



Political Action Committee

February 5, 2018

News Conference Statement Smith County District Attorney's Race

Tyler, Smith County, Texas – Today, Grassroots America's Executive Director JoAnn Fleming delivered the following statement at a news conference to address issues in the Smith County District Attorney's race – which is for an open seat due to the retirement of DA Matt Bingham, who has been in office for almost 15 years. (Bingham entered office on 04-13-2004.)

Background

For those new reporters here from local media who do not know me, my name is JoAnn Fleming. I have been involved in political activism and public policy for 26 years. I am a self-retired Smith County Commissioner. **Over the last 26 years, I have been appointed to serve on more than 22 local boards, commissions, task forces and working groups.** To say that I know a little bit about Smith County politics is an understatement.

I am the full-time, unpaid Executive Director for Grassroots America – We the People PAC. Grassroots America was formally instituted in 2009 and our home base is Smith County – but today we are a statewide conservative grassroots organization, and I serve as an advisor to many elected officials at the local, state and federal government levels. They seek my advice and counsel because they know that I will tell them what they need to hear – not necessarily what they want to hear.

Our mission is constitutionally-limited government that places a premium on honesty, transparency, and respect for all taxpayers. We seek to raise a very high standard for public service – especially at the local level.

When it comes to state government, **our influence is statewide, and our presence in the state Capitol is felt.** *Capitol Inside* ranked ours in the top ten “most coveted endorsements in GOP primary campaigns in the Lone Star State.” We are literally overrun with requests to interview candidates from every corner of this state. Our reputation has been earned with a heck of a lot of hard work.

We take our responsibility very seriously. We spend hundreds of hours interviewing candidates, researching their backgrounds and voting records. We do not endorse just because everybody else is doing it. If a particular race does not have any candidate running that meets our high standards for an endorsement, we will not endorse in the race at all.

By the time a candidate has gone through our grilling, it is one they will remember. Every candidate is told that an endorsement or recommendation is NOT a life-long commitment. If we have EVIDENCE that a candidate has misrepresented their own record or that of their opponent, or has in any way distributed factually inaccurate information during the course of their campaign, we will give them a very short time to publicly apologize and set the record straight. **If they do not, we will publicly withdraw our endorsement.**

Now that I’ve laid that foundation, you know that we are not a social club and that we take what we do very seriously. **Trust me, if you work full-time at an unpaid job running a statewide organization, putting in 10 – 16 hour days except for two weeks at Christmas, you take the job seriously.**

Now, as promised, I will comment on the “internal audit” District Attorney Matt Bingham released on January 23.

First, you should always know this – we do not comment about documents we have not read or investigated. To do so would be completely irresponsible. We also give candidates we have endorsed a chance to review allegations and provide us with documentation and their own response first. From there, we also investigate what they say. We don’t just take their version at face value. We dig deep.

In the case of this “audit,” the Grassroots America Board reviewed all of the documents put forth by Jacob Putman. In addition, because we are a statewide organization, I have resources beyond Smith County politics who are able to provide a disinterested, independent perspective. Former assistant district attorneys from other counties who are now in private practice and a respected retired judge reviewed Mr. Putman’s personnel file, the cases, Mr. Putman’s review of those cases, and what we view as conflicting policy directives. They reached the same conclusion we did.

Defining Issue #1: The personnel file belonging to Asst. District Attorney Jacob Putman contained NOT ONE disciplinary action or reprimand from District Attorney Matt Bingham or First Assistant April Sikes for the NINE years Putman has worked in that office. The file does contain evidence of promotions, pay raises and commendations for hard work.

As a former County Commissioner, I have firsthand knowledge of budget and office practices around this county. It is common knowledge that DA Bingham not only raised salaries during a budget year, but he also has the reputation of lowering salaries when he believes it is warranted. **There is no indication in Mr. Putman’s file that his salary was ever lowered due to poor performance or as the result of the alleged 2016 “pulling” of his cases by Mr. Bingham because of policy violations.**

In my private sector career, as well as my time as a public servant, the first thing drilled into you is documentation. **You must have documentation of any reprimands or disciplinary action signed off on by both the manager and the employee in order to reduce the risk of costly legal action.** This county settles lawsuits ALL the time. It defies all logic that the Smith County District Attorney would not know that he should document disciplinary action and reprimands in employee personnel files.

Defining Issue #2: If Matt Bingham really believed those policies from December 2012 were in force, why did he and his first assistant never take any notice that his assistant district attorneys weren't asking the bosses to sign off

on dismissals, etc.? Surely, they saw cases coming through the DA's Office and the Courts. **If those policies were so important to Matt Bingham, why weren't they important enough to enforce long before this election?**

Defining Issue #3: The buck stops with the boss. It is the responsibility of District Attorney Matt Bingham to ensure that he has enforceable policies in place that will accomplish the role of District Attorney in the Justice System and protect the taxpayers of Smith County against waste, abuse, and lawsuits.

Conclusion: Without any evidence to back up Mr. Bingham's claims of past reprimands, but evidence that there were both conflicting AND unenforced policies in the District Attorney's office, Grassroots America discounts the entire internal audit as relevant to our assessment of Mr. Putman.

Finally, in assessing Mr. Putman, the much talked about Dabrett Black case is the only case we will comment on today. **We are not going to re-try cases and second guess the prosecutors, law enforcement, and judges involved in all the cases cited in the internal audit.**

First, our record supporting law enforcement is well known. For many years, we have sponsored an annual lunch for Sheriff Larry Smith's local LEO training day. We always sponsor door prizes for the Sheriff's annual awards banquet. We worked with former Senator Kevin Eltife to raise funds for ballistic resistant vests and other equipment for local law enforcement.

I personally have lobbied for raises for DPS troopers and policies that would protect their retirement and benefits. I've also gone to bat for the agency when they were directed to border security and needed funding for equipment and more personnel. When DPS families were hard hit by Hurricane Harvey, I personally donated, Grassroots America donated, and we made public appeals for the Troopers' Foundation. The President of the DPSOA – Lt. Jimmy Jackson – can vouch for everything I've said here about our record in supporting DPS.

So if anybody makes a claim that we don't support law enforcement, they are either woefully uninformed or they have chosen to misrepresent the facts.

We have taken into account the **following facts about the Dabrett Black cases**, which were verified by case files and by a timeline released at a December 4, 2017 press conference by Sheriff Larry Smith:

- 1) Putman pled Dabrett Black to 12 months because the Sheriff's Deputy who was the victim of a beating by Dabrett Black didn't want to testify. **Sheriff Smith confirmed** 1) the Deputy who was the victim of the assault was no longer employed by the Sheriff at the time of the plea, 2) the deputy had resigned while he was himself under investigation, and 3) the reason for the Deputy's separation from the Sheriff's Office could have affected the outcome of the trial in that case.
- 2) In addition, Dabrett Black had NO prior felonies and was a three time deployed combat veteran. His defense attorney had raised the issue of PTSD and possible mental issues.
- 3) Even if Putman had been able to get the maximum punishment in a jury trial, Dabrett Black would have been up for parole in 15 months. **The difference between Putman's plea deal and the maximum punishment was 3 months guaranteed confinement.** We believe Mr. Putman salvaged what he could in an imperfect situation.
- 4) After Dabrett Black was released from the Smith County Jail on **March 2, 2016 for time served**, he went on to ram a deputy's vehicle on July 2, 2017 and was subsequently charged with evading arrest, aggravated assault against a public servant, and reckless driving. Justice of the Peace Mitch Shamburger, who was magistrating at the jail when Dabrett Black was brought in, **admitted that he did not look up Dabrett Black's record to check for prior convictions BEFORE he set Black's bond at \$15,500. That is how Dabrett Black was back out on the street by July 31, 2017.**
- 5) When Mr. Putman found out that Dabrett Black had reoffended by assaulting law enforcement again and was out on a low bond, he notified the Grand Jury attorney immediately and made sure they knew to have the judge increase his bond upon indictment.
- 6) In October 2017, Black was indicted for aggravated assault against a public servant, a first-degree felony, and evading arrest, a third degree felony.

The new arrest warrant was received by the Smith County Sheriff's Office on November 2, 2017 and was entered into the National Crime Information Center and Texas Crime Information Center on Nov. 8. Bond was set at \$400,000.

- 7) On November 23, Trooper Allen was shot and killed by Dabrett Black in Freestone County.

We were all saddened by the savage ending to Trooper Allen's life. We agree with Sheriff Larry Smith's assessment: "The criminal justice system in America is one of the best in the world; however, it is not perfect.

Just as we do not immediately jump to conclusions and blame law enforcement every time allegations are raised against law enforcement for "murder by police brutality," we will not jump to the conclusion that every time a person with a criminal record reoffends resulting in a death, that it is the fault of a prosecutor or a judge. We wait for the facts, and we examine only the facts.

Conclusion:

- 1) After reviewing the details of this case, Mr. Putman's trial record, and interviewing a variety of people who have worked with him over the past nine years, including law enforcement, **there is NO evidence that Jacob Putman is soft on crime, or that he does not highly value the service of law enforcement.** In fact, there is plenty of evidence that Mr. Putman is supported by law enforcement with endorsements, and we have received several calls from LEOs affirming their support for him.
- 2) There is **no evidence** that Jacob Putman has ever been disciplined, sanctioned, or formally reprimanded for breaking Smith County District Attorney policies, and has never had a demotion or reduction in pay. However, there is **plenty of evidence** of raises and commendations from the DA and First Assistant (the last raise being this past November). **We therefore conclude there is NO reason to believe Jacob Putman to be an irresponsible, rogue, ne'er-do-well prosecutor.**

Our endorsement of Jacob Putman for Smith County District Attorney therefore stands.

This is why we endorsed Jacob Putman:

- 1) **Selective prosecution in Smith County needs to end.** Who you are, who you know and who your attorney is should not get you a special deal. All victims and their families need a fair chance to get justice. **We have every reason to believe that Jacob Putman reveres the rule of law and he has pledged to end selective prosecution.**
- 2) **We want a District Attorney who will not turn a blind eye to local elected officials and their family members when it looks as if they have broken the law.** Last year, Matt Bingham's response to videos released by a District Judge that showed multiple violations of the Texas Open Meetings Act by the Smith County Commissioners Court was "I don't care. I don't care about it. The litigation is concluded." To quote an April 25, 2017 *Tyler Morning Telegraph* editorial, "His (Bingham's) office is responsible for upholding the law, whether it's for a capital murder case or an open meetings violation. His assigned representative sat in on those meetings, and failed to ensure they were conducted properly. That buck stops with Bingham."

Then there's the case of suspended Constable Henry Jackson's wife being no-billed. A May 26, 2017 *Tyler Morning Telegraph* editorial said, "In Smith County, you can shoot your husband and a 5-year-old child, and walk away with no consequences - if you're the right person." The editorial continued, "It appears District Attorney Matt Bingham's office failed to pursue an indictment vigorously. It's just another example of the District Attorney's Office demonstrating reluctance to engage when Smith County officials or their family members are involved. In Smith County, it seems members of the 'In Crowd' are held to a very different standard than the rest of us." This favoritism based on an "elite status" for elected officials and their defense attorneys needs to end. **We believe Jacob Putman will slam the door shut on that, which is part of the reason he's under so much fire now.**

- 3) There needs to be better communication between the District Attorney's Office and local law enforcement. Jacob Putman has pledged to do just that.

Jacob Putman has earned our endorsement because:

- ◆ He will support efforts to secure, cost saving treatment for the mentally-ill rather than warehousing them in jail.
- ◆ He has a plan to strengthen laws by working with our Legislators.
- ◆ He is planning a multi-agency effort to fight human trafficking in Smith County and to prevent sex trafficking from ensnaring underage girls, boys and women.
- ◆ He will raise the standard in the Civil Division to make sure the rule of law is followed because he knows Smith County cannot afford incompetent attorneys giving bad advice to our county elected officials regarding contracts, statute interpretation, the Texas Open Meetings Act and the Public Information Act.

Grassroots America believes Jacob Putman as our next District Attorney will be good for Justice, good for the DA's office employees, and good for law enforcement and the judicial system. **Grassroots America stands by him.**

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