

Covington Secures Release of Death Row Inmate

WASHINGTON, DC, April 12, 2012 — An Alabama man was recently freed after spending 17 years in prison, most of it on death row, after lawyers from Covington & Burling established that his original trial counsel failed to represent him effectively.

Larry Smith was sentenced to death on August 25, 1995, for killing a friend in rural Marshall County, Alabama. The conviction hinged on Mr. Smith's confession, but the confession was made without a defense lawyer present following a 4-hour police interrogation that was not recorded, as required by established Alabama police guidelines. The conviction withstood the appeals process despite the absence of any eye-witness account, murder weapon, or physical evidence linking Mr. Smith to the crime.

Covington began representing Mr. Smith on a pro bono basis in 2001 after his conviction and sentence had been affirmed on direct appeal. In connection with state habeas corpus proceedings initiated by Covington, the firm developed substantial evidence that Mr. Smith's trial counsel had not properly investigated the case, that the confession was coerced, and that testimony from an informant who had initially pointed police to Mr. Smith should be discredited. Based on this extensive record, the Alabama Circuit Court found in 2007 that Mr. Smith's trial had been ineffective and ordered a new trial. Over the next five years, the state appealed unsuccessfully to the Alabama Court of Criminal Appeals and the Alabama Supreme Court.

As preparations for Mr. Smith's retrial were underway, discussions began with the Marshall County district attorney about a possible plea agreement. Those discussions ultimately led to Mr. Smith pleading guilty to a charge of conspiracy to commit robbery while armed. The murder charge was dropped. At a hearing on April 6, the trial judge accepted the plea and sentenced Mr. Smith to time already served. Mr. Smith was released from prison approximately one hour later.

“We are deeply gratified that we were able to secure our client’s release after 17 years in prison,” said Keith Teel, the Covington partner who led the team. “We believe that the court correctly held that there was little chance Mr. Smith would have been convicted had he been adequately represented at his first trial. This case again illustrates how important it is that individuals charged with capital crimes be provided experienced and able defense counsel.”

In addition to Mr. Teel, other Covington lawyers who worked on this matter included Jennifer Whitfield, Greg Padgett, Julius Chen, Emily White, Jackie Kelly,* and Ethan Posner.

*Not yet admitted to practice.

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