

Man's murder charge dismissed

Prosecutor: Only witness to slaying has changed story

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A first-degree murder charge against one of Durham's former most-wanted fugitives has been dismissed



SMITH

because a key witness apparently changed his story.

Prosecutor Freda Black dropped the charge against Kirk Orlando Smith, 25, in Durham County Superior Court this week.

"The only eyewitness to this homicide has recanted," Black

wrote in court documents. "There is no other evidence to prove this defendant was the perpetrator."

Black could not be reached for comment Thursday.

Smith, represented by lawyer Michael Driver, was accused of shooting 25-year-old Devondre Peace, who was gunned down in front of 1027 Rosedale Ave. while sitting in a minivan in September 2003.

Peace's body then was dumped in a parking lot at police headquarters, where officers found him.

Smith was listed as Durham's most wanted fugitive in October 2003. He was apprehended a month later.

Police never revealed a motive for the slaying.

A detective said only that Smith "was looking for [Peace] and he found him."

Smith would have received an automatic sentence of life in prison without parole if convicted of first-degree murder. The death penalty was not being sought.

The fatal incident was not the first time Peace had been shot. He had survived a wound in June 2003 after a woman allegedly shot him in the stomach and wrists, according to police statements at the time.

Even though the murder charge against Smith has been dropped, he remains locked up on other, unrelated charges, officials said.

Court documents indicate he has a lengthy criminal record, including convictions for possessing cocaine with the intent to sell it, multiple assaults, carrying a concealed weapon and possession of a firearm by a convicted felon.