

Decades-old Cold Case Catches Fire

By Colleen Cason

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Twenty-four years after their slayings, Lyman and Charlene Smith have a surprise avenger in an unexpected arena. The charismatic couple was discovered bound and bludgeoned to death in their hillside home March 13, 1980. The slayings of the 43-year-old attorney and his younger, Miss America-beautiful wife remain among the most baffling unsolved crimes in Ventura's history.

The Smiths are gone, but the effort to bring their killer to justice found new life two weeks ago.

A middle-age Orange County businessman has a deep interest in seeing the Smiths' killer caught.

Bruce Harrington also has deep pockets. He has put up a million dollars of his own money to qualify an initiative for the November ballot to expand and upgrade the state's database of criminals' DNA. Backers of the measure have until April 16 to gather more than 373,800 valid signatures.

The DNA Fingerprint, Unsolved Crime and Innocence Protection Act would require anyone convicted of any felony in California to provide a DNA sample. Under current state law, a felon convicted of any of a dozen violent crimes must give up a sample. The measure proposes increasing criminal penalties to pay for upgrading the state's DNA typing equipment and database.

Harrington's campaign is born of hope burned away to ash and then revived. His brother is the victim of an unsolved homicide. Newlyweds Keith and Patty Harrington were found bludgeoned in their hillside Laguna Niguel home in August 1980.

Harrington's tie to Lyman and Charlene Smith transcends the accidental kinship of families who have lost loved ones to violence.

The Smiths and the Harringtons died at the hands of the same man. Four years ago, Orange County criminalists matched DNA from the rape of Patty Harrington to evidence found on Charlene Smith.

Eventually, the genetic material from those homicides matched that of the vicious and prolific East Area Rapist. In the late '70s, he terrorized couples in upscale suburbs of the Bay Area.

That DNA, however, did not match any sample in the current database from a known criminal.

Orange County investigators theorize the killer -- dubbed the Original Night Stalker -- is either dead or in jail, because no similar crimes have been committed for almost two decades.

Harrington had despaired that his brother and sister-in-law's murders would ever be solved. Then, the investigator's call about the DNA match "opened up the door to the possible emotional closure," he told me on Tuesday.

But he grows impatient with the haphazard way the state has proceeded with testing of felons in the prison system.

Other states, he points out, solve almost 40 percent of the crimes in which DNA samples are entered into a statewide system. California closes about 5 percent of cases with DNA-driven evidence.

His crusade has drawn criticism from civil libertarians. They argue the DNA database is intended only for violent felons, not lower-level criminals.

Harrington counters with statistics that indicate 75 percent of serial rapists and killers begin their criminal careers breaking into homes.

Civil-rights concerns sank a bill similar to Harrington's proposed ballot measure in the statehouse. That inspired Harrington and a contingent of law enforcement officials to draft the initiative.

Harrington is a seasoned veteran of the forensic DNA wars. Two years ago, he traded verbal volleys with powerful state Sen. John Burton over a bill that would have permitted prison officials to take a DNA sample by force from prisoners who were required by law to give one but who just said no. After their well-publicized exchange, Burton stood down and agreed to the bill with a few alterations. It is now state law.

Harrington argues DNA is just the high-tech equivalent of finger and palm prints - - something routinely taken from criminals.

With six weeks to go, the initiative has garnered more than 70,000 signatures and the endorsement of several high-ranking state officials. Ventura County District Attorney Greg Totten backs the measure.

Bruce Harrington hopes Californians will join him in his crusade to avenge the deaths of the Smiths and his brother with that powerful weapon -- a ballpoint pen applied to a petition.

On the Net: To view the complete text of the measure, go to <http://dnaYES.org> -- Colleen Cason's e-mail address is ccason@VenturaCountyStar.com. Her telephone number is 655-5830.