

DNA Findings Throw New Light on Old Case

By Aron Miller

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Lyman and Charlene Smith's lives were lifted from the pages of a screenplay. At 43 he was the big-shot criminal defense attorney with a future on the Superior Court bench whose business dealings with Iran raised eyebrows.

So did she the 33-year-old wife with the cover-girl looks. She played the trophy who sold lavish jewelry kept their upscale hillside home spotless and had a lover on the side.

A murder mystery would hint at a number of suspects as this case did. When his 12-year-old son found them in bed March 16 1980 bludgeoned to death with a fireplace log rumors flew.

Some suspected his former business partner. Others pointed to her boyfriend. Police even considered his 18-year-old daughter for a few days.

But nobody expected what authorities announced last week regarding one of Ventura County's most well-known murder cases -- a serial killer is to blame.

Investigators with the Orange County Sheriff's Department's cold-case unit have linked the same person's DNA -- a human's genetic blueprint -- to four repulsive slayings between 1980 and 1986: two in Irvine one in Dana Point and the Smiths in Ventura.

They also believe based on the modus operandi that the killer struck three times in Santa Barbara County although they don't have DNA to connect those homicides to the others and Santa Barbara detectives are not convinced.

So the cops are closer than ever to cracking the case. But because DNA doesn't come with a name tag the mystery remains. The suspect could be in prison or dead. Or he could be roaming the streets scouting his next victim.

Jennifer Carole Lyman Smith's daughter who was 18 when he died always assumed an acquaintance had killed her father and stepmother. The recent news about a serial killer wasn't exactly comforting.

"I realized how vulnerable we all are" she said from her Santa Cruz home. "For me it's been a big deal. It woke it up and made it a new murder."

Suspicious about

Gary Smith was 12 years old two decades ago when he walked to his father's house at 573 High Point Drive to mow the lawn. He arrived about 2 p.m. March 16 and went inside to find Dad.

The ringing of an alarm clock broke the calm of a Sunday morning. Gary didn't see his father or stepmother so he went to the bedroom.

There he discovered them lying in bed covered with blankets. The clock's clanging intensified the moment.

"I could see forms I could see blood but it wasn't as dramatic as something you would see on TV" said Gary now 32 during a phone interview last week from San Francisco.

He lifted up a corner of the bedding and saw his father's head and shoulder. That was enough to know something very bad had happened.

He called his mother who notified police. Officers arrived within minutes and found a grisly scene -- a prominent couple beaten to death and tied up in bed a bloody fireplace log lying nearby and crimson splattered on the walls. Detectives soon discovered the killer had raped Charlene Smith before pummeling her to death.

Gossip spread quickly about who might have done it. Everyone figured the killer knew the couple including Hal Barker.

"I had the suspicion it was somebody who knew him and somebody who hated him" said Barker a former Santa Paula cop and one of Smith's best friends. He is now El Dorado County sheriff.

Barker and Smith became friends through law enforcement. Barker would arrest the bad guys and Smith who first worked as a Ventura County prosecutor would get them convicted. Their children played together and their wives were friends.

They served as back-to-back presidents of the Santa Paula Rotary Club.

When Smith became a defense lawyer he actually questioned Barker a few times on the witness stand.

Smith turned to the livestock business in 1977. He and two other men started Maverick International Inc. a cargo airline that sent Holstein heifers calves Brahma bulls and horses to the Middle East and Iran. "The world's greatest bullshippers" was printed across their plane's fuselage.

"Lyman had a very simple life that got very complex and the complexities were caused by Lyman" Barker said. "He was trying to be all that he could be. He was driven frankly to really excel."

The pinnacle of his ambition was expected about the time he was killed -- an appointment to the Superior Court bench.

So when the murders occurred police had plenty of potential suspects.

Carole was questioned because of her tenuous relationship with her father. But police soon dismissed her.

There was Rick Atwood Charlene's lover. He received a sizable chunk of money from her will in which she called him her "faithful and understanding friend." He remained under suspicion for years but had since been ruled out.

And there was Joseph Alsip Jr. the former business partner who later allegedly told his pastor Lyman deserved to die because he had swindled him on a real estate deal.

Almost two years after the crime Alsip was arrested charged and taken to a preliminary hearing after which District Attorney Michael Bradbury decided not to prosecute him further because there wasn't enough evidence to convict. After spending 189 days in jail Alsip was freed.

His DNA was tested in 1997 and it did not match the semen found at the Smith crime scene.

Former Deputy District Attorney Pete Kossoris who prosecuted Alsip said he was relieved to hear that.

"If there's anything I regret it's that we prosecuted him at all" said Kossoris now supervisor of appeals writs and training for the District Attorney's Office.

Alsip could not be reached for comment for this story.

'We knew we had a serial killer'

As years passed leads on the case thinned the mystery increased and frustration mounted for people like Richard Haas. He was one of the murder's prime investigators for the Ventura Police Department.

"There was nothing indicative of this being a serial killer" said Haas now deputy chief investigator for the District Attorney's Office.

A few years after the murders Ventura police sent out a teletype to other law enforcement agencies statewide. It described the Smith case in detail. The hope was that other detectives would see it and relay information about an unsolved case that matched.

Orange County authorities saw the teletype. They were investigating the August 1980 beating deaths of Keith and Patty Harrington 24 and 28 of Dana Point. She had been raped.

The two teams met and decided it likely wasn't the same killer Orange County sheriff's Investigator Larry Pool said.

In 1994 when DNA technology became more prevalent Pool used semen from three homicide scenes to link the killings to one person Pool said. Then he revisited other similar cases including the Smith murders.

"At that point we knew we had a serial killer" he said.

Ventura connection

In 1997 Pool came to Ventura to retrieve physical evidence from police. A test of semen from a vaginal swab showed a match to three Orange County cases the last of which was the rape and beating death of Janelle Cruz 18 of Irvine in May 1986.

Pool also drove to Goleta to check out evidence from the killings of two couples and the attempted murder of another all between 1979 and 1981. There was no DNA match but the deaths were similar to the Orange County and Ventura cases.

"It's very compelling that it's the same subject" Pool said.

Santa Barbara Sheriff's Lt. Mike Burrige disagrees.

DNA of a suspect taken from one of the women killed in Goleta does not match the serial killer's he said. And the Santa Barbara County cases aren't carbon copies of the others.

"There are just as many dissimilarities and inconsistencies as there are similarities and consistencies" Burrige said.

Still authorities believe the Smith murders and those that occurred in Orange County are the work of the same person. But while they have the DNA finding whose it is could prove difficult if not impossible.

Pool said he believes the killer is either in prison or dead. His department is trying to match the DNA to a prisoner but as of March the state's outdated database only had 6000 of a possible 145000 samples properly categorized he said.

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Victims of a serial killer?

Orange County detectives say DNA tests confirm the same killer struck in these cases:

March 13 1980: Lyman and Charlene Smith 43 and 33 of Ventura found dead in bed by Lyman's 12-year-old son from his first wife. They had been beaten to death with a log. Charlene Smith had been raped.

Aug. 19 1980: Keith and Patty Harrington 24 and 28 of Dana Point found dead in bed by his father. She had been raped. They had been beaten to death.

About Feb. 5 1981: Manuela Witthuhn 28 of Irvine raped and bludgeoned to death in bed.

About May 4 1986: Janelle Cruz 18 of Irvine raped and beaten to death with a pipe wrench.

Detectives believe one break-in and other killings have enough similarities to the ones above to have been done by the same man:

Oct. 1 1979: Jennifer Hornek and Abraham Himmel tied up in their Goleta home by an intruder who said he intended to kill them. They escaped.

Dec. 30 1979: Robert Offerman 44 and Alexandria Manning 35 shot to death in Offerman's Goleta condo.

July 27 1981: Cheri Domingo 35 and Gregory Sanchez 27 killed in the Goleta home that Domingo had been house-sitting.

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