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Witnesses say they lied; murder charges dropped

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Murder charges were dropped in the middle of a trial Tuesday after the first two witnesses said police told them to lie.

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After spending 42 months in jail accused of killing a man, Robbie Henry and Don Smith were released Tuesday night after Miami-Dade County prosecutors abruptly dropped the first-degree murder charges against them in the middle of their trial.

The unexpected move came after the two eyewitnesses testified that police told them to lie about who committed the murder.

Prosecutors had one of the eyewitnesses, the girlfriend of victim Arthur Hardy, arrested on perjury and other charges Tuesday afternoon. Prosecutors did not charge the other eyewitness, a store owner, who testified on Monday that Miami-Dade police also told him to lie about the Christmas Eve 2002 murder.

Circuit Judge Reemberto Diaz called the outcome of the aborted trial "highly unusual."

"I've never seen anything like it," he said.

Assistant State Attorney Tammy Forrest, the lead prosecutor on the case, could not be reached for comment Tuesday night.

Smith's attorney, Andrew Rier, said his client has insisted all along that he was innocent of the murder.

"Mr. Smith was offered a very favorable plea, in part to testify against his cousin," Rier said. "He told me, 'How can I plead to something I didn't do?' I said, 'You're right, we'll go to trial.' "

Rier and Henry's attorney both said there was no fingerprint or DNA evidence linking their clients to the murder.

Smith, 32, and Henry, 37, were arrested three days after Hardy was gunned down in the parking lot of a Northwest Miami-Dade strip mall.

Hardy was at the mall Christmas-shopping with his girlfriend, Tamika Thompson, when several witnesses said he got into an argument in the parking lot and was shot.

Most of the witnesses said they didn't see the shooter up close, but one man gave police the license plate number of the truck the assailants drove away in, according to police reports.

The license came back to Smith's mother's truck, Miami-Dade homicide Detective Ed Carmody wrote in his report.

Thompson and a store manager in the strip mall picked out photos of Smith and Henry in line-ups, Carmody wrote in his report.

Thompson told police she knew Smith from junior high school and took police to Henry's home. She said she didn't know Henry's name, only that he was related to Smith, according to the report.

But she denied all of that on the stand Tuesday, saying that she was just telling police things that she had heard in the neighborhood because they pressured her, according to Henry's attorney, Philip Reizenstein.

"They did the right thing here in not proceeding forward on this case," Reizenstein said. "I'm concerned that they arrested this woman. She was in court with her little girl."

In addition to perjury, Thompson was charged with two counts of accessory after the fact relating to the murder charges that were dropped against Smith and Henry.

Even before the trial, Thompson had been reluctant to testify and prosecutor Forrest had jailed her as a material witness in order to force her to give a deposition, records show.

State Attorney's Office spokesman Ed Griffith said he had no details about the case.

"We are certainly concerned about allegation of police coercion and we would pursue that just as vigorously as we would pursue perjury on the witness stand at trial," he said. "We see both of these as grievous."

"We are aware of today's proceedings," said Miami-Dade police spokeswoman Nelda Fonticiella.

"However, there are more circumstances regarding this homicide case, which we are not at liberty to publicly discuss at this time."