



Bronx man freed after 38 years in prison as judge tosses child-murder conviction

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After nearly 40 years behind bars, a Bronx man shouted cries of joy yesterday as a judge vacated his conviction for the murder of an 8-year-old girl he says he didn't commit.

In a surprise ruling yesterday, Bronx Supreme Court Justice Seth Marvin set David Bryant free after 38 years in prison for the rape and slaying of little Karen Smith in 1975.

Bryant broke down in tears at the defense table as the judge ordered he be released "forthwith" after an investigative agency filed a motion to have him freed. The judge made the ruling after finding Bryant's trial attorney had provided a poor defense.

"I just wanna go to church and get on my knees and pray for my mother and father because they never believed me," Bryant said outside court, his eyes welling up.

"I wish they were alive today so that I could tell them that I didn't do it."

The Centurion Ministries, an advocacy group in Princeton, NJ, filed the motion because its probers believed Bryant was wrongfully convicted.

The organization said there was ineffective counsel because at the trial, Bryant's court-appointed lawyer did not question blood and semen evidence from the crime scene.

A court-ordered test of DNA evidence found that Bryant's blood type did not match the semen found on the Bronx staircase where Karen was slain.

Bryant was gleefully stunned at the decision as he prepared himself for life as a free man.

"You come out and you see all the changes and you don't know if you're going to make the adaptations to this new life," he said.

Outside the courtroom, Bryant hugged his lawyer, Paul Casteleiro, who gave a cellphone to speak to his advocate.

The former prisoner looked at the device, unsure of how to use it.

"You think about this day," he said. "But you don't think about all the adjustments that you have to make for this fast-paced world."

To celebrate, Bryant was ready get some fast food, just as he did 38 years ago before he went into prison.

He said he wanted a box of Kentucky Fried Chicken and biscuits, some Dunkin' Donuts and a Pepsi.

Bryant, who doesn't have any family, will stay with the director of the Centurion Ministries, Kate Germond, until they can decide how best to assimilate him back into society.

A spokesman for the Bronx DA said that the Appeals Bureau would review the record before deciding whether to appeal the judge's ruling.

The Centurion Ministries has been filing motions on Bryant's behalf for the past year, but yesterday's hearing was a surprise to its leaders, who were hoping to vacate the conviction but didn't expect the judge to release him so suddenly.

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David Bryant

credit Matthew McDermott