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Judge's own case source of frustration

Sherri Williams

By Sherri Williams
Clarion-Ledger Staff Writer

When Hinds County Youth Court Judge Houston Patton found himself a victim of an alleged extortion scheme in 1997, he immediately turned to authorities for help. But after four years of legal roadblocks and no prosecution, Patton is frustrated.

"It gives you hopelessness that something happens to you and no one ever does anything about it," he said. "Having it delayed this long I understand how people feel. Not having it dealt with leaves a bad taste in my mouth about a system that I am a part of."

Patton will continue to wait for justice, since the postponement of the Sept. 18 trial for **J. Keith Shelton**, the 45-year-old Byram lawyer indicted Aug. 14, 1997, on charges of obstruction of justice and bribery for allegedly attempting to get Patton to reverse a judgment for a client, Edward James Jennings Jr., who is also charged.

Hinds County Judge Tomie Green, the latest of three judges assigned to preside over the case, granted a motion by **Shelton's** attorney, John Colette, for a continuance.

Colette, **Shelton's** third lawyer in the case, has been representing him since April. He said the case's time frame is unusual but that it is important to follow all legal procedures and not rush in order to preserve justice.

"It is a highly unusual case on both sides of the picture and we are just going to defend Mr. **Shelton** and believe he will be cleared of all of the charges," he said.

Green said she agreed to postpone the trial because defense attorneys have not had proper time to prepare for the case.

The case was legally blocked in the state Supreme Court for almost two years. **Shelton** filed an appeal to have the state's high court consider recusing all Hinds County judges from hearing the case because a Hinds County judge is involved.

"Until the Supreme Court had ruled, no judge could hear the case," Green said. "When they reach their decision and give directions back to the court, then we can act. Once the order comes down, I am at liberty to set it for trial."

Shelton's state Supreme Court appeal was filed Dec. 14, 1999. Justices issued a judgment May 8, 2000, and the judgment was entered into the Hinds County docket July 20 this year.

Green said the case will probably not come to trial until November or perhaps January 2002, depending on discovery.

However, Patton feels the matter should be solved soon because **Shelton** has still been allowed to practice law after allegedly acting unethically on behalf of his client Jennings,

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Patton said **Shelton** should be disbarred for the incident.

"For a lawyer to be part of a scheme like that, what kind of trust could the public have in him?" he asked. "I wouldn't want him for my lawyer."

Larry Houchins, executive director of the Mississippi Bar, said **Shelton** has been an active member of the Mississippi Bar since 1989 and there are no pending disciplinary actions against **Shelton** to suspend his license to practice law.

Houchins said the Mississippi Bar handles criminal charges against lawyers and disciplinary action on a case by case basis. However, the body usually acts after the legal matter is resolved. But if an attorney is convicted of a felony "it's an automatic disbarment upon conviction of the felony," he said.

Shelton and Jennings were arrested in April 1997 after the two allegedly asked Patton to give them \$25,000 to drop a complaint Jennings had filed against Patton with the Mississippi Commission on Judicial Performance.

Jennings had filed a complaint because Patton rescinded a \$35,000 judgment awarded to Jennings after he won a malicious prosecution suit Sept. 24, 1993.

However, Patton said he rescinded the \$35,000 award in a March 15, 1994, court order because Jennings had failed to properly notify the defendant of proceedings.

Patton said **Shelton** approached the judge and asked him to pay him \$25,000 to make the complaint go away and reinstate the cash judgment to his client. Patton said he immediately reported the incident to the Hinds County district attorney's office.

That office and the Jackson Police Department instructed Patton to arrange a meeting with **Shelton** and Jennings outside a McDonald's restaurant near Metrocenter mall, Patton said.

With police nearby and his car wired, Patton met with the two in the parking lot in April 1997, he said. Patton said after he gave them \$5,000 in marked money provided by police, the two were arrested.

"When I handed them the money you should have seen the looks in their faces, they were like 'wow,' " Patton said with his eyes and mouth wide open. "They thought crime was paying. But now they see crime doesn't pay."

Jennings and **Shelton** never got money from the alleged bribery scheme or from the judgment.

Brant Brantley, director of the Mississippi Commission on Judicial Performance, said he could not comment on the complaint that Jennings filed but he did say, "The commission has not taken any disciplinary action against Patton or filed anything in the state Supreme Court."

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Lawyer, ex-client

Gregg Mayer

Staff

plead in bribe case

Probation, term in prison possible in 1997 case

By Gregg Mayer

gmayer@clarionledger.com

A Hinds County judge will have to decide whether to accept or reject the "best interest" pleas of a Waynesboro attorney and a former client stemming from a 1997 indictment for attempted bribery of a local judge. The pleas are are technically similar to guilty pleas.

Lawyer **J. Keith Shelton** and Edward James Jennings Jr. entered the pleas Monday before Hinds County Circuit Court Judge Tomie Green. The judge can accept the pleas after a presentencing investigation, which should take about 30 days, said Assistant District Attorney Robert H. Taylor Jr.

She could also non-adjudicate the cases, meaning **Shelton** and Jennings won't have a conviction on their records.

Shelton and Jennings face sentencing of probation up to 10 years in prison.

The "best interest" plea allows a defendant to plead guilty to a crime without admitting to actually doing it. Essentially, there is enough evidence to go to the jury and possibly be convicted, so it's in the defendant's "best interest" to plead rather than face a stiffer sentence at trial.

"The Supreme Court has said you don't have to say 'I'm guilty,'" said John Colette, an attorney representing **Shelton**.

Shelton and Jennings, who is represented by attorney Don Leland, are accused of trying to bribe Hinds County Youth Court Judge Houston Patton in 1997 over a complaint Jennings filed against Patton with the Mississippi Commission on Judicial Performance. According to the allegations, **Shelton** and Jennings offered to drop the complaint for \$25,000. The two also wanted the judge to reinstate a \$35,000 judgment for Jennings that the judge had rescinded.

Patton reported the incident and **Shelton** and Jennings were indicted.

Shelton couldn't be reached for comment Monday. Colette said he hopes the case is non-adjudicated, which would mean **Shelton** won't serve jail time and won't have a conviction.

"He's a practicing lawyer and this was a highly unusual situation," Colette said.

The district attorney's office didn't oppose the pleas or make a recommendation.

Shelton also faces a possible inquiry from the Mississippi Bar. Mike Martz, general

counsel for the bar association, said **Shelton's** case will be reviewed to determine if an inquiry is warranted. Evidence from an inquiry would be submitted to the state Supreme Court to determine what action - such as disbarment - may be warranted.

An attorney convicted of a felony is automatically disbarred.

Patton, who said previously he thought **Shelton** should be disbarred, couldn't be reached.

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Ex-attorney escapes prosecution for alleged bribery

Jimmie E. Gates

Staff

By Jimmie E. Gates

jgates@clarionledger.com

A former attorney and his then-client won't be prosecuted for allegedly trying to bribe Hinds County Youth Court Judge Houston Patton in 1997, although one of the men agreed to a plea deal in the case.

Former attorney **J. Keith Shelton** and James Jennings Jr. were accused of trying to bribe Patton over a complaint Jennings filed against Patton with the Mississippi Commission on Judicial Performance, the state's watchdog group for judges.

"A thorough re-examination of the evidence reveals there is substantial doubt as to the ability of the state to carry its burden of proof in a trial," chief Assistant District Attorney Robert Taylor said. "Judicial economy would not be served by taking this case to trial when there exists such strong doubt as to the merits of the case."

In 2002, **Shelton** entered a "best interest" plea, technically a guilty plea, for attempted bribery, which carries a maximum 10 years in prison upon conviction. But in a best interest plea, the defendant doesn't admit his or her guilt.

Shelton was never sentenced. In August, Hinds County Circuit Judge Tomie T. Green said the main reason **Shelton** hadn't been sentenced was he was to testify against Jennings at trial as a condition of his plea.

Shelton couldn't be reached for comment, but his attorney John Colette said "it was probably in the best interest of the state and the defendants that the charges were remanded."

Shelton was disbarred after entering the plea, pending the outcome of the case.

The state bar's general counsel Adam Kilgore said Wednesday he couldn't comment until he reviewed the order disbaring **Shelton**.

Neither Jennings nor his attorney could be reached Wednesday for comment.

Patton said the district attorney's office did not consult him about its decision to not prosecute.

"I don't know what reason they would remand the case," Patton said. "I still have memory about it."

Shelton and Jennings allegedly offered to drop Jennings' complaint against Patton for \$25,000. The two also wanted the judge to reinstate a \$35,000 judgment for Jennings that Patton had rescinded, according to court documents.

Patton reported the attempted bribe. **Shelton** and Jennings later were indicted.

Patton had said the district attorney's office in 1997 and the Jackson Police Department instructed him to arrange a meeting with **Shelton** and Jennings outside a McDonald's restaurant near Metrocenter mall.

With police nearby and his car wired, Patton met with the two in the parking lot in

April 1997, he said. Patton said after he gave them \$5,000 in marked money provided by police, the two were arrested.

Taylor said he didn't believe the office could get a conviction on the charges filed before District Attorney Faye Peterson took office. He said the plea agreement with **Shelton** had fallen apart.

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·Former attorney must testify in bribery trial as part of 2002 plea deal

By Jimmie E. Gates

jgates@clarionledger.com

Former attorney **J. Keith Shelton** is still awaiting sentencing almost three years after he entered a guilty plea in the attempted bribery of Hinds County Youth Court Judge Houston Patton.

"It's been going on too long," Patton said about the case last week. "I don't know what is going on with it. ... It should have been taken care of a long time ago."

Shelton and his then-client James Jennings Jr. were accused of trying to bribe Patton in 1997 over a complaint Jennings filed against Patton with the Mississippi Commission on Judicial Performance. According to the allegations, **Shelton** and Jennings offered to drop the complaint for \$25,000.

The two also wanted the judge to reinstate a \$35,000 judgment for Jennings that Patton had rescinded.

Patton reported the attempted bribe. **Shelton** and Jennings later were indicted.

In 2002, **Shelton** entered a "best interest" plea, technically a guilty plea, for attempted bribery. The maximum sentence for the charge is 10 years in prison.

"We are just waiting on the judge," said **Shelton's** attorney, John Colette.

Hinds County Circuit Judge Tomie T. Green said the main reason for the delay in sentencing is that **Shelton** is required to testify against Jennings at Jennings' trial as a condition of his plea.

Jennings, 45, of Mendenhall was scheduled for trial in July, but his attorney had a conflict, Green said.

Jennings' attorney, Don Leland, said his client also was scheduled for trial last Monday, but the case was delayed.

"We have tried some more urgent cases," Green said of the delay in bringing Jennings to trial. Green said she expects Jennings to be tried in November.

Court records from his 2002 plea said **Shelton**, 49, was to remain free on a \$5,000 bond until his sentencing. Jennings is out on a \$3,000 bond.

Shelton and Jennings both entered similar pleas, but Jennings later changed his mind and wanted to go trial.

"As soon as we try Jennings in November, we will sentence **Shelton**," Green said.

Shelton of Waynesboro was disbarred in 2003 by the state Supreme Court because

of the guilty plea.