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Local man cleared in attack

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A Broomfield man accused of ambushing and seriously injuring an Erie man was cleared by a jury Thursday.

Don Dewitt Smith, 42, was found not guilty of second-degree assault after a jury of four women and eight men deliberated for nearly two hours.

Smith, owner of C&S Goldbar woodworking, was accused by prosecutors of conspiring in July 2002 with his employee Cynthia Stegall to attack her former boyfriend, Scott Robida.

Robida, 25, suffered a broken nose, swelling around both eyes and multiple bruises on his face and body after the assault on Legion Hill, 6801 Arapahoe Road, according to sheriff's reports.

Robida, who is serving a four-year prison sentence in part for holding a knife to Stegall's neck in November 2002, testified during the four-day trial that Smith's attack was unprovoked.

He said Stegall, 19, had picked him up so he could get some of his belongings, and instead she drove him to the park telling him someone wanted to talk with him.

"I didn't like the situation I was in," Robida testified.

He said Smith and another C&S employee, Jerry Harper, showed up and jumped him.

Defense attorney Kenneth Eichner balked at Robida's portrayal as a victim of a fight, insisting instead Smith was acting in self-defense.

"It's unbelievable your tax dollars are paying for this prosecution," defense attorney Kenneth Eichner told the jury during closing arguments Thursday morning. "Mr. Robida can't be believed."

Prosecutor Rob Shapiro told the jury to use their common sense before rendering a verdict.

"It`s a very straight forward, simple case about a man ... who simply did an ass whopping on another person and then hides behind self-defense," Shapiro said.

Harper pleaded no contest to third-degree assault for his part in the incident and was sentenced to 30 days in jail and 18 months probation.

Stegall pleaded guilty to felony menacing and is scheduled to be sentenced Wednesday.

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