

Interview with attorney for family of Anthony Lamar Smith:

Authorities withheld DNA evidence in St. Louis police killing

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World Socialist Web Site reporters spoke with attorney Al Watkins in St. Louis last week following the “not guilty” verdict in the criminal case of former police officer Jason Stockley, who shot and killed Anthony Lamar Smith in December 2011. When Missouri Circuit Court Judge Timothy Wilson released the ruling on September 15, protests swept St. Louis. The ongoing demonstrations have been met with brutal police repression, including the “kettling” and mass arrest of peaceful protesters.

Watkins represented Smith’s family members in a civil rights lawsuit against officer Stockley and the city of St. Louis. The St. Louis Board of Police Commissioners agreed to a \$900,000 settlement with the family in 2013, ending the civil lawsuit.

In a stage of the lawsuit known as discovery, Watkins requested that the city provide any DNA evidence involving a revolver allegedly brandished by Smith as well as additional video footage of the killing. Investigative notes by the FBI as part of its federal criminal investigation made reference to both DNA evidence and the video footage that Watkins requested. The city denied that it had either of these pieces of evidence.

Watkins told the WSWS: “During our court-ordered mediation in the civil rights case, the city failed to turn over DNA evidence linking Stockley to the revolver, as well as the additional video footage. It became clear to us during Stockley’s criminal prosecution that the city had had this evidence back when we were in mediation.

“Had we had this evidence prior, it would have increased the settlement value of the family’s claim. I brought this to the attention of the Missouri attorney general who handled Stockley’s defense in the civil

case, and his response was, ‘We gave you everything that our office [the attorney general’s office] had in its file.’ That is not the legal standard for discovery. They had a duty to hand over not just what was in their file, but what was in the possession of the city of St. Louis, which they did not do.”

Failure to comply with a discovery request is grounds for disbarment or the permanent removal of an attorney’s license to practice law. It may also have criminal implications.

Watkins continued: “The whole package of justice in this case, not just the criminal case but in the civil remedies, the federal lawsuit, was compromised.”

It is not uncommon for wrongful death lawsuits involving police shootings to result in settlements or verdicts reaching millions of dollars.

Watkins also commented on the 30-page judicial opinion handed down by Judge Wilson on September 15 exonerating Stockley on charges of first degree murder and armed criminal action. The verdict turned both the evidence in the case and the applicable law upside down.

Any objective review of the videos of the police pursuit and subsequent killing of Anthony Smith, which document multiple violations of police department policy, as well as the dash cam audio of Stockley telling his partner, “We’re killing this motherfucker, don’t you know,” shortly before Stockley pumped five bullets into Smith, who was sitting in the driver’s seat of his car, make it clear that the cop committed murder.

Watkins explained: “You have to remember, Smith is ‘on paper,’ on parole, and has an ongoing bad relationship with Stockley. At the beginning of the

encounter, Stockley is brandishing his own, personal AK-47 [a semiautomatic rifle with a 30-round magazine].”

A bystander’s video shows Stockley removing his gloves after the shooting, then rummaging in the police car and placing something in the victim’s car. At trial, Stockley claimed that Smith had a gun in his car, but the evidence showed that the only DNA on the weapon was his own.

“He said he went back to get a clot pack, designed to assist, like in combat, the cessation of bleeding,” Watkins said. He explained that this was contrary to police practice. If Smith had a gun, as Stockley claimed, the first task of the officer would have been to secure the gun, not provide first aid.

Most significantly, the footage does not show Stockley with the clot pack or anything else in his hands after he leaves the victim’s car for the second time. Attorney Watkins told the WSWS that the only explanation for this is that Stockley was planting a revolver in the victim’s car to fabricate evidence for his self-defense claim.

Watkins commented as well on the judge’s attempt to downplay Stockley’s recorded death threat. “The judge says, ‘You’ve got to look at subsequent actions to see what was meant in that stressful situation.’ So if you look at subsequent actions, the subsequent action is, quite interestingly, that Stockley shot and killed Smith. We’re not talking about a day later; we’re not talking about a few hours later. We’re talking about maybe, not quite, a minute later. Okay, so let’s look at that subsequent action. And the judge doesn’t. The judge simply dismisses it outright. So the whole concept of intent is, in effect, trashed.”

Watkins continued, “He [Judge Wilson] says that an ‘urban heroin dealer’ who did not carry a gun is ‘an anomaly.’ What does he mean by ‘urban?’ He means black. And the only thing he [Smith] had ever been found guilty of was stealing items from cars.”



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