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## Ruling in rape case upheld

By Jason Cannon Published 4:23pm Friday, March 23, 2012

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The Eleventh Circuit Court of Appeals upheld a ruling that the City of Demopolis was not liable in the rape of an underaged girl by one of the city's police officers.

The ruling, issued Tuesday, said "the city was entitled to rely on (Officer Terrance) Smith's common sense not to commit statutory rape, so its alleged failure to train him not to commit statutory rape does not show deliberate indifference to the rights of its inhabitants."

In the lawsuit, the victim and her family claimed the city violated her Fourteenth Amendment right to due process by failing to train one of its police officers not to commit statutory rape.

"If the impropriety of an action 'is obvious to all without training,' a failure to train a police officer to refrain from taking that action will usually not show deliberate indifference," the ruling continued. "So a city may 'rely on the common sense of its [police officers] not to engage in . . . criminal conduct.'"

In December 2006 Smith was accused of having sex with a then-13-year-old female Demopolis Middle School student on at least three occasions.

District Attorney Greg Griggers, who prosecuted the case, said the consensual encounters began in September 2006 when Smith worked crossing guard detail at DMS and ended approximately three months later.

In December 2007, almost a year to the date of Smith's final encounter with Jane Doe – how the underage victim was identified during both the trial and the lawsuit that followed – Smith was convicted on two counts of rape in the second degree and sentenced to 10 years in jail on each charge, which were to be served concurrently.

Smith was terminated by then-DPD Chief Jeff Manuel shortly after his arrest in December 2006.

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