

Deadly Fire Raises Questions in Sex Abuse Case

The fire that killed six children in Fort Edward could have a major impact on a sex abuse case, NEWS10 has learned.

The grandfather of some of those children is accused of sexually abusing one of those killed in the fire.

Lewis C. Smith Sr., 64, was charged in November with first degree sexual abuse, having sexual contact with a child under 11, and endangering the welfare of a child. That child's death leaves a big question mark on his case.

Lewis Smith Sr. declined an on camera interview, but when asked if there was any truth to the story of sexual abuse, Smith said no, the alleged abuse did not happen.

The biological grandfather of some of the six children who died in the June Fort Edward fire, Smith is accused of sexually abusing one of the six children.

An order of protection had kept him from seeing the children or the parents who lived at the home.

Without that child's testimony, legal experts say prosecutors will have a much harder time proving their case.

Attorney Thomas Carr, who is not associated with the case, said, "There's seldom anything as powerful as the victim testifying in court."

When jurors don't have to consider a victim's testimony, Carr said, "What gains more importance then is physical evidence, medical evidence, witness statements," details of which have not been made public.

Smith said he does not know how this will affect his case. He plans to meet with his lawyer next week and expects the case to go to trial.

If it does, the reason the child is not there to testify could possibly come into play. Carr said, "Even though it has nothing to do with the evidence and even though it really shouldn't affect jurors--jurors are supposed to be fair and impartial--I think jurors are human too."

He said the testimony could have made the jury more sympathetic towards the child. The Warren County District Attorney said she could not legally identify the victim of a sex crime.

Efforts to reach Smith's lawyer by phone were unsuccessful.