



Zachary Noah Smith

On February 10, 2006, 24-year-old Zachary Noah Smith was indicted by a Jefferson County grand jury on a charge of sexually molesting his three-year-old daughter in Birmingham, Alabama.

Smith had divorced his wife a year earlier and his wife had been awarded custody of the girl. In 2005, the girl alleged that Smith had touched her vagina during one of her visits to her father.

Smith remained free on bond, and went on trial before a jury in October 2006. The girl, by then age four, testified that he touched her vagina. The girl's great-grandmother testified that the girl had told her Smith had sexually abused her.

Smith, who had no criminal record, testified in his own defense and denied ever inappropriately touching his daughter. A pediatrician testified he could not find any evidence of sexual abuse.

The jury convicted Smith of one count of first degree sexual abuse. He was sentenced to 10 years in prison, but the sentence was suspended and he was placed on probation and required to register as a sex offender. He lost his job and when he and his second wife had a child, he was not allowed to remain in the house because of his sex offender status.

In the spring of 2012, the girl, by then 10 years old, told a counselor that Smith had never molested her and that she had lied at the behest of her great-grandmother.

Attorney Joe Basgier III filed a petition seeking a new trial and a hearing was held in December 2012. The girl recanted her trial testimony and said that she had been coerced to lie by her great-grandmother, who was upset because Smith and his wife had gotten divorced. Two counselors testified that the girl had told them she had lied about the molestation.

Smith took and passed a lie detector test, indicating he did not molest the girl. Smith also took a sexual interest test which showed he had no sexual interest in young girls. A clinical psychologist testified that a review of an audiotape of the girl's initial interview that led to the indictment showed the girl's interviewer did not follow the proper protocol for interviewing a child alleging sexual abuse.

On December 12, 2012, Jefferson County Circuit Judge Virginia Vinson granted Basgier's petition for a new trial and vacated Smith's conviction. The Jefferson County District Attorney's motion to dismiss the case was granted on December 14, 2012.

– Maurice Possley

State: Alabama

County: Jefferson

Most Serious Crime: Child Sex Abuse

Additional Convictions:

Reported Crime Date: 2005

Convicted: 2006

Exonerated: 2012

Sentence: Probation

Race: Caucasian

Sex: Male

Age: 24

Contributing Factors: Perjury or False Accusation

Did DNA evidence contribute to the exoneration?: No

Report an error or add more information about this case.

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