

IN THE CIRCUIT COURT OF DESOTO COUNTY, MISSISSIPPI

STATE OF MISSISSIPPI

v.

CAUSE NO: CR2024-1166CWD

LINDSAY WHITESIDE

FILED
DESOTO COUNTY MS

ORDER OF RECUSAL

OCT 21 2025

Dale R. Thompson
CIRCUIT COURT CLERK

When a judge's ability to be fair and impartial might reasonably be questioned, whether true or not, recusal becomes appropriate.

Since the sentencing hearing in this case, which was conducted on October 13, 2025, there has been a significant amount of traditional media coverage as well as social media coverage of the case and segments of testimony that transpired in the hearing. The heightened level of public interest in the outcome of this case seems to have occurred, at least in part, as a result of a press conference and other public releases of information in the case by DeSoto County District Attorney Matthew Barton. In the Court's opinion, Barton has been selective and decidedly unnuanced in his portrayal of information in the case. Barton's impressions regarding the case have been parroted not only by internet "influencers", but also by numerous, allegedly responsible, news outlets who don't seem to have conducted any of their own research.

Barton complains of the Court's illegal sentence, presumably illegally lenient. Or maybe not. If the defendant is not legally eligible to be placed on house arrest, she could have received

probation with no period of incarceration (incarceration being the three years of house arrest). It cannot be presumed that Barton would have preferred the Court sentence the defendant to the legal sentence of probation alone. The implication is that Barton would never knowingly allow something like this to happen as a prosecutor. And yet, there are examples of cases in DeSoto County where Barton's office has actually initiated sentencing recommendations to the Court in sex offender cases that were illegal sentences, asking the Court to sentence sex offenders to far less than the minimum allowed by law.

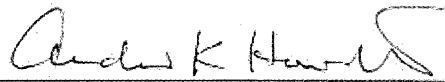
There is often disagreement with a judge's ruling in a given matter. In this case the disagreement has become extreme. In the court's opinion, part of this extremity has been precipitated by Barton's apparent desire for a high and very public media profile. There is certainly nothing illegal, maybe not even unethical or improper, about the manner in which Barton promotes his personal views regarding the disposition of cases. However, since this behavior can result in bringing unusually high attention directed at people involved in the case, including some witnesses as well as the judge, the ability of the judge to continue to preside impartially over the case might reasonably be questioned, regardless of whether such perception is accurate.

The Court is mindful that this is an unusual step to take, and it should be. If judges are willing to remove themselves from cases solely as a result of criticism from a prosecutor, then prosecutors could keep getting judges removed, merely by criticizing them in a public forum, and eventually land on a judge who will do what the prosecutor wishes. At that point, the role of judge and prosecutor will have become blurred, rather than completely separate. This approximates the manner in which courts operate in authoritarian regimes, such as North Korea and Iran. However, in this particular case, the Court's focus is in the public sentiment that is

being expressed to the point that the undersigned Judge's fairness and impartiality has been questioned and likely will continue to be questioned.

For the foregoing reasons, the Court hereby recuses itself *sua sponte* from further involvement in this case, as well as any other cases, if any, prosecuted by Matthew Barton or others in his office in DeSoto County, Mississippi. The clerk is directed to provide a copy of this Order of Recusal to the Mississippi Supreme Court, in order for a new judge to be appointed in this case.

SO ORDERED and ADJUDGED, this the 21st day of October, 2025



SPECIAL CIRCUIT COURT JUDGE