

IN THE COUNTY COURT OF HINDS COUNTY, MISSISSIPPI

STATE OF MISSISSIPPI

PLAINTIFF

VS.

CAUSE NO. 25CO1:16-cr-00624

ROBERT SHULER SMITH

DEFENDANT


ORDER OF NOLLE PROSEQUI

THIS DAY this matter came before the Court on the Motion of the State of Mississippi to enter a *Nolle Prosequi* in the above styled and numbered cause, and the Court, being fully advised in the premises, is of the opinion that the Motion should be sustained, based upon the following, to wit:

The defendant has raised the applicability of Article 6, § 175 of the Mississippi Constitution and alleges that he is answerable for the charges currently pending against him only by means of presentment or indictment by a grand jury. Without question, the circumstances presented in this case involving charges of criminal conduct against a district attorney in the exercise of his duties as district attorney present a unique situation. If the defendant is correct in his interpretation of § 175, then the State may not proceed on these charges absent presentment of an indictment against the defendant.

IT IS THEREFORE, ORDERED AND ADJUDGED that a *Nolle Prosequi* be, and the same is hereby entered in this cause, without prejudice to the right of the State to present the matter to the Grand Jury for the First Judicial District of Hinds County, Mississippi.

SO ORDERED AND ADJUDGED, this the 6th day of September, 2016.


JAMES BELL, Special County Court Judge