



Department of Justice

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FELON WHO ASSAULTED ATLANTA POLICE OFFICER WITH GUN GETS 10 YEARS IN FEDERAL PRISON

Atlanta, GA - DONALD FRANK SMITH, 37, of Atlanta, Georgia, was sentenced today by United States District Judge Beverly B. Martin on charges of possession of a firearm by a convicted felon, related to an incident in which an Atlanta Police Department Officer was assaulted.

“Violence against law enforcement officers will not be tolerated,” said United States Attorney David E. Nahmias. “The officer in this case was responding to a 911 call when he was senselessly beaten with a gun by the defendant.”

SMITH was sentenced to 10 years in prison to be followed by 3 years of supervised release. SMITH was convicted of these charges by a federal jury on September 14, 2007.

According to United States Attorney Nahmias and the information presented in court: On August 5, 2006, a 911 caller reported an assault. An APD Officer was dispatched to the call. When witnesses pointed out SMITH to the officer as the alleged perpetrator, SMITH was boarding a MARTA bus. The officer stopped the bus and asked the SMITH to step off the bus. As soon as SMITH exited the bus, the defendant began striking the officer on the head with a loaded firearm. The officer attempted to protect his head, but suffered serious lacerations to his head and face. After a bloody physical struggle, the officer was able to locate his radio and call for help. When other officers arrived on the scene, they found the officer lying on the ground covered in blood and the SMITH in handcuffs. The firearm used by SMITH was lying in the grass nearby.

SMITH’s medical records tendered at sentencing revealed that he disclosed to emergency medical personnel that he had the AIDS virus. Further, the officer testified at today’s hearing that SMITH potentially exposed him to the AIDS virus during this bloody struggle, thereby putting the officer's health in jeopardy. The officer described in detail the testing and treatment that he was required to undergo to limit the possibility of the officer contracting the deadly disease, and said that SMITH had many open wounds and scabs during the violent struggle on the day of his arrest.

This case was investigated by Special Agents of the Bureau of Alcohol, Tobacco, Firearms, and Explosives.

Assistant United States Attorney Angela M. Jordan prosecuted the case.

For further information please contact David E. Nahmias (pronounced NAH-me-us), United States Attorney, or Charysse L. Alexander, Executive Assistant United States Attorney, through Patrick Crosby, Public Affairs Officer, U.S. Attorney's Office, at (404) 581-6016. The Internet address for the HomePage for the U.S. Attorney's Office for the Northern District of Georgia is www.usdoj.gov/usao/gan.