

JEFF WEILL, SR.

HINDS COUNTY COURTHOUSE
P. O. BOX 22711
JACKSON, MISSISSIPPI 39225-2711

CIRCUIT JUDGE
7TH CIRCUIT COURT DISTRICT
COUNTY OF HINDS

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June 16, 2016

The Mississippi Bar
Attn: Honorable Adam Kilgore
Post Office Box 2168
Jackson, Mississippi 39225-2168

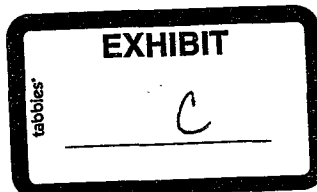
2016 JSC MS BAR
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Re: Attorney Robert Shuler Smith

Dear Mr. Kilgore:

Pursuant to our phone conversation a few weeks ago, enclosed please find supporting documentation concerning violations of Mississippi law and the Mississippi Rules of Professional Conduct by Hinds County District Attorney Robert Shuler Smith. Pursuant to Miss. Code Ann. §97-11-3, a district attorney who "shall, in any manner, consult, advise, counsel, or defend, within this state, a person charged with a crime or misdemeanor or the breach of a penal statute, he shall, on conviction, be fined in a sum not exceeding five hundred dollars, be removed from office, and rendered incapable thereafter of filling any office of profit or honor in this state." *Id.* One of Mr. Smith's former clients from his private practice, Donald Turner, was recently indicted by the Mississippi Office of the Attorney General. During a sealed hearing, Smith admitted to a conflict of interest and stated no objection to the case being investigated by the Attorney General. Thereafter, the Hinds County Grand Jury returned two separate indictments against Turner, which remain pending as Hinds County cause numbers 16-0-238 and 16-0-239. Recently, on June 10, 2016, Turner's counsel, Mr. Dennis Sweet, filed two motions on Turner's behalf, which attached confidential e-mails regarding issues of grand jury secrecy, which were *printed from Mr. Smith's county email account*, as is evident from the header of the e-mails, a clear violation of Miss. Code Ann. § 97-11-3. The motions and exhibits are attached hereto as "Exhibit A."

In another matter, on May 11, 2016, Mr. Smith appeared in my chambers area at the courthouse, where access is restricted to my staff members and the staff of Judge Winston Kidd. Mr. Smith was not authorized to be in the restricted area, and after my clerk answered a loud banging on her door, she opened the door to Mr. Smith, several DA staff members, an armed DA investigator, and a WJTV news crew. He was seeking the immediate return the cell phone of his administrative assistant which was taken up earlier that day by my bailiff after it rang during the closing argument of a capital murder trial. Mr. Smith was instructed to leave the area several times by my clerk, and then by me, but he continued to refuse. WJTV did not air the footage of the incident and declined to provide a copy upon request. However, they agreed to preserve the footage, and I urge you to request the same to aid your investigation.



Subsequently on May 11, 2016, Mr. Smith sent two threatening text messages to my personal cell phone regarding the actions taken by my bailiff earlier that day. Copies of those text messages are attached hereto as "Exhibit B."

"A judge who receives information indicating a substantial likelihood that a lawyer has committed a violation of the Rules of Professional Conduct should take appropriate action. A judge having knowledge that a lawyer has committed a violation of the Rules of Professional Conduct that raises a substantial question as to the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects shall inform the appropriate authority." Canon 3(D)(2), Mississippi Code of Judicial Conduct. Please take whatever steps on behalf of the bar you feel are necessary for these rule violations. Again, I felt compelled, pursuant to Canon 3(D)(2), to bring this to your attention, particularly due to the ongoing nature of the conduct. Please feel free to contact me should further information be required. Thank you.

Very truly yours,



Jeff Weill, Sr.

Enclosures