

Smith Announce Candidacy for District Attorney

To The citizens of Shelby County:



My name is John R. Smith and I am a Republican candidate for Shelby County Criminal District Attorney.

After Lynda K. Russell's untimely retirement I did not immediately apply with Governor Perry's office to fill her unexpired term. Why didn't I? I did not need a job; I did not need the money; and, I was not seeking a higher office by using the District Attorney's job as a stepping stone for a judgeship or higher!

As I contemplated applying for the position, I remembered that I was once proud and confident in our criminal judicial system in Shelby County. I was once proud of the fact that "ALL Shelby County Citizens were equal under the law." And, I was once proud that Shelby County Citizens had a right to be proud of our criminal judicial system.

I finally applied for the position of Shelby County Criminal District Attorney because:

- I believe that our criminal justice system is in need of repair;
- I feel that with proper experience, dedication, honesty and principles, pride and justice can be restored to the office of Shelby County Criminal District Attorney;
- And, I feel that I am the only applicant with the total experience and background to restore pride and efficiency to the criminal judicial system in Shelby County. That, coupled with dedication, honesty and hard work, the confidence of the Citizens of Shelby County can be restored to this position, which is badly needed at this time.

Those are the reasons I applied for the position, and those are the reasons that I decided to become a candidate when Governor Perry saw fit to leave us in limbo for the next twelve months without appointing a District Attorney for our county.

Let me say right here and now that Lynda K. Russell is not the cause of the demise in our criminal judicial system. Lynda K. always tried to do what was right throughout her entire career. In times of controversy she sought guidance and support from other officials within the criminal judicial system. Some gave her advice that was within the law, while others gave her advice that was diametrically opposite to the law. Others "shunned" her, let her take all the heat, and in many instances, others turned their backs on her when the "Highway 59" investigation(s) began. Well, my fellow Citizens, look at the "entire system," not just Lynda K. Russell if you're trying to place blame. She was one of my greatest friends, and it's not fair that all the blame has fallen on her shoulders alone.

Our criminal judicial system is comprised of three primary areas: (1) the Judiciary (the Judges and Magistrates); (2) Law Enforcement (Shelby County Constables, Sheriff's Department, Police Department, Department of Public Safety and Federal Law Enforcement Agencies; and (3) the Prosecution (District and County Attorneys' Offices). If these three components do not communicate and cooperate with each other, the entire system implodes, and that's where we are today. At this time, there is little or no communication between the following entities: (1) the District Attorney's Office & the District Judges; (2) the District Attorney's Office and the Shelby County Sheriff's Department; (3) the District Attorney's Office and the Center Police Department; (4) the Shelby County Sheriff's Department and the Center Police Department, etc., etc., etc.!

If there is no communication, there can be no cooperation. Without communication and cooperation between all of these entities/offices, the existence of an effective criminal justice system is impossible.

The heads of these various offices do not have to love one another, but they must respect one another. Respect must be earned, it cannot be acquired or attained by just giving "lip-service," or ordered. As your former District Attorney I was not on any "dinner guest lists" of Sheriff Carl Shofner, Police Chief Jimmy Matthews, Judge Dodd, nor Judge Mitchell. But we all had one thing in common - we all knew that we worked for the Citizens of Shelby County, Texas! That's who hired us, and we all knew that if we were to be successful, we must set aside our petty differences, follow the law, and bust our back-sides to satisfy OUR BOSS - you, the Citizens of Shelby County! We all needed to, and did pull the same wagon. We did not go our separate ways and try to build our own little "ivory towers" to preserve our own job security! We worked together by respecting each other, communicating and cooperating with one another.

Following and applying the law is not difficult! Our forefathers provided us a Constitution that is not really that difficult to abide by, as long as you understand that everyone in government is responsible to the People! And, if you accept that mandate, and work within the system, then the system works. And if we, as public servants/politicians, do not accept that mandate, we don't need to be within the system.

The Texas Code of Criminal Procedure provides the duties and responsibilities of the District Attorney, which states in part:

". . . It shall be the primary duty of all prosecuting attorneys. . . not to convict, but to see that justice is done."

Justice is not accomplished by stopping every person of color who walks down our streets or highways. Justice is not accomplished by stretching the truth in order to obtain an indictment or conviction. And, Justice is not accomplished by putting one's own self-interests before the rights of others.

My job, if elected, is to see that justice is done. Your job is just as important. Your job is to take time and honestly judge each candidate's qualifications. The position of Shelby County Criminal District Attorney should not be decided based upon a beauty contest or popularity contest. As Citizens, you have the duty, indeed the obligation, to take time, and, in some cases, make the hard decision to vote for someone with whom you might not agree on all issues, but whom you know can get the job done within the law. With that in mind, I submit for your consideration, my qualifications for Shelby County Criminal District Attorney:

- A. I am a Christian and a member of the First Baptist Church in Center, Texas, and a member of Dr. Joe B. Hooker's Bible Class. I am married to Cindy Conway Smith. We have three dogs, a talking bird, and have called Shelby County our home for the past thirty-eight (38) years;
- B. I have been practicing law (about 70% of which has been criminal law) since Judge Wardlow Lane swore me in to practice on December 8, 1973;
- C. I have tried more criminal jury cases in Shelby County (both as a defense attorney and as your Criminal District Attorney) than all the other candidates combined;
- D. I was Shelby County Criminal District Attorney from 1993-1997, during which time more criminal jury trials were conducted than in any four (4) year period in the history of Shelby County. Also, during that period, only one (1) jury panel was dismissed "because all criminal cases had been tried or settled."
- E. I went into office with more than five hundred (500) pending felony cases. I left office with less than fifty (50) cases which included not only the pending cases, but all the cases that had been filed between 1993-1996.

F. I went into office on January 1, 1993, and picked the first jury the following Monday. I left office on December 31, 1996, and picked my last jury on the last Monday of my term. It is my opinion that when voters elect you to do job, that mean for you to do that job from the time you go into office, until the day you leave office.

G. I have been admitted, and practiced, in the United States District Court for the Eastern District of Texas, Western District of Texas, Southern District of Texas, and Northern District of Texas.

H. I have been admitted and tried jury trials in the United States District Court for the Western District of Louisiana and the United States District Court for the Western District of Tennessee.

I. I have been admitted to practice, and argued cases before the Fifth Circuit Court of Appeals in New Orleans and the Sixth Circuit Court of Appeals in Cincinnati, Ohio, and Capital Murder before the Texas Court of Criminal Appeals.

J. I am a graduate of Texas Christian University; South Texas College of Law, and have been a member of The College of the State Bar of Texas for over thirty-five (35) years (denoting that I have completed, on an annual basis, more than twice as many Continuing Legal Education training hours than is required by the State Bar of Texas).

K. I believe that "all men/women are created equal" in the eyes of our God and it should be no different in the eyes of the law. I believe that when our founding fathers stated "in justice for all," that is exactly what they meant. And, I believe that men/women should not be judged not by the color of their skin, but by the sweat of their brow.

My fellow Citizens, I don't think I can do the job if elected your District Attorney; I don't hope I can do the job if elected your District Attorney. If elected, with your help and the Grace of God, I KNOW I CAN DO THE JOB, I'VE DONE IT BEFORE AND I CAN DO IT AGAIN!

John R. Smith, Republican Candidate for Shelby County Criminal District Attorney

FACEBOOK: [John R Smith for District Attorney](#)