

AFFIDAVIT

FILED

JUN 22 2016

ZACK WALLACE, CIRCUIT CLERK

BY _____ D.C.

16-624

STATE OF MISSISSIPPI
COUNTY OF HINDS
FIRST JUDICIAL DISTRICT

Personally appeared before the undersigned Justice Court Judge, Leland McDivitt, criminal investigator with the office of the Mississippi Attorney General, who being duly sworn, deposes and makes affidavit on information and belief that in the First Judicial District of Hinds County, Mississippi

COUNT I

Robert Shuler Smith on or about the 10th day of June, 2016, while acting in his capacity as the District Attorney of the 7th Circuit Court District, Mississippi, did willfully and unlawfully consult, advise, counsel and defend Darnell Turner, who was then and there charged in the Circuit Court of the First Judicial District of Hinds County with the crimes of aggravated assault and domestic violence, by delivering to the Hon. Dennis Sweet III, who is the attorney for Darnell Turner, the attached e-mails (which are incorporated by reference) of conversations that took place between the State, District Attorney, and the Court regarding matters that had been previously sealed by the Court in cause number 16-239, all of this was done in order to consult, advise counsel or defend Darnell Turner by and through attorney Dennis Sweet III against the state's pending charges, this against the peace, dignity and laws of the State of Mississippi;

See Exhibit 1: Motion to Dismiss.

Exhibit 2: Motion to Unseal Sealed Order and all Discoverable Communications

CHARGE: District Attorney not to advise, counsel, consult, or defend criminals [97-11-3]

COUNT II

Robert Shuler Smith on or about the 26th day of May, 2016, while acting in his capacity as the District Attorney of 7th Circuit Court District, Mississippi, did willfully and unlawfully consult, advise and counsel Christopher Butler, who was then and there charged in the County Court of the First Judicial District of Hinds County in case number 16-50-AG with the crimes of embezzlement and wire fraud, at the Hinds County Jail outside the presence of Butler's attorney on May 26, 2016 from 8:56 a.m. to 09:13 a.m., against the peace, dignity and laws of the State of Mississippi;

See Exhibit 1: Sheriff's Department Jail Visitation Log.

CHARGE: District Attorney not to advise, counsel, consult, or defend criminals [97-11-3]

COUNT III

Robert Shuler Smith on or about March 21, 2016, while acting in his capacity as the District Attorney 7th Circuit Court District of, Mississippi, did willfully and unlawfully consult, advise, counsel and defend Christopher Butler, who was then and there charged in the County Court of the First Judicial District of Hinds County in case number 16-50-AG with the crimes of Embezzlement and Wire Fraud, by delivering to Sanford Knott, who was at that time Mr. Butler's attorney, the attached letter dated March 21st 2016 (which is incorporated by reference), in which Mr. Smith advises attorney Knott of various ways to attack the state's pending case against Mr. Butler; thereby, providing advice, counsel, and defense to Christopher Butler, by and through his attorney, against the peace, dignity and laws of the State of Mississippi;

See Exhibit 1: Letter dated March 21, 2016 to Attorney Sanford Knott.

CHARGE: District Attorney not to advise, consult, counsel, or defend criminals [97-11-3]

COUNT IV

Robert Shuler Smith, on or about May 9, 2016, while acting in his capacity as the District Attorney of 7th Circuit Court District, Mississippi, did willfully and unlawfully consult, advise, counsel, or defend Christopher Butler, who was then and there charged in the County Court of the First Judicial District of Hinds County in case number 16-50-AG with the crimes of Embezzlement and Wire Fraud at the Hinds County Jail, outside the presence of Mr. Butler's attorney on May 9, 2016, against the peace, dignity and laws of the State of Mississippi;

See Exhibit 1: Sheriff's Department Jail Visitation Log.

CHARGE: District Attorney not to advise, counsel, consult, or defend criminals [97-11-3]

COUNT V

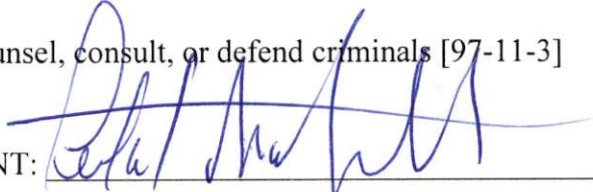
Robert Shuler Smith on or about and between the dates of January 14, 2016 and June 20, 2016, while acting in his capacity as the District Attorney of the 7th Circuit Court District, Mississippi, did willfully and unlawfully consult, advise, counsel and defend Christopher Butler, who was then and there charged in the County Court of the First Judicial District of Hinds County in case number 16-50-AG with the crimes of embezzlement and wire fraud, by meeting with the family of the defendant Christopher Butler, referring to Butler as "his client", attempting to retain defense counsel for defendant Butler and working with defense counsel to obtain the release of defendant Butler from the Hinds County Jail, against the peace, dignity and laws of the State of Mississippi;

CHARGE: District Attorney not to advise, counsel, consult, or defend criminals [97-11-3]

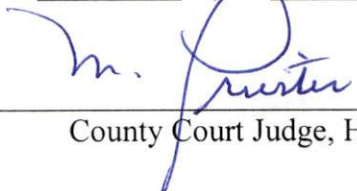
COUNT VI

Robert Shuler Smith on or about and between the dates of January 14, 2016 and June 20, 2016, while acting in his capacity as the District Attorney of the 7th Circuit Court District, Mississippi, did willfully and unlawfully consult, advise, counsel and defend Christopher Butler, who was then and there charged in the County Court of the First Judicial District of Hinds County in case number 12-045 and 12-831 with the crime of possession of a controlled substance, by using the power of the grand jury to pressure a sitting circuit court judge to dismiss the charges of possession of marijuana against Christopher Butler, against the peace and dignity of the State of Mississippi

CHARGE: District Attorney not to advise, counsel, consult, or defend criminals [97-11-3]

AFFIANT: 

Sworn and Subscribed before me this 22nd day of June 2016


_____ County Court Judge, Hinds County