U.S. Department of Justice

United States Attorney
Eastern District of Arkansas

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Little Rock, AR -- Bud Cummins, U.S. Attorney for the Eastern District of Arkansas, announced today that in the Western District of Tennessee matter styled *U.S. v. O'Brien Cleary Smith* (docket number 04-20054 B V), the government has elected to dismiss the indictment and not pursue a retrial of the charges against Dr. Smith.

"Dr. Smith was brought to trial because the evidence pointed to his guilt. That hasn't changed. However, it is now questionable whether any jury could unanimously agree as to what happened on the night of June 1, 2002. Jurors will continue to ask how and why someone would do this to himself. The answers, however true, may be too bizarre for unanimous recognition by any jury," stated Cummins.