further, Defendant shall pay any monitoring and/or supervision fees required by PSC, as a condition of the herein bond. Failure to abide by this condition for bond shall subject the Defendant to immediate revocation of bond by the court. Defendant shall be on house arrest and shall have no contact with victim, victim's family or witnesses. Defendant shall have a curfew AND shall have no visitors at his home after curfew. Defendant shall not possess or use illegal drugs or drink alcohol excessively. Defendant shall not possess a weapon of any kind. Defendant shall comply with doctors orders and take medications as prescribed.

Released Today - immediately
SO ORDERED AND ADJUDGED this the 20 day of July, 20 15.

Tomie Green
CIRCUIT COURT JUDGE

DEFENDANT/ATTORNEY

STATE'S ATTORNEY

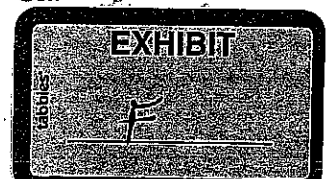
PLEASE CALL: Hinds County Probation Services Company (PSC)

Contact Person: Dennis Grant, Offender Services Coordinator
816 N. West Street, Jackson, MS 39202

(601) 352-9030 - Office

(601) 352-0308 - Fax
(601) 720-1355 - Cell

*HINDS Red Uniform to be returned
by Atty Sanford Krott on 7/21/15. J*



Thursday, February 18th, 2016 04:18 PM
 Good afternoon Michael Henry.
 Data Force Search



Change Password | Change Settings
 Email | Send IM
 Help
 Jump To



Jail Management System - Jacket
 ALLEN, QUWANDERUIS(77-00099205) RELEASED 00()

Person Classification Jacket New Booking Release Print

MDOC#: FBI #: Local ID: 099205 Hold:

Print Booking History Print Release History

Booking Information

Booking #	Arresting Agency	Booking Date	Release Date	Jail Time
15-00002721	USM	06/04/2015(19:11)	07/20/2015(20:01)	046(00:50)
13-00006644	DPD	12/24/2013(17:43)	12/26/2013(14:24)	001(20:41)

Medical Needs

NO MEDICAL NEEDS
 SUBJECT HAS MEDICAID

Away Jacket #:
 Last Name: First: Search Away All: Save

Keep Away List

MNI #	Full Name
No Keep Away Records Found	

Add Del

Inmate Charges

Booking	Charges
15-00002721	97-3-19; 25;
13-00006644	INDIVIDUAL;

Seek Update << >> Add New Clear Delete Search RT Exit

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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

