

The silent witness will speak in a series of numbers that will identify beyond reasonable doubt the predator who came into the vibrant lives of Lyman and Charlene and extinguished their lights all those years ago.

The Silent Witness



Lyman and Charlene Smith seemed on top of the world. Lyman, a self-made man set for a judgeship, and his beautiful wife Charlene had reached for the stars and the brightest was almost in their grasp. Then they became victims of one of the most brutal and baffling crimes in Ventura County history.

Chapter 1: Between the sea and the stars

Every time the phone rang at the Smith house in the late winter of 1980, the caller asked The Question. "Have you heard from the governor yet?" "No, that Gov. Brown will take forever," Charlene Smith answered, ever the spitfire. It was possible the Smiths' killer was at that moment out in the darkness, watching Charlene through the kitchen window.

Chapter 2: The two Charlenes

The milk carton caught Charlotte Marchetti's eye. She spotted the container Friday morning, March 14. But when it sat there Saturday and Sunday, it made her wonder. Everyone knew Charlene Smith was a fastidious housekeeper with more energy than any one woman should legally be allowed. Her house sparkled always. How could she let milk sour in plain sight?

Chapter 3: Terrible memories

As Gary Smith rode his bike up to his father's home that afternoon, he noticed Lyman and Charlene Smith's Thunderbirds parked out front. He stepped over folded newspapers on the front porch, opened the front door and entered. He heard a faint droning sound and followed it to the master bedroom. He saw in the bed two figures with the covers pulled up over their heads. The boy's eyes went to the blood caked on the pillow of his father's side of the bed.

Chapter 4: 'Welcome to homicide'

The phone call came as supervising detective Gary Adkinson was installing insulation in his attic. A man and a woman were found dead in a bedroom on High Point Drive. As he drove to the scene, Adkinson worked a best-case scenario in his head -- murder-suicide. As tragic as that was, at least it meant there was no killer loose.

Chapter 5: The stuff of black binders

Detectives never forget a murder when they see the victims in person. They may pore over dozens of photos of other crime scenes they never visited. But those images never are as vivid in their mind's eye as the memories of brutality they saw for themselves. What detective Richard Haas was about to see in the Smiths' master bedroom in their Ventura home made up a chapter of 14 black binders that he kept in his office for years -- a constant reminder of this baffling case.

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Chapter 6: The partner

The investigation into the deaths of Lyman and Charlene Smith was a few hours old when detectives arrived at Valleyview Way, a quiet residential street in east Ventura. Police netted their first lead after interviewing the Smiths' neighbors, the Marchettis. They identified a man -- a mutual friend of theirs and of the Smiths -- who they believed visited the couple the evening they were killed. Joe Alsip answered his door to find Ventura Police detective Russ Hayes outside.

Chapter 7: The boyfriend

Within hours of the grisly discovery in the Smiths' bedroom, detectives identified a man they wanted to question. Charlene Smith had a longtime lover and their affair was a poorly kept secret. So detectives were anxious to talk to Richard Atwood of Port Hueneme.

Chapter 8: 'Those things that abideth'

Even 22 years later, friends and family would remember who broke the news about Lyman and Charlene. "I was at Guantanamo Bay when my brother met his Waterloo," is the way Don Smith put it. Lyman's 36-year-old younger brother never set foot in the High Point house before his brother's death. On the Wednesday after the bodies were found, Capt. Paul Lydick of the Ventura PD asked Don to go through it to determine if anything was missing.

Chapter 9: The biggest bull shippers

In 1977, Santa Barbara pilot Daniel Hood and Canadian businessman Edward C.C. Peagram approached Lyman Smith with an unusual business opportunity. And if the secret to success is finding a niche no one is meeting and filling it, then that opportunity should have taken off. And it might have, if not for \$150 cowboy boots and a fundamentalist Muslim revolution.

Chapter 10: Everyone has a theory

Word had it that Bud Sloan had been a pretty fair prizefighter in his day. Even at 64 years old, the hulking rancher looked to be someone who could take care of himself. Detective Gary Adkinson learned that Sloan had threatened to kill all the principals of Maverick International Airlines if they lost his money. And they had done just that.

Chapter 11: This is so 'Draagnet'

Jennifer Smith was a bright, 18-year-old high school senior not given to holding her tongue or suffering fools gladly. She admitted openly that she and her father clashed. Investigators contacted the friends of Jennifer, a two-time Buena High student body president and a reporter for the student newspaper. They asked her classmates if she were the violent type.

Chapter 12: Better than any mall

Word got around that the Ventura Missionary Church could save marriages. And that is what brought Joe and Mari Alsip there in the spring of 1980. The Alsips arrived exactly two months after the Smiths had been murdered right across the street. Joe Alsip's world was crashing around his ears. High interest rates were hurting his real estate ventures; plus, detectives working the Smith case seemed to focus on him.

Chapter 13: 'Between this man and his God'

The Rev. Don Mikel marked his 30th anniversary as an ordained minister of the Missionary Church in 1980. It would be his last assignment before he retired. Everywhere he served God, whether in Indiana, Washington state or California's San Joaquin Valley, church members viewed him as a quiet, humble man.

Chapter 14: One day in May

The smoke of suspicion swirled around Joe Alsip for three months after Lyman and Charlene Smith were bludgeoned to death in their bed. Now there was fire, with the Rev. Don Mikel of the

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Ventura Missionary Church claiming Alsip had confessed to a role in the homicides.

Chapter 15: The big, bad Wolfe

Joe Alsip was a member in good standing of the beachy set of Ventura. GAP, his development company, owned property along Seaward Avenue just before it dead-ends into the Pacific. The company also made its headquarters there, between the funky bars, sidewalk bistros and tourist traps. It was there he could forget the enormous weight he was carrying in the summer of 1980.

Chapter 16: The waivers

The first anniversary of the murders of Lyman and Charlene came and went on March 13, 1981, without the arrest of their killer. The homicide investigation still focused on Joe Alsip but the effort to find physical evidence to back up the Rev. Don Mikel's contention Alsip had confessed to the killings slowly went nowhere.

Chapter 17: The cul-de-sac killer

On Monday morning, July 27, 1981, a real estate broker by the name of John Sullivan drove up to a residence on Toltec Way in Goleta. His clients, Loren and Mahrokh Bonderson, were ready to make an offer on a property neighbors called the "barn house" for its rustic facade. The home was occupied by the owner's niece, 35-year-old Cheri Domingo. The aunt had moved out, saying the neighborhood spooked her.

Chapter 18: Street justice

The caller was a Ventura PD detective. They were coming to get him. Joe Alsip was to be outside on the curb so officers didn't have to arrest him in front of his family -- that was the agreement worked out between his lawyer and the Ventura police.

Chapter 19: The odd couple

With his bulbous nose and narrow, deep-set eyes, Richard Hanawalt might have borne a physical resemblance to the nearsighted cartoon character Mr. Magoo, as Joe Alsip observed. But there was nothing myopic in the barrister's world view.

Chapter 20: The People vs. Alsip

On April 21, 1982, Judge Bruce Clark mounted the bench on crutches. He was hobbled by a leg broken in a ski accident. He called to order the preliminary hearing of the People vs. Alsip. It was defense attorney Richard Hanawalt's strategy to treat this proceeding as if it were the real trial. He would call three dozen witnesses and put up the same caliber of defense he would mount at a trial.

Chapter 21: The accused takes the stand

Roosevelt McCowan, who was residing at the Ventura County Jail, used his last dime to phone an Oxnard detective on the morning of April 23, 1982, while the Alsip hearing was in full swing. He knew the detective's number by heart. McCowan maintained that his cellmate Alsip had told him he had confessed to a minister about killing his business partner and that Alsip felt the minister shouldn't reveal the information on the witness stand. McCowan was facing prison time for five counts of theft. Was he a good citizen or a guy bargaining for leniency?

Chapter 22: The quiet man

A reserved psychologist by the name of S.R. "Brik" McDill took the stand on the final day of Joe Alsip's preliminary hearing. His testimony would be short but its impact decisive. McDill co-founded the Ventura Counseling Center at the Ventura Missionary Church with Pastor Leonard DeWitt. McDill worked with the Rev. Don Mikel until 1980, when he quit to devote more time to his private practice. The psychologist's credentials were impressive. He was one of 400 counselors in the state of California licensed to assess the abilities of his colleagues.

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Chapter 23: The dead zone

Mike Bradbury released Joe Alsip for lack of evidence in May 1982 for the murders of Lyman and Charlene Smith. But the Ventura County district attorney remained open to digging something up, if it existed. So in late 1982, investigators Richard Haas and Russ Hayes, along with prosecutor Pete Kossoris, traveled to Pennsylvania to convince Alsip acquaintance Paul Wolfe to reach out and put the touch on his buddy. They hoped he might engage Alsip in a phone conversation in which Alsip would implicate himself in the Smith homicides.

Chapter 24: The missing link

Investigator Larry Pool looks like a cop. His appearance is clean-cut; his manner, all business. He greets strangers by looking them hard in the eyes. For the past five, he has worked unsolved homicides from a 12-by-8-foot office at the Orange County Sheriffs' headquarters in Santa Ana. In late 1997, he spotted a notation in the file of the 1980 murders of Patrice and Keith Harrington in their Niguel Shores home. Detectives believed that case could be linked to the killings of Lyman and Charlene Smith in Ventura in March of that same year.

Chapter 25: The dragon's lair

The phone call starts with deep, exaggerated breaths. A male falsetto voice hisses: "I could kill you. I could kill you. I could kill you. I could kill you." A woman and children chat in the background. Their actual words are hard to understand, but the tone is breezy, as if they are picnicking in the park.

Chapter 26: Waiting for a phone call

In early 2001, detective Larry Pool was in the Bay Area when the horrific death of Diane Whipple made headlines. The petite lacrosse coach's throat was ripped out by two 100-pound attack dogs, kept by the lawyers who were her neighbors in a San Francisco apartment house.

Who's who in the Smith murder case

Do you know the 'Original Night Stalker'?

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Lyman Smith

Charlene Smith

Chapter 1: Between the sea and the stars

By Colleen Cason, ccason@insidevc.com
November 3, 2002

Every time the phone rang at Lyman Smith's house in the late winter of 1980, the caller asked The Question.

The Question certainly was poised on the tip of Isabelle Doyle's tongue as she dialed the couple just after nightfall on Thursday, March 13.

Lyman Smith answered the phone with a mouthful of food.

"What are you two up to?" she began.

"We're snackin'," he told her, amiable as always.

"Is the boss home?" she teased.

Lyman handed the phone to his wife, Charlene, and Isabelle wasted no time posing The Question.

"Have you heard from the governor yet?"

"No, that Gov. Brown will take forever," Charlene answered, ever the spitfire.

Charlene invited Isabelle to visit the new condominium she was decorating. A previous commitment forced Isabelle to decline.

"That's OK, Mom," Charlene said. She called her Mom even though Charlene had divorced Isabelle's son years earlier.

They said their goodbyes and hung up.

It was possible the Smiths' killer was at that moment out in the darkness, watching Charlene through the kitchen window.

Isabelle would later tell the Ventura Police Department it sounded like they were alone in the house and nothing was wrong.

The phone conversation occurred just before one of the most brutal and baffling crimes in Ventura County history.

It occurred before detectives obsessed over drapery cord and granny knots, before they followed the blood spatters and scrutinized stomach contents.

Before the embarrassing questions about Charlene's love affair. Before the money trails of Lyman's many deals had to be followed.

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Before the minister told his tale of a confession.
Before the arrest and then one of the longest court hearings in Ventura County history.
Before the district attorney made his surprise decision.
Before the bitter resignation set in that this crime might never be solved.
All of that was before investigators discovered 20 years later the killer had left behind a silent witness.
There is still one more thing to know: What is the name of the man who killed Charlene and Lyman Smith?
But when the once-silent witness identifies him beyond a shadow of a doubt, his name will finally be known.

* * *

On this clear, moonless night, Lyman and Charlene Smith of High Point Drive seemed on top of the world. They had reached for the stars, and the brightest was almost in their grasp.
Lyman, at 43 years old, was on Gov. Jerry Brown's short list for a seat on the Ventura County Superior Court. A loyal Democrat and a member of a state DMV board, he expressed supernatural confidence he would hear his name when the judgeships were announced in the coming days.
Charlene, 10 years his junior, was spreading her wings as well. After years of toiling as a legal secretary, she had quit to pursue her dream of being an interior decorator. On the side, she sold gold jewelry and cosmetics through Tupperware-style parties at friends' homes.
The Smiths lived on a hill above Ventura on a street lined by 2,000-square-foot ranch houses, each straining for the most panoramic view to the sea.
From this perch, they saw past the acres of orange groves, over the strip malls and beyond the tiny, sun-baked stucco homes that housed the oil-field workers and military retirees.
Nearby and down the hill lived Lyman's former wife and the three children from that marriage. Higher up on the hill lived the county's presiding judge.
No one doubted Lyman would make a good judge. The former prosecutor possessed an even temperament and a nimble mind.
In fact, two words always come up when anyone described Lyman -- pleasant and ambitious.
It was the great paradox of Lyman Smith. He was by no accounts a hustler, always on the make. He was not a man with a slippery handshake or a guy who engaged a person in conversation only to check the door to see if someone more important entered the room.
In fact, he could turn chameleon in a social setting, able to be whatever anyone wanted. Some remember him as an Ivy League type, others as a good old boy; still others found him thoughtful. His son, Gary, recalls getting up in the middle of the night and finding his father engrossed in a book.
If the definition of a gentleman is the person who makes the fewest people in the room uncomfortable, by that measure Lyman was a gentleman.
But he sought to be another kind of gentleman -- a man of independent means.

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Lyman liked deals. "Pots of gold at the end of the rainbow Lyman put together" is the way Judge Steven Stone, his former law partner, summarized his eclectic portfolio.

He leaned toward unusual enterprises that set his closest friends to scratching their heads. There was Maverick International, an airline dedicated to flying pregnant cows to Iran. He owned part interest in an avocado ranch and in an innovative own-your-own-lot manufactured-home development in Santa Paula. This was California, after all, where trends are born. A San Jose advertising man made himself a fortune in 1975 hawking the Pet Rock, a fad that had otherwise sane people forking over \$4 for an over-packaged pebble. Lyman's taste in investments was more Pet Rock than savings-and-loan passbook.

* * *

Lyman Smith was a solidly built man of average height, who, if not blessed with an even disposition, might have been a scrapper. At times in his life, he carried a bit more weight than ideal -- attributed to his abiding love of Mexican food. But friends said he found a partial antidote for the burrito bulk in golf.

He was a nice-looking man with brown eyes and sandy brown hair. But if you saw him with Charlene Doyle Smith, you might think to yourself "that guy must have money," the way you do when you spot a gorgeous woman on the arm of an older man who fails to match his escort's stunning looks.

Charlene was described by Lyman's best friend, Hal Barker, as "a goin' Jessie" -- the whole package: beauty, style, vitality and sex appeal.

Lyman's former secretary, Charlene matched his intense energy and understood what drove him. They had both been raised in modest circumstances. And while neither forgot their roots, they wanted the best life had to offer.

Lyman grew up in a converted Quonset hut in an almond orchard on the outskirts of Sacramento.

He was born a descendant of Mormon farmers in Pocatello, Idaho, on April 7, 1936, to Lyman Jones Smith and the former Wilma Belle Shappart. Lyman Jr. did not grow up in that faith. Although his grandfather had been a Mormon bishop, Lyman Sr. left the religion and never told his sons why.

During the Depression, Lyman Sr. repaired refrigerators on railroad produce cars. With Idaho's fields yielding but one annual harvest, he spent most of the year laid off.

The boss said if he wanted steady work he'd have to transfer to California, where each month brought a new crop. So in 1945, the Smiths moved 9-year-old Lyman and 1-year-old Don to Citrus Heights, a then-uncrowded, agricultural community outside the state capital.

When Wilma's health began to fail, little Don was sent back to Idaho in the summers to stay with family, while Lyman stocked grocery shelves.

Cancer claimed Wilma in 1956; she was 47. Her long illness took what little money the family had.

Despite these sad circumstances, Lyman thrived. He was elected student body president at San Juan High School, where he won the school's lying contest. His tall tale centered around going duck hunting in the fog, firing at what he thought was a deer and landing a striped bass.

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Some would call it good practice for an aspiring attorney. After graduating from the University of California, Berkeley, Lyman attended Boalt Hall School of Law at Berkeley on a scholarship. A quick study, he found time to play cards in the lounge with his friend, and future Ventura County judge, Bill Peck.

They tried to best each other at a game called Smoke, where players prevaricate shamelessly about the cards they hold.

Lyman came to Ventura County in 1961 as a pudding-faced go-getter for the District Attorney's Office run by the no-nonsense Woody Deem. Deem, a straight-arrow Mormon married to a former Marine Corps recruitment poster girl, raided California's best law schools for fresh and cheap talent.

Only two years earlier, Ventura County was put on the legal map by Elizabeth "Ma" Duncan. The psychopathic mother-in-law from hell arranged the murder of her pregnant daughter-in-law, Olga. Ventura County prosecutors won the convictions of Ma and the two thugs she hired to dispatch Olga, whom Ma considered a rival for the affections of her mama's-boy son, Frank.

Figuring Ventura County might grant him sound trial experience, Lyman moved from Sacramento with his wife, Marjorie. The daughter of an appliance store owner, she had been his high school sweetheart and helped put Lyman through school by working as a secretary and dental assistant.

Deem expected his young hires to move on after a couple of years. When one recruit stayed past two years, Deem asked him, "What's the matter? Can't you find a job?"

Lyman exited Deem's revolving door in less than two years to join a Santa Paula law firm in need of trial talent.

Even from sleepy Santa Paula, Lyman kept up his high profile. He was county chairman of Lyndon Johnson's '64 presidential campaign. LBJ's landslide extended to Ventura County, although conservative Barry Goldwater did manage to take Camarillo.

Lyman showed all the signs of being a born politician, a knack inherited from his gregarious father. He was elected a trustee of the Santa Paula Union High School District and sat on the boards of the Santa Paula Boys Club, the Santa Paula Rotary and the Ventura County Bar Association.

His heavy social schedule kept the Smiths' teenage baby sitter, Paula Bailey Howard, in spending cash.

Still, no matter how busy he might be or how late the hour, he'd sit down to chat with Howard and her friends.

"Imagine a big lawyer who takes the time to talk to high school kids and was interested in what we were saying," she said.

With all the balls Lyman liked to put in the air, something was going to get dropped. In 1972, he and Marjorie divorced.

That same year, Charlene divorced her second husband.

"That's a terrific girl," his friend Hal Barker kept telling Lyman.

"I'm not interested in her," he replied.

But it wasn't long before Lyman stunned his old friend by proclaiming, "I'm in love with her."

So Lyman Smith popped The Question to Charlene Doyle.

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They were married by Lyman's Rotary buddy, the Rev. Leonard Dixon, at the posh Santa Barbara Biltmore in December 1975. They vowed to stay together for better or for worse. And this outwardly golden couple had more than their share of worse.

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Chapter 2: The two Charlenes

By Colleen Cason, ccason@insidevc.com

November 4, 2002

The milk carton caught Charlotte Marchetti's eye. The Smiths' closest neighbor, she could see their kitchen counter from her driveway.

She spotted the container Friday morning, March 14. But when it sat there Saturday and Sunday, it made her wonder.

Everyone knew Charlene Smith was a fastidious housekeeper with more energy than any one woman should legally be allowed. Her house sparkled, always.

How could she let milk sour in plain sight?

At first blush, Charlene struck everyone as a vivacious superwoman. But those who knew her better saw a darker dimension to her personality. At times, they could peer into her faraway eyes and see a lonely orphan girl who sought constant reassurance.

On her last day, she lunched with her friend, Claire Lewis, at the hangout du jour, the Gin Mill on Victoria Avenue. The women had known each other from the courthouse where both were clerks. Claire was married to Marvin Lewis, a judge 20 years her senior. During the meal, Charlene's mood was breezy. After all, the word could come down any time that she herself was to be a judge's wife.

Everybody said Lyman Smith was going to be the new judge.

By 3 p.m., she was weeping as she had a heart-to-heart talk with a man she'd had a longtime affair with.

If Lyman's paradox was he bore his ambition under a placid exterior, Charlene's was that she was a gorgeous woman riddled by self-doubt.

Friends said that came from her hard-luck childhood. Charlene had been born April 17, 1946, at Ventura County Hospital to a bus driver and a waitress.

Her father, Winslow Herzenberg, suffered a crippling back injury while serving in the Army engineers during World War II. He spent months in rehabilitation but never regained robust health.

He was driving for the old Asbury Transit company in Los Angeles when he met Josephine "Jessie" Martinez, a 20-year-old drug-store counter girl from Culver City.

Charlene seldom spoke of her mother, but close friends knew Martinez walked out on her shortly after her birth and moved back to Los Angeles.

Left to raise his infant daughter, Winslow moved in with his mother and father on an avocado ranch. Gladys and Bob Herzenberg were divorced but lived in separate quarters on the North Loop Drive property in Camarillo.

One of the few things Winslow could still do was drive, so he and his mother started Veterans Cab Co.

As a baby, Charlene was often left alone. She either slept in a little bed at the cab stand or spent hours in her crib at the ranch with neighbors taking turns feeding and bathing her.

That changed when Marjorie Lasswell came into her life. The 20-year-old transplanted Midwesterner was a regular customer of Veterans Cab. She lived

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with her folks in Camarillo but worked the night shift at the telephone company in Ventura. When the bus dropped her off at midnight, she phoned for a cab. As time went by, Marjorie became more than a fare to Winslow. She became the object of his affection.

Although she found Winslow charming, she rejected him. He spent entirely too much time planted on a bar stool at the Buckhorn Saloon to suit her.

Determined to win her over, Winslow renounced the high life. And in time, Marjorie agreed to date him. They fell in love and planned to be married.

Marjorie enlisted her family to help care for Charlene. They bought her clothes, toys and games. She never lacked for adult supervision, and she thrived.

This time of stability ended in an awful instant on Veterans Day 1949. Winslow's car crashed into a palm tree along Highway 101, a couple miles north of Camarillo. The impact broke his neck, and he died three days later at a veterans hospital in the San Fernando Valley.

Marjorie was devastated. She would wait 27 years after his death before she married.

Charlene was left with nothing but two Chrysler ignition keys and an old watch. Her grandmother, Gladys Herzenberg, whom she called Grams, and Marjorie Lasswell shared the task of raising the girl who had lost both parents by the age of 3.

It was a shared labor of love for 10 years, until they had a falling out. When Charlene was in her early teens, Gladys sold the ranch. She spent the proceeds to buy a tiny stucco house in old town Camarillo, and, according to Marjorie, everything Charlene wanted.

"She was a spoiled child, then," Marjorie recalled.

It is not clear when Charlene realized the attractive power of her looks to the opposite sex. But her Camarillo High School yearbook photos offer a clue.

Her sophomore portrait shows a tomboy with a cropped pixie hairdo.

By her senior year, she piled her brunette tresses into a gravity-defying bouffant. All the girls wore a simple black drape but Charlene somehow wore it better. Her mouth bears a flirtatious smile but her eyes are distant and wary.

After high school graduation in 1964, Charlene entered the first of three marriages. She wed a family friend named Guy Clements and moved to Florida, where he was stationed in the service. The union didn't take.

In 1969, she married again, this time to Mike Doyle, a candidate to become a deputy sheriff. Lanky and ruggedly handsome, Doyle resembled the cowboy in the Marlboro cigarette ads of the time.

Charlene, at 23, bonded immediately with Mike's mom and especially his little sister, Maureen. Chubby adolescent Maureen became Charlene's makeover project.

"Charlene could wear anything but when she took me shopping," Maureen said, "she made sure there was a store with clothes that would fit me."

"As beautiful as she was, she never picked on me," Maureen added.

Though the friendship with the Doyle women lasted Charlene's lifetime, the marriage to Mike Doyle soured quickly. "She wanted everything now," Isabelle Doyle remembers.

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"Charlene," a young attorney later would say about her desire to acquire status symbols, "was all sails and no anchor."

Eventually, the man who could give her everything came courting. But Charlene expressed doubts about her former boss, Lyman Smith.

"Everybody wants me to marry Lyman but me," she confided in Marjorie Lasswell.

"I don't believe she loved Lyman," Marjorie said. "But he loved her and he loved the idea of her. He was ambitious and saw her like Jackie Kennedy, the perfect political wife."

In December 1975, Charlene took the practical course. She and Lyman were married. As newlyweds, they lived in a 1900-vintage bungalow amid the citrus groves of Santa Paula. Later they moved to High Point Drive to be closer to Lyman's children.

Charlene furnished this home in elegant Old-World style -- although all the furniture was new. It was just manufactured to look old.

She allowed nothing to be out of place. But the people who really knew the Smiths were aware their lives were not in perfect working order.

Neighbors heard them arguing bitterly and often. Charlene was at the frayed edge after her grandmother's death in 1977.

A year later, she filed for divorce from Lyman.

During that separation, Charlene moved in with Richard Atwood, a former deputy sheriff with whom she was having an affair.

Lyman just moped. His business partner, Joe Alsip, observed he had never seen a grown man more miserable than Lyman without Charlene.

Lyman coaxed her back with the promise he would seek the opening on the Superior Court bench.

They reconciled and the possibility of the judgeship seemed to bring stability to their lives. "I think we finally got it right," a beaming Lyman confided in a friend in late 1979.

But at what should have been the time of their lives, the Smiths seemed to drop off the map.

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Charlene and Lyman Smith lived in this ocean-view home on High Point Drive in Ventura in March 1980.

Chapter 3: Terrible memories

By Colleen Cason, ccason@insidevc.com
November 5, 2002

March 16, 1980, was another perfect day in paradise. The air was cool but the sun felt warm, and its light was glorious. It was the kind of day that sent pasty-faced snowbirds packing their bags and heading for the Golden State at a rate that had become vexing to most Californians. In fact, this Rust Belt migration spawned a popular bumper sticker: "Welcome to California. Now go home." But they just kept coming. In the decade of the '80s, 72,000 people flocked to Ventura County. They all wanted what the chamber of commerce called "natural air conditioning without a trace of smog."

It was the kind of day that inspired Lyman Smith's neighbors Bob and Peggy Anderson to fire up their hot tub.

But no such leisure was in the works for 12-year-old Gary Smith. For him it was an afternoon of chores at dad's house.

Gary, the youngest child of Lyman's first marriage, lived with his mother, Marjorie, his big sister, Jenny, and his older brother, Jay, not far from the High Point Drive house in Ventura.

The boys often visited their dad and seemed to get along with their stepmother. Charlene liked Lyman's sons and looked forward to taking them on a spring ski trip. She bought elaborate ensembles for the slopes.

"Are you going for a month?" Isabelle Doyle, Charlene's ex-mother-in-law asked when she saw the quantity of ski apparel laid out on the bed in the Smiths' spare room.

It had been all downhill, though, with Lyman's daughter, Jenny. She resisted Charlene's friendship as well as her makeover tips.

Jenny and her father also were at odds, and the highly verbal Miss Smith made no bones about it. She would later say he didn't treat her very well. "Our personalities clashed a lot; I'm told we're a lot alike," she said.

Lyman believed children should earn their allowance as he had as a grocery bag boy, and even though he employed gardeners, he had Gary cut the grass at his home.

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As Gary rode up on his bike around 2 that afternoon, he noticed Lyman and Charlene's Thunderbirds parked out front.

He greeted two gardeners pulling weeds beside the house.

Gary went to the side door Charlene normally left open for the gardeners. He turned the knob and found it locked.

He walked around front to ring the bell. The front door usually was locked. Close friends believed both Smiths were conscientious about locking doors, although Charlene's cleaning lady sometimes chided her about leaving the front door unlocked during the day.

Charlene was certainly security conscious when she came into the house alone. She would talk to herself, convinced if an intruder were lurking inside he'd think there was someone with her.

Gary stepped over folded newspapers on the front porch, then tried the knob.

The door opened and he entered. He peered into the living room and noticed the sofa cushions strangely askew.

He heard a faint droning sound and followed it.

The buzzing grew louder as he neared the master bedroom.

The bedroom door was open and he stepped inside.

He identified the source of the noise as the alarm clock.

He saw Lyman and Charlene still in bed.

Gary turned quickly, figuring they were about to get up and would be mad he was in their bedroom.

But as he left the room it occurred to him the alarm still rang and neither responded to it.

He walked back into the bedroom and stood beside the bed.

Light was coming into the room through a small opening in the curtains of the sliding-glass door.

He saw in the bed two figures with the covers pulled up over their heads.

The boy's eyes went to the blood caked on the pillow of his father's side of the bed.

Then an odd thought came over him. What if this isn't my dad?

So Gary lifted the corner of the blanket to bare Lyman's shoulder and knew instantly it was him. And from the pallor of the skin, he knew something was terribly wrong.

He didn't even glance at Charlene.

"God," he thought, "if I look at her, I'll have terrible memories."

He shut off the alarm and picked up the phone on the night stand.

First, he tried to call his mom at home but got no answer.

Then he remembered a new emergency number Charlene told him about the day an epileptic on a bicycle had a seizure and plowed into his dad's pickup parked in front of the house.

His fingers punched out 9-1-1.

An operator answered and Gary said, "I think my parents are dead. I need the police."

The operator asked him the address. Gary didn't know it and had to run outside to get the number.

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He rushed back into the house, picked up the extension phone in the family room and gave the address to the dispatcher, who told Gary to stand out on the lawn and wait for the police.

Just down the hill, the Andersons were having a good soak when they began to hear sirens. The shrill sounds drew nearer and continued long past what might have been customary for a fender-bender or domestic spat.

Curious, Bob Anderson climbed dripping wet from the Jacuzzi and opened his front door.

"If you ever had a notion to rob a bank, you better do it now," he yelled back to his wife, "every cop in Ventura is out in front of our house."

Tomorrow: 'Welcome to homicide'

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In the late afternoon of March 16, 1980, investigators wait on the Smiths' driveway for a search warrant so they legally can enter the home and begin determining the circumstances of the couple's deaths.

Chapter 4: 'Welcome to homicide'

By Colleen Cason, ccason@insidevc.com
November 6, 2002

The phone call came as 35-year-old supervising detective Gary Adkinson was installing insulation in his attic. A man and a woman had been found dead in a bedroom on High Point Drive, he was told.

As he drove to the scene, Adkinson was working a best-case scenario in his head. And even that was far from a pretty picture.

The most anyone could hope for was a murder-suicide. As tragic as that was, as much as that would change a family forever, at least it meant there was no killer loose, a murderer putting time and distance between himself and investigators.

Adkinson arrived at the Ventura home shortly after the first officer responded. Patrolman Tom Davis spotted Lyman's 12-year-old son, Gary, in the front yard, waving his arms to bring attention to himself. The officer entered the house with the boy, checked Lyman and Charlene Smith for signs of life and sent Gary back to the front yard.

Davis then searched the four-bedroom house room by room.

In a spare bedroom, he noted the mattress and box springs had been set askew, as if someone had jumped furiously on the bed.

Drawers had been opened, but nothing appeared to be missing.

Finding no one else in the house, he posted himself at the door and called for backup and investigators.

An ambulance stormed up High Point Drive, but the officer turned paramedics away. Too late, they were told.

In the gallows humor of police work, detectives call emergency medical personnel the crime-scene wrecking team. While cops recognize the paramedics' job is to attempt to revive a victim, usually it is done at the expense of trampling key evidence.

It was Adkinson's mission to make sure this scene stayed as pristine as possible. A 12-year veteran of the Ventura Police Department, Adkinson supervised the detectives who worked crimes against people and property.

In the years between 1975 and 1980, there had been only a few murders in Ventura. Two had been police officers.

One of those was someone close to Charlene Smith -- her former brother-in-law, Jim Doyle. A Ventura College police officer, he had been shot between the eyes with his own gun by a professor's son who went berserk on Palm Sunday 1975.

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In August 1978, Ventura Police Sgt. Darlon "Dee" Dowell was gunned down while serving a warrant off The Avenue. He was the only Ventura police officer to die in the line of duty, and the force took it hard. A promising detective asked for a transfer to traffic and another went out on leave.

Subordinates sometimes found Adkinson sparse with compliments. But he considered himself a boss who would give credit where it was due.

And in his mind, some of the best investigators he would ever know were gathering to work this crime.

Among them was the stoic Richard Haas. They say every good detective hates a mystery. Haas is a mystery's worst enemy.

There was the veteran Russ Hayes, a man with a common touch who could win over suspects without verbal intimidation.

There was the charming rookie Dave Stone. In fact, this was his first weekend on call since he transferred over from the auto-theft detail. He'd been a major-crimes detective exactly two days.

"Welcome to homicide," Adkinson greeted Stone.

The team's next task was to write a search warrant so detectives legally could enter a private home. Adkinson quickly discovered Lyman and Charlene had friends in high places who would cut that red tape.

Presiding Judge Marvin Lewis and his wife, Claire, were on a shopping trip when they saw the commotion in front of the Smiths'.

What's going on, they asked detectives? Hearing the news, Claire scooped up Gary and prepared to take him up to her house. Gary, who remained composed throughout the ordeal, had to be interviewed eventually. The scene itself was too frantic. Taking him down to the station seemed too cold, considering he had just lost his father. So it was decided he would be interviewed by police at the home of the Lewises, the Smiths' close friends as well as their neighbors.

Not long after that, the district attorney drove up. Mike Bradbury, who'd been the county's top prosecutor for just a little over a year, knew Lyman through the Bar Association.

Bradbury offered to help in any way he could.

Writing a search warrant can be an act of clairvoyance. A detective must state what crime he suspects has been committed. Then he must divine what evidence there might be of the crime he believes happened.

But sometimes even more daunting is finding a deputy district attorney to review it and submit it to a judge.

This would not be a problem on this day. As Haas prepared the document, Judge Lewis and District Attorney Bradbury sat in the back seat of the unmarked patrol car with detectives seated in the front.

Haas wrote Warrant No. 5330. He handed it to his supervisor, Adkinson.

Adkinson looked it over and passed it back to Bradbury.

Bradbury read it and handed it to Judge Lewis.

Lewis signed it, and with that, Haas exited the car.

He walked up the driveway and through the front door.

Haas emerged after a few minutes.

"They both have ligatures," he told Adkinson.

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So much for murder-suicide. Now, he had a double homicide on his hands.

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Matt McClain / Star staff

Former Ventura police Captain Paul Lydick worked the Smith murder case.

Chapter 5: The stuff of black binders

By Colleen Cason, ccason@insidevc.com

November 7, 2002

Detectives never forget a murder when they see the victims in person. They might pore over dozens of photos of other crime scenes they never visited. But those images never are as vivid in their mind's eye as the memories of brutality they saw for themselves.

The details haunt them. Years later they can recite the street number of the crime scene, even if they can't recall the address where they lived at that time. They can tell you who worked the case with them, as well as the middle names of all suspects.

What detective Richard Haas was about to see in the Smiths' master bedroom in their Ventura home made up a chapter of the black binders that he kept in his office for years -- a constant reminder of this baffling case.

Their killer never gave Lyman and Charlene Smith a chance.

Lyman was naked and tied up with nylon drapery cord. Charlene, clad in a T-shirt, also was bound.

She was lying face up, her wrists crossed over and tied behind her back. Her ankles were tied with drapery cord.

Lyman lay face down on the bed. His wrists also were crossed over and bound, palms upward. His legs were crossed and tied about the ankles.

Both suffered a blow or blows to their skulls. Blood splattered onto the wall above their bed and onto a dresser.

A long, narrow log, splotted with blood, was found on the bed between them.

Bark was scattered on the carpet, most of it on Charlene's side of the bed.

Detectives quickly matched the log to similar wood piled just outside the master bathroom window.

Haas got down on his hands and knees and looked under the bed. He found Lyman's jumpsuit on one side; Charlene's terry-cloth romper on the other.

There were several small, polished stones on the floor. They had spilled out of a dresser drawer that had been jerked open.

Then there were the things that made no sense.

The killer pulled the covers up over their heads before he left.

One piece of rope cut to the length of 28 inches was draped across the bed.

Fibers of an unknown origin were found on Lyman's ankles.

Charlene had been tied tighter than Lyman; the knot at her wrists was far more ornate.

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The rope used to tie her was slightly different than that used on Lyman. Her ligatures contained copper threads at their core.

Neither showed significant bruising on the flesh under the ligatures, suggesting they had struggled little against their bonds or that the knots were tied at or shortly after their deaths.

That was a determination for the medical examiner.

* * *

Dr. Claus Peter Speth arrived around 7 p.m. with his electric fan and his famous attitude.

The Ventura County deputy coroner had a reputation for being persnickety. He was known to scold detectives he felt were sloppy about collecting evidence. Considered a fine forensic surgeon, he had his share of dust-ups with superiors. Let's put it this way: Speth got along fine with dead people.

His initial examination determined the couple had died at least two days earlier. There were no obvious indicators Charlene had been sexually assaulted. But it is standard procedure for the medical examiner to perform a rape examination on homicide victims.

In the time before DNA analysis, a criminalist could in most cases determine the blood type of the last person with whom a victim had sex. Primarily, it helped investigators eliminate a suspect whose blood type did not match. But this evidence had a blind spot. In approximately 20 percent to 30 percent of all human beings, saliva, semen and other body fluids do not show if the blood is Type O, A, AB or B. They are called nonsecretors. Only their actual blood reveals its type.

From the way Charlene's body was found, there was reason to believe she and Lyman had been intimate before their deaths.

A properly performed rape examination can, however, isolate semen from different inseminations.

Speth painstakingly collected this evidence and dried it with the fan he had brought along. The drier it was, the longer it would keep.

While Speth examined Charlene's body, detectives fanned out at the scene. Criminalists photographed the house and narrated what they saw into a portable tape recorder.

Detectives took the gardeners who were on the property when Gary Smith arrived to the police station. After questioning them for two hours, officers were convinced they had nothing to do with the crime.

The Smiths' Clearpoint neighbors also were contacted by officers.

One couple said that on Thursday night they had heard a shriek coming from the direction of the Smiths' house. Then a second scream followed, this one muffled. At 2 a.m. Friday, neighbor Joan Taylor told officers, she had been awakened by her Great Dane, Saxon. The dog led her out into the yard, to a gate that faced the Smith property.

Saxon made no sound, and Taylor heard nothing. It was strange, though. That dog never did that before that night.

Other investigators combed the house to determine the killer's manner of entry.

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There were no pry marks on doors. No missing screens. No broken windows. No locks damaged by a sharp object such as a screwdriver. Nothing. Could it be the Smiths knew their killer? Did they let him in? Did he have a key? From that first night, detectives knew this was a case none of them would ever forget.

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Chapter 6: The partner

By Colleen Cason, ccason@insidevc.com

November 8, 2002

The investigation into the deaths of Lyman and Charlene Smith was a few hours old when detectives arrived at Valleyview Way, a quiet residential street in east Ventura.

Police netted their first lead after interviewing the Smiths' neighbors, the Marchettis. They identified a man -- a mutual friend of theirs and of the Smiths -- who they believed visited the couple the evening they were killed.

Joe Alsip answered his door to find Ventura police detectives Russ Hayes and John Leach. Alsip already had heard the news about the Smiths' killings from a friend who was a former police officer.

"I understand you were over at the Smiths' house last Thursday night," Hayes began.

Alsip told the detectives the Marchettis must be mistaken.

"No, I don't believe it was Thursday night; I bowl on Thursday nights, and I bowled that night."

His team name, he told detectives, was the Ventures.

As in venture capital. As in using other people's money to make your fortune.

Joe Alsip was a 32-year-old wheeler dealer who made his first million in a red-hot hurry. No one was more surprised by that turn of events than Alsip himself. He never cared much about the money. He just loved the deal.

A Vietnam vet, he had planned to stay in the Navy. But with a wife and young family, he couldn't make ends meet on government pay.

So he fell into real estate sales. With his partner, Chuck Gilliard, he started a development enterprise with \$200 and a piece of surplus highway department land.

The real estate broker and fledgling developer certainly was in the right place to make his fortune.

In the go-go '80s, conversational real estate was spoken at every backyard barbecue and pool party. The homeowner always started: "I bought my house for \$27,000 in 1970 and I wondered how I could afford the payments. Now it's worth four times that much, and I couldn't afford to buy it."

Californians were in the forefront of a phenomenon that had yet to hit the rest of the nation. A home was not just a place to raise your family but a way to build your nest egg.

The early 1980s saw the rise of self-help gurus, espousing the premiere importance of a positive mental attitude as well as looking the part of the success story you hope to live. A seminar speaker once told Alsip that only poor people read newspapers. Rich men don't subscribe. So Alsip quit them, although he admitted to sneaking the occasional peek at the sports section.

He drove for success but didn't necessarily dress for it. The shaggy-maned Alsip tooled around in an ostentatious, two-tone gray Bentley wearing rumpled shirts and cowboy boots.

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Alsip met Lyman in the summer of '76, when he was in the market for a hillside home in Ventura, and they hit it off immediately.

Alsip admired Lyman's smarts and got a kick out of hearing tales of his courtroom exploits.

"Lyman, who did you put on the hot seat today?" Alsip always asked.

Very quickly, the pair partnered up in a company they called GAP -- which took the initials of the three principals: Gilliard, a contractor; Alsip; and Bob Placencia, an engineer. They planned to build condominiums and a manufactured-housing development.

The business relationship broke off, though, in late 1979. Lyman told Alsip he was going to be named a judge and needed to consolidate his holdings. But there seemed to be more to it than that.

Placencia believed there were irregularities in the company's accounting. The partners argued about the way the company was managed -- particularly Gilliard's hiring practices and use of the company credit card.

So Placencia and Lyman traded out their shares for a piece of land they hoped to develop as well as a small office building, both in Santa Paula. With the passing of time, their piece of the pie sweetened while the slice claimed by Alsip and Gilliard soured.

Alsip readily admitted to the detectives he had dropped by the Smiths' home around 8 p.m. Wednesday, March 12. It had been his first visit in a long time. He told officers he originally scheduled a meeting with neighbor Carl Marchetti, but the Marchettis were called away suddenly to visit a seriously ill friend in the hospital.

That night, as he stood in the Marchettis' driveway, Alsip saw Charlene in the kitchen and decided to stop by. He walked across the dirt strip that separated the two homes -- tripping over a sprinkler head -- and knocked on the sliding-glass door.

At first, as he told his story, he seemed to be trying to impress detectives with the notion he was in Lyman's inner circle. "I've been to Lyman and Charlene's house probably a hundred times," he told them.

He called each visit a carbon copy. Lyman sat in his overstuffed chair, sipping a Scotch and smoking his pipe. Charlene fixed dinner in the kitchen.

But as investigators' questions became more pointed, Alsip tried to distance himself, saying he had been to the house only 15 times.

He said he stopped visiting the Smiths so often because Lyman and Charlene were having marital problems. Lyman wanted to build a house in the hills above Santa Paula and Charlene was adamant about staying put on High Point Drive. When questioned about whether Lyman had a girlfriend, Alsip said he doubted it. When Lyman and Charlene broke up in 1978, a young woman sent Lyman a note saying she would be more than happy to help him mend his broken heart. But Lyman didn't take her up on the offer.

When questioned about whether Lyman was security conscious, he said Lyman drove him nuts always locking the doors of both his house and car.

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When questioned about whether Lyman could take care of himself in a fight, Alsip said he never thought of him that way. Because Lyman, he said, "could sit you back in your chair with just the force of his words."

He admitted to drinking two beers at the Smiths' that night, and he insisted he drank beer from a bottle.

Then he shared with them his theory of who killed the couple.

"I think it involves that airplane thing, that Maverick Airlines."

When it came to deciphering Lyman's most imaginative deal, detectives were in for a bumpy ride.

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Charlene Smith is shown, right, at her December 1969 wedding to her second husband, Mike Doyle. Beside her is Doyle's little sister, Maureen. Maureen and Charlene stayed friends for life, and Maureen felt Charlene's insecurity led her into an extra-marital affair.

Chapter 7: The boyfriend

By Colleen Cason, ccason@insidevc.com
November 9, 2002

Within hours of the grisly discovery in the Smiths' bedroom, detectives identified a man they wanted to question.

Charlene Smith had a longtime lover and their affair was a poorly kept secret. So detectives were anxious to talk to Richard Atwood of Port Hueneme.

Charlene had been involved with the former deputy sheriff throughout her marriage to Lyman. From the start, she had not been entirely forthcoming with him. They had been seeing each other eight months before Atwood, a polygraph expert, found out she was married. When he discovered her deception, he wrote an angry letter and left it on the window sill of the Smith home in Ventura.

Lyman intercepted the note and confronted Charlene's lover on the spot. Atwood refused to believe Lyman was Charlene's husband. So Lyman grabbed Atwood and pulled him into the house. He escorted him to the bedroom and said, "See this is my house. These are my clothes in the closet."

This liaison fueled the heated quarrels neighbors heard emanating from the Smith house. In fact, when one friend learned Lyman and Charlene were dead, he first thought they killed each other.

Charlene's closest friends did not condone her affair but instead blamed it on insecurity brought on by being abandoned by her mother and then orphaned by the sudden death of her father.

"Charlene was needy, and she needed to be needed," said Maureen Doyle, her former sister-in-law.

Charlene felt particularly alone after her grandmother died in 1977. Not long after that Lyman became immersed in a struggling air-cargo venture, headquartered in New York State. It kept him out of town for days at a time in 1978. And in August of that year, Charlene filed for divorce.

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She moved in with Atwood. Unlike Lyman who was preoccupied with his law practice and managing his burgeoning financial empire, Atwood made himself available to her.

She was the classic wealthy housewife torn between her romantic lover and her richer, older husband.

Toward the end of her life Charlene told a confidante she was going split with Atwood and have a baby with Lyman.

But she couldn't choose. Even on the last day of her life she was weighing whether to stay with Lyman or go to Rick.

In the midafternoon of Thursday, March 13, Charlene visited Atwood's office in the then-tallest building in Ventura County -- a 14-story, brown office building on Esplanade Drive in Oxnard. After Atwood resigned from the Sheriff's Department in 1979, he and a partner started a business administering lie-detector tests for commercial clients.

The lovers talked and Charlene started to weep. She seemed to need reassurance. "Do you love me?" she asked him.

She badly wanted to have a child. If she left Lyman, what if she and Rick couldn't have kids? she asked.

He told her he would step aside so she could find someone who could give her children.

Sensitive to her fragile state, he asked her to accompany him to Los Angeles that evening.

Charlene declined, saying she had something she needed to do. She picked up the clothes she left with Atwood after a recent getaway to San Diego.

She walked out of Atwood's office a few minutes after 5 in the afternoon,

"That was the last time I saw her," Atwood told police.

But it was not the last time he tried to get a glimpse of her. From his office, using high-powered binoculars, he watched the Smith house. He had done this for years.

On the day after their last goodbye, he observed Charlene's brown Thunderbird in the driveway; Lyman's blue Thunderbird parked at the curb. Neither car moved at all that day.

At nightfall Saturday, he drove by the Smiths' house. He didn't stop but turned at the sidestreet and left the subdivision by another road.

Sunday morning, he tried to call the house and got no answer.

When detectives arrived at his home 12 hours later, they asked him where he'd been Thursday. He told them he visited his daughter by his previous marriage, bought a stereo in the San Fernando Valley, and stayed up to midnight setting it up. He had been alone the whole time, he said.

Atwood was definitely someone detectives wanted to revisit when they knew more about the time of the Smiths' deaths.

He appeared to have an age-old motive. If jealousy fuels rage and rage leads to murder, then investigators couldn't ask for a better suspect.

Venturans received the news of the double slaying in the Monday editions of the Star-Free Press. The headline read: "Lawyer, wife found slain in Ventura home."

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It ran with a photo of the couple -- Charlene with her Miss America smile, Lyman with a twinkle in his eye.

The 100 men of Lyman Smith's Rotary club did not adjourn in his honor that day, March 17.

"I don't know what Lyman would wish us to do in this situation," said the club's president Eb Tate to the stunned membership gathered at the Masonic Temple.

"I can only rely on my own belief that our tasks and functions must continue.

Although our rage and grief may be concealed, the resumption of our ways is evidence of our deep regard and respect."

At the Ventura County Hall of Justice, the wheels of justice turned as usual. But the close-knit legal community was reeling.

Everyone encountered that day by County Counsel Dorothy Schechter was shocked beyond belief.

"They talked about the terrible way the Smiths were found," said Schechter who served with Lyman as an officer of the Bar Association.

The killings, she said, put many on edge, Schechter said.

"They wondered who did this and if it were someone the Smiths knew. And if it were someone the couple knew, it could be someone we all knew."

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Hundreds of people filed into St. Paul's Episcopal Church in Santa Paula for the Smiths' memorial service, held five days after their bodies were found.

Chapter 8: 'Those things that abideth'

By Colleen Cason, ccason@insidevc.com

November 10, 2002

Even 22 years later, friends and family would remember who broke the news about Lyman and Charlene.

"I was at Guantanamo Bay when my brother met his Waterloo," is the way Don Smith put it.

Lyman's 36-year-old younger brother never set foot in the High Point house before his brother's death. In fact, he never once laid eyes on his sister-in-law Charlene, although he could plainly see in photographs that she was beautiful. A career Navy man, he spent the last half of the 1970s overseas and at duty stations far from Southern California, including in Cuba where he was on maneuvers the day he heard about the killings.

On the Wednesday after the bodies were found, police officially released the house to the family. Capt. Paul Lydick of the Ventura PD asked Don to go through it to determine if anything was missing.

He was joined on the doorstep that morning by Isabelle and Maureen Doyle -- Charlene's former mother- and sister-in-law.

Maureen was just 22 years old. She had been a bridesmaid when Charlene married her brother, and with all her heart felt Charlene was the sister she never had.

And now she had this sad duty of helping detectives determine what -- if anything -- had been stolen and to find Charlene's last will and testament.

Isabelle remembered Charlene behaving strangely a week or so before the killings. She hosted a sales party for crystalware at her home. As Isabelle came to the door, Charlene seemed nervous. "Is there anybody outside?" she asked. "Quick get in the house."

Then she locked the door, saying you can't be too careful.

Isabelle said she never gave it another thought until the middle of the night. Sunday she received the terrible news.

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As they entered the High Point house, they discovered the walls of Charlene's immaculate household dappled with purplish finger marks. Investigators used a chemical to bring out the prints, and it oozed down the walls and onto the carpeting.

They found the kitchen in disarray. Pans, dishes, glasses, utensils cluttered the sink, stove and countertops. Some had been dusted for fingerprints, and looked to be covered with fireplace soot.

Once inside the master bedroom, Don Smith was shocked to see the wall behind the bed had been cut out. Detectives removed it so the blood spatters could be analyzed by an out-of-town expert. The direction and the shape of the droplets could indicate who received the first blow.

More surprises were in store for Don Smith. He opened a drawer in a tallboy dresser which contained men's clothing, presumably Lyman's underwear and socks. Every item looked brand new, like it had been purchased, washed, neatly put away and never worn.

He opened the closet and saw several shirts but only four men's suits, impeccably arranged.

"My brother's an attorney," he told the officer, "and he only has four suits?"

"That's strange," he said.

As it would turn out, the answer to this mystery died with Lyman and Charlene. Their father, Lyman Sr., said Charlene bought him a pair of slippers and he would like those. In the spare bedroom, Don found several wrapped presents with no names on the packages.

"Charlene was a little bit eccentric," he thought to himself.

Maureen Doyle found Charlene's will filed in a drawer in her study. It was written in Charlene's flowing hand on two pieces of stenographer's paper.

She entered the bathroom where Charlene kept the jewelry she wore everyday. It was gone.

Yet the gold jewelry Charlene sold in her business was found undisturbed in two places in the house.

Did the killer know Charlene's personal jewelry? Or did he grab what was easiest to make it look like a robbery?

On Thursday, state Sen. Omer Rains announced the judicial appointments. It will never be known if Lyman would have won a seat on the bench, if he had lived. Gov. Brown had not made the decision before Lyman's murder. Rains knew that to be a fact.

Lyman's college chum Bill Peck and public defender Ken Cleaver were tapped to fill the Superior Court vacancies in Ventura County.

Peck harbored mixed feelings. It was Lyman who convinced him to interview at the Ventura County District Attorney's Office and, thus, helped launch his legal career.

"He was a close friend and suddenly he was gone. It reminded me of what a violent society we really are," Peck said.

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And just a day after his appointment, he joined 350 mourners at St. Paul's Episcopal Church in Santa Paula. The pews of the tiny, A-frame church filled up quickly. So mourners found seats in the choir loft, the vestibule and the patio Lyman liked making money and he liked making friends, his former law partner Judge Steve Stone thought as he surveyed the turnout of his fellow judges and politicians.

Isabelle Doyle pinned red carnations on the mourners who had been Charlene's closest friends.

Lyman's best friend Hal Barker was too heartbroken to attend. They had known each other since the early 1960s, when Barker was a tough young cop busting small-time criminals in Santa Paula and Lyman was a neophyte prosecutor putting them in jail.

Now, Lyman was the victim of one of the most shocking murders Ventura County ever knew.

The Rev. Leonard Dixon, who married the Smiths five years earlier, came out of retirement to conduct the service.

"They were not church-going people," he said. "But that is not to say they weren't religious. They had a yearning for those things that abideth long after other things have withered and decayed."

Marjorie Lasswell, who helped raise Charlene, nearly collapsed from her grief. First, she buried Charlene's father -- the man she loved -- and now the daughter. "None of us are promised tomorrow from the day we take our first breath," she said, trying to console herself.

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Chapter 9: The biggest bull shippers

By Colleen Cason, ccason@insidevc.com

November 11, 2002

In the early days of the investigation, Sgt. Gary Adkinson was assigned the job of mining Lyman's byzantine business dealings for possible suspects in the Smith killings.

Normally Adkinson would have supervised the whole investigation, but in this case his captain, Paul Lydick, took charge early on.

The Smith investigation received no more attention than any other murder case, detectives insisted, but the couple's high profile and close ties to law enforcement meant the brass at the Ventura PD wanted in on every detail of the case.

Adkinson quickly located a rich investigative vein in Lyman's dealings in Maverick International Airlines.

If the secret to success is finding a niche no one is meeting and filling it, then Maverick should have been taking off. And it might have, if not for \$150 cowboy boots and a fundamentalist Muslim revolution.

Maverick specialized in transporting inseminated cows to the Shah of Iran. The ruler was looking to beef up ranching in his kingdom and willing to pay top dollar to anyone who would deliver quality livestock.

In 1977, Santa Barbara pilot Daniel Hood and Canadian businessman Edward C.C. Peagram approached Lyman with this unusual opportunity. Hood had a burning ambition to own an airline. Peagram, a rags-to-riches entrepreneur, had the contacts to procure the livestock.

They lacked only the financing to lease the jets from Dr. Robert Beauchamp, a spectacularly successful entrepreneur who pioneered credit dentistry in Southern California.

Lyman had a pretty good idea where to extract the \$1.5 million in startup money. One of his law clients was an ex-prizefighter turned rancher by the name of A.E. "Bud" Sloan.

A cantankerous character who resided on a ranch deep in a canyon outside Ventura, Sloan guarded his privacy with a vengeance. He posted a sign threatening "Trespassers will be shot. Survivors will be shot again."

Sloan had fought professionally under the name "Haystack" because he was a country boy. Simple he wasn't. Adkinson quickly discovered the homespun Sloan was a shrewd businessman.

He also owned an 18,000-acre Mendocino County spread, worth in the neighborhood of \$6 million in 1977.

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Lyman's job was to convince Sloan to mortgage that property. In exchange, the rancher would hold 40 percent of the stock in Maverick. Lyman, Hood and Peagram, who put up no money, would each receive a 20 percent stake. Lyman previously had convinced Sloan to back another of his clients, car dealer Coco Corral. Sloan advanced a million dollars to keep his Fillmore Ford dealership in inventory. Corral paid the loan back on time and in full. This was a harder sell. Sloan's instincts told him to stick to ranching. So the Smiths wined and dined the rancher and his wife, Elsie, at the Saticoy Country Club. Beautiful Charlene placed a \$100 Stetson on Bud's head as a token of esteem.

Sloan entertained them by bouncing them around his ranch in his beat-up Bronco, stopping only to take aim with his pistol at the occasional gopher. The rancher might have resisted the Maverick proposition, except Lyman knew his weakness, Adkinson learned. They promised to call the Boeing 707s Shamrock I and Shamrock II, the same names Sloan had dubbed his ranches. "Bud was so proud of being Irish," Adkinson said.

The shamrock name never did make it to the fuselage. Maverick's operators had other fiscal priorities.

Hood was so jazzed to have achieved his dream of airline ownership that he took one 707 on a transcontinental joyride to impress his family, at considerable expense to the company.

Maverick set up headquarters at Stewart Airport in the Hudson River Valley, north of Manhattan and in the heart of New York's dairy industry. The principals decorated their private offices with thick Persian carpets and hand-carved furnishings.

Beauchamp's aircraft were gutted and turned into corrals that could hold 98,000 pounds of animal flesh. A safe was installed in the cockpit so the pilot could carry large sums of cash to buy fuel.

Soon Holsteins, calves, Brahma bulls and horses traversed the Atlantic bound for Tehran. On the return trip, Maverick's cargo planes sometimes brought back flowers and melons from Israel and auto parts from Italy.

In its first year in existence, the company posted \$16.9 million in revenue. But spent \$20 million.

Despite the imbalance in the ledger sheet, English investors took an interest in Maverick. They sent a willowy British auditor by the name Will Bartfield to New York to see if the company might pay off. He got an eyeful.

"They ran the business like little boys with toys," Bartfield came to realize.

Too often, Maverick's jets came back from the Mideast empty. This practice, known as deadheading, meant the company assumed the expense of fuel and salaries with no income to defray the costs.

Bartfield also discovered the partners had set up a company in the Cayman Islands to divert airline income. They called it Boot Hill.

In addition, Lyman appeared to be siphoning off funds from the payroll withholding. Bartfield found this particularly shocking because Lyman was such a class act and a mild-mannered sort.

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Peagram, on the other hand, struck the auditor as a slick salesman. But Bartfield finally concluded, "Lyman and Peagram were birds of a feather."

When the auditor confronted Lyman about taking the money, he looked sheepish and admitted he and Charlene were living beyond their means

Bartfield felt obligated to alert Bud Sloan to the shenanigans. At first, Sloan refused to believe the allegations. Then he made a deal with Bartfield. He told him to fly to the West Coast at his own expense and present the evidence to Sloan's Los Angeles lawyers. If the attorneys agreed with Bartfield, Sloan promised to hire him.

It wasn't long before Bartfield was on Sloan's payroll.

Sloan flew back to New York to, in his words, "straighten out" Hood and Peagram. He was none too fond of the fancy boots Peagram was sporting. Sloan was convinced he had bought them with Maverick money.

Lyman, Sloan insisted, was as honest as the day is long and being hoodwinked by these slick businessmen.

Maverick crashed and burned after the Shah fled his throne in the face of Muslim revolutionaries in January 1979. The upheaval shut down the Tehran airport for days, stranding one of Maverick's planes. In addition, Maverick financed cattle barns on the ground in Iran, assets the Ayatollah Khomeini nationalized when he took power.

Hood bailed out and signed his share over to the others. Lyman and Peagram worked around the clock to keep the airline functioning.

Soon employee paychecks bounced. Beauchamp foreclosed on the jets. The Internal Revenue Service arrived, seeking more than a quarter of a million dollars in employee withholding that had never been paid.

Maverick went bankrupt. Sloan and other creditors, including the IRS, were left holding the bag.

Sloan told detectives he was certain Lyman had been killed by someone associated with Maverick. Both Hood and Peagram, however, could prove they were out of the country when the Smiths were murdered.

Bud Sloan, on the other hand, had motive -- a million bucks worth of motive.

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Matt McClain / Star staff

Bud Sloan recently posed with a poster of himself from his days as a prizefighter. He still ranches on a spread tucked in a canyon between Ventura and Santa Paula and refuses to believe Lyman Smith cheated him in any way.

Chapter 10: Everyone has a theory

By Colleen Cason, ccason@insidevc.com

November 12, 2002

Word had it that Bud Sloan had been a pretty fair prizefighter in his day. Even at 64 years old, the hulking rancher looked to be someone who could take care of himself.

Detective Gary Adkinson learned that Sloan had threatened to kill all the principals of Maverick International Airlines if they lost his money. And they had done just that.

Adkinson felt this was just bravado, angry talk, on Sloan's part. Adkinson found the rancher, for all his bluster, to be a softhearted soul who doted on his wife and their lap dog, Timmy.

But just to make sure, he asked Sloan to take a lie detector test. Sloan agreed. Adkinson looked out the window as Sloan's old truck pulled into the parking lot of the Hall of Justice for his appointment with the polygraph.

All of sudden, Adkinson saw a police cruiser following Sloan's truck with its lights flashing. When Sloan came to a stop, the officer jumped out of his squad car with his gun drawn and approached the pickup.

It seems that Sloan absentmindedly had been checking the barrel of his unloaded rifle as he drove.

Adkinson intervened on Sloan's behalf and escorted him to the awaiting polygraph. The machines are a one-size-fits-all affair and Bud's massive bicep stretched the limits of the cuff.

The operator asked if he had killed Lyman and Charlene Smith.

"Hell, no," he growled, promising to fix the guy who really did it.

No question about it, Sloan passed the test.

About one month after the killings, the headline in the Star-Free Press read: "Smith murder case: No leads, no suspects, nothing."

That stung detectives. A husband and wife were ambushed in their bedroom, in the sanctity of their home. That was bad enough. But this man and woman had complex personal lives. Everything had to be looked into.

In the days after the Smith killings, 18 investigators from several agencies piled on the case. They were working off of caffeine and adrenaline. In the first week

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after the Smiths' bodies were found, five Ventura PD investigators put in 80 hours apiece.

Detectives labored into the night preparing reports from the interviews. When one picked up the phone to make a follow-up call, he realized it was the middle of the night and his inquiry would have to wait until the morning.

The problem was not too little information, but too much.

Everyone had a theory. Don Smith, Lyman's brother, figured it had something to do with the Carranza case.

Back in 1964, Lyman had defended a Santa Paula laborer named Calvin Ray Reed. The 22-year-old packinghouse worker stood accused of the rape and murder of 12-year-old Joyce Carranza.

In the days before Ventura County had a Public Defender's Office, a judge assigned private attorneys to represent criminal defendants. Lyman was tapped to defend Reed and even though he was a prosecutor by training, he took his responsibility seriously.

Reed confessed to the crime after five hours of interrogation with no attorney present. More and more appeals court justices were siding with defendants who claimed they had been denied access to an attorney after arrest.

Knowing this, Lyman brokered a deal that spared Reed from the gas chamber. As Don Smith recalled it, Santa Paulans were outraged that Reed was saved from the fate he had delivered to the innocent, young girl. Lyman received threats.

Reed was sentenced to 20 years to life. He had a parole hearing shortly before the Smiths' death. It was denied.

Still, Don Smith felt there was something there.

Charlene's former in-laws, Isabelle and Maureen Doyle, possessed their own theory on who murdered the Smiths. They feared the killings were linked to the murder of Jim Doyle, Isabelle's son and a police officer. He also was Charlene's former brother-in-law.

A campus police officer, Jim Doyle had been shot on the Ventura College campus on Palm Sunday 1975. A professor's son went berserk and killed Doyle with his own gun.

Lyman's law firm was following legal avenues to make sure Doyle's killer, who had been ruled legally insane, remained in custody.

Then, there were helpful citizens. The wife of a deputy district attorney spotted a customer at a downtown Ventura jewelry store with an item for repair that looked like something owned by Charlene. After countless phone calls by a detective, it was learned thousands of similar pieces had been produced.

And what about the drapery cords used to tie up the Smiths? Where did they come from? Investigator Howard Davies was assigned to tracking down the source of the cords. He was to learn that if you've seen one drapery cord, you've seen a thousand.

Then there was someone else investigators wanted to eliminate. They again focused on the Smiths' nearest neighbors, the Marchettis.

Vance Marchetti was a grown man who had limitations when it came to making decisions.

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With his parents' permission, Vance was hypnotized and subjected to a psychiatric examination. Both seem to eliminate him from suspicion. Neighbor Bob Anderson found the very thought Vance had committed the crime absurd. The youth was so afraid he would hurt Anderson's dog that he could barely pet the animal.

Vance Marchetti was cleared, however, when it was discovered he could not readily tie a knot. The Smiths, of course, had been bound.

"You go and you go and you go and yet you're always at square one," one of the detectives said.

Capt. Paul Lydick expressed confidence investigators were heading in the right direction. "Homicide is rarely random."

Sometimes someone closest to the victims comes into suspicion.

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Chapter 11: This is so 'Dragnet'

By Colleen Cason, ccason@insidevc.com

November 13, 2002

Jennifer Smith was a bright, 18-year-old high school senior not given to holding her tongue or suffering fools gladly.

She admitted openly that she and her father clashed. It was well-known she had not bonded with her stepmother. And she could not account for her whereabouts during some of the evening of March 13, when her dad and his wife had been murdered.

Detectives learned she had entered the Smith home unauthorized a few days after the killings, and at the funeral, a few of the Smiths' friends found her demeanor strange. She talked and laughed throughout the service.

Her Uncle Don, who had his hands full comforting the weeping Lyman Sr., also noticed her behavior. He determined it was natural for a young woman who had just lost a father with whom she had a conflicted relationship.

"She acted a little mixed-up, that's all," he said.

Investigators contacted the friends of Jennifer, a two-time Buena High student body president and a reporter for the student newspaper. They asked her classmates if she were the violent type.

Eventually police asked her to take a polygraph exam.

Frightened, she phoned her father's friend Hal Barker, then the undersheriff of San Mateo County.

"Take it, honey," he told her. "Tell the truth. If you're innocent, it's over with. If you aren't, we need to get on with it."

"Oh this is so 'Dragnet,' " Jennifer quipped, as the polygraph expert hooked her up to the machine.

With her mother watching her through one-way glass, a nervous Jennifer answered the questions for an hour. She denied playing any role in the murders. She passed the test.

Later she would tell a newspaper reporter her thoughts on the murders. "It couldn't have been an act of total spur-of-the-moment violence. I feel like I should know something. It's all turning out too clean."

"Just picture a beautiful Hawaiian or tropical beach. Wide, crystal-clear white sand. ... Nothing but sand stretching ahead of you for miles. ... Nobody else on the beach. Off to the ocean side, you can see the crystal blue waters, little waves sliding up the sand, gently receding back into the ocean. ... Big, billowy clouds floating lazily overhead. ...

"Do you feel pretty relaxed now, Joe?"

"Yeah," he replied, stretched out on a green reclining chair deep within the Ventura County Hall of Justice. He was undergoing hypnosis by Charles Harbison, who specialized in the technique for law enforcement.

Investigators could not ask for a more cooperative citizen than Joe Alsip. He submitted to two interviews after the Smiths were found murdered -- one within hours of the discovery of their bodies and again a little over a month later.

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During the later interview, detectives again questioned him on the reason for his visit of March 12, the night before the slayings.

Alsip said he was in the neighborhood that night to meet with the Smiths' neighbors about the possibility of their investing in a real estate deal with him. Alsip and Lyman once saw each other daily when they were involved in the GAP real estate development business. Alsip's visits to the Smiths dropped off in early 1980, after the company split.

But when he found the neighbors had been called away, he decided to pay a call on the couple.

It was the same story he told when interviewed the first night.

Now armed with fingerprint evidence, detectives asked him repeatedly what items he had touched in the Smith home when he visited the couple. He recited a series of objects -- the sliding door screen, an ashtray, a light switch ...

In an effort to determine if the visit had been cordial, they asked Alsip the topics covered during his visit.

The cost of real estate, of course, came up.

Lyman had asked Alsip, a real estate broker, how much the High Point Drive house was worth. He planned to build a home on a lot he owned in Santa Paula. Alsip told them he thought a buyer would pay \$250,000, maybe \$270,000. Lyman and Charlene told him they thought that was a little high.

"Yeah, so do I," said the normally just-the-facts detective Russ Hayes. It was a time when everyone cared about the price of real estate.

When pressed for the details of the visit, Alsip again insisted he had drunk his Michelob beer only from a bottle Lyman brought in from a refrigerator in the garage. Charlene did not allow beer to be kept in the kitchen refrigerator.

She also showed the boys some spunk. Lyman called into the kitchen, asking Charlene to bring Alsip an ashtray. She just kept frying abalone as more ash accumulated on the end of Alsip's Kool cigarette.

Like Bud Sloan and Jennifer Smith, Alsip underwent a polygraph exam.

"Let's do it," he said. "The only reason I'm even taking this is because I hope it will help."

When asked if he were physically attracted to Charlene, he replied, "she had a personality like a snake. I never cared for her at all."

Asked if he killed the couple, he said no.

Officers told Alsip he passed the polygraph examination.

That should have been the end of it.

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Chapter 12: Better than any mall

By Colleen Cason, ccason@insidevc.com

November 14, 2002

Across the street from the Smith residence on High Point Drive stood Steve McQueen's church.

The movie idol was certainly the most famous of 1,650 parishioners who attended the Ventura Missionary Church. It was among the largest congregations in Ventura and ministered to the needs of some of Ventura's most prominent families as well as a healthy contingent of law-enforcement officers.

When the Rev. Leonard DeWitt took the pastorship of the church in 1971, it didn't seem to have a prayer. The tiny chapel near Ventura College attracted maybe 100 aging parishioners each Sunday.

A charismatic preacher with a refreshing wit, DeWitt believed the Bible offered all the answers to the problems that plagued modern man -- essentially he espoused the message of faith you could use.

And Californians felt they needed it. Divorce rose steadily through the '70s and California had one of the highest rates in the nation. Violent crime also was rising. Cocaine was showing up at backyard barbecues.

The 1970s were after the pill and before AIDS and the last holdouts of the sexual revolution were still flouting their marriage vows with serial affairs.

"People were living high, wide and handsome," said Richard Hanawalt, a prominent Ventura defense attorney.

There was a growing backlash against risky behaviors, and the Missionary Church welcomed those who sought sanctuary in the Lord.

Soon, it was standing room only every Sunday. DeWitt started a second service but that too filled up quickly.

Eventually, the church held three services each Sunday.

In 1975, with the sanctuary bursting at the seams, its elders lucked upon several acres for sale on a bluff above Foothill Boulevard. The landowner had failed at developing it into a subdivision and parted with it at a reasonable per-acre price. The tract where the Smiths lived was built shortly thereafter and made the church's property even more valuable.

DeWitt gave architects his vision for this house of worship.

He wanted the sanctuary to be large but its foyer to be small. He wanted parishioners to bump into each other and rub elbows as they came and went from services. He wanted the place to feel like a department store on a sale day. Everyone excited and interested in what's inside.

"Only," he said, "we have something better to offer than the mall."

He also wanted to include a counseling center. He believed there is no greater loneliness on Earth than that derived from divorce.

At first he tried to do all the counseling himself, but he soon was so overextended he hired another Missionary Church minister, named Don Mikel.

Mikel had a reputation as a man of sterling character and unshakable faith. He was the foster father to DeWitt's first wife, Barbara, who had died of brain tumor in 1963.

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Shortly after arriving in Ventura in 1976, Mikel led Thursday morning prayer breakfasts for law-enforcement officers.

Counseling remained his focus, and word got around that the Missionary Church could save marriages.

And that is what brought Joe and Mari Alsip to a counseling session in the spring of 1980. Mari Alsip was a religious woman of Filipino descent, who taught swimming to kids.

Mari wanted to salvage her marriage with Joe because of their two children.

The Alsips arrived for a counseling session with the Rev. Mikel on May 13, exactly two months after the Smiths had been murdered right across the street.

Joe Alsip's world was crashing around his ears. High interest rates were hurting his real estate ventures; plus, detectives working the Smith case seemed to focus on him.

As if his life weren't complicated enough, he also was having an affair.

At the end of the session, Alsip asked the Rev. Mikel if Mari could be excused.

After she left, he told the minister he was unhappy with his business and personal life. He wished he could just go somewhere where people didn't know him and start over.

When Mikel pressed Alsip for more details, he declined and walked out.

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Chapter 13: 'Between this man and his God'

By Colleen Cason, ccason@insidevc.com

November 15, 2002

The Rev. Don Mikel marked his 30th anniversary as an ordained minister of the Missionary Church in 1980. It would be his last assignment before he retired. Everywhere he served God, whether in Indiana, Washington state or California's San Joaquin Valley, church members viewed him as a quiet, humble man.

He was the type who might have been a shoe salesman, if not called by the Lord. He was soft-spoken, revealing little about himself but when he did he always had something inspiring to share -- real stories of how faith saved the day.

In one case, he was aboard a plane traveling at night from Yakima, Wash., to a Bible college in Alberta, Canada. He felt unprepared for this responsibility, so he had his Bible open to prepare his lecture.

He was weighing how to address his topic when he dozed off.

He was awakened by a tap on his arm.

The stewardess bent down to speak to him. She whispered, "The plane is going down. The pilot wants you to pray."

And pray, the Rev. Mikel did. Finally the craft came to a safe landing on a rough strip near the mountains of Calgary.

The cockpit door opened. The pilot and co-pilot emerged -- their shirts soaked with sweat -- and addressed the passengers.

The pilot pointed to the Rev. Mikel and said, "I didn't land this plane. That was between this man and his God."

The incident also answered Mikel's prayer. "I had something to talk to the students about after that."

Long married to Gertrude and the father of four adult children, the Rev. Mikel had a passion for two ministries in particular -- one was family counseling, the other law enforcement.

Despite three decades as a pastor, Rev. Mikel showed no sign of burnout. He managed an 80-hour workweek counseling troubled Ventura families, with time left over to serve as a chaplain to the Fellowship of Christian Peace Officers.

Every Thursday, the Rev. Mikel's alarm rang at 5 a.m. He bounced out of bed and hurried down to Loop's restaurant, a time-honored Ventura coffee shop.

There he led approximately a dozen police officers in prayer and Bible study. He especially enjoyed sharing the New Testament Books of Timothy, in which the soon-to-be-martyred Paul molds his young convert.

Passages such as, "But we know that the law is good, if a man use it lawfully," particularly resonated with peace officers, Mikel believed.

"Rev. Mikel had a heart for law enforcement," said his parishioner and Ventura Police Officer Randy Adams.

After one meeting in June 1980, the Rev. Mikel approached Adams. The topic was not the Bible.

"I am receiving threatening phone calls," Mikel told him. They began, he said, after he came privy to information about a homicide during a counseling session.

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Concerned for the minister's physical safety, Adams urged him to divulge what he knew. Mikel declined, telling Adams he wanted to ensure the information was accurate.

Approximately a week later, he again pulled Adams aside. The threats are escalating, he told the lawman.

One recent evening around nightfall, Mikel said, he had been walking near Buena High School when an older-model car jumped the curb in front of him. There were three men in the car. One, a white man in his 30s he didn't recognize, emerged and warned him he'd better keep his mouth shut about what he knew.

Adams recommended that Mikel immediately confer with Mal King, another member of the Christian Peace Officers group. An experienced and respected detective who had worked the notorious "Ma" Duncan murder case in the late '50s, King was a lead investigator for the District Attorney's Office. Adams felt King was someone the Rev. Mikel would feel comfortable talking to.

Adams and King paid a call on Mikel at the Ventura Counseling Center in mid-June.

What Mikel told them was the answer to prayers for detectives running out of leads on the Smith case.

Joe Alsip, Mikel said, had arrived alone one day in May -- two months after the Smith murders -- for a counseling session originally scheduled for his wife, Mari. He looked disheveled and had the smell of alcohol on his breath, according to Mikel.

Mikel said Alsip had asked for absolution from sin.

Alsip then was heard to say he knew more than he wished about what happened across the street -- at the Smith house.

He said he was haunted by Mrs. Smith's dying screams. He said they had been lovers and had made love just hours before her death.

Alsip repeatedly used the word "we" as he described how the house was tossed topsy-turvy.

Alsip, according to Mikel, said Lyman Smith deserved to die for destroying Alsip financially.

The session lasted 50 minutes. Alsip, said Mikel, scurried out when he realized he had revealed too much.

Mikel asked Mal King only that his name not be given to Ventura PD investigators.

Adams advised Mikel to make a tape recording of what he had told them and to keep it in a safe place -- just in case something happened to him.

Who could be a better witness in a court of law than a minister, detectives asked themselves. Why would such a man come forward if he weren't telling the truth?

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The Smith homicide team discusses the case at Ventura Police Department headquarters in the late spring of 1980. They are, from left, Gary Adkinson, John Leach, Russ Hayes and Dave Stone.

Chapter 14: One day in May

By Colleen Cason, ccason@insidevc.com

November 16, 2002

The smoke of suspicion swirled around Joe Alsip for three months after Lyman and Charlene Smith were bludgeoned to death in their bed. Now there was fire, with the Rev. Don Mikel of the Ventura Missionary Church claiming Alsip had confessed to a role in the homicides.

From Day One, the Smiths' complex personal and professional lives complicated the investigation into their murders and led detectives down dozens of dead ends. Now, in Alsip, there was one bright, wide avenue to explore.

Other people who looked interesting in the early days of the case fell off the radar screen, including Richard Atwood, Charlene's lover.

Atwood appeared to have strong motive. In their final conversation, when Charlene visited his office on the day she died, she sounded as if she were weighing breaking off their relationship.

Atwood took a lie detector test as District Attorney Michael Bradbury observed through one-way glass. Bradbury found Atwood's answers credible.

"I was convinced he loved Charlene and was devastated by her death," the DA said.

And, in fact, the administrator determined Atwood had passed the test.

Joe Alsip also passed a polygraph exam. The difference, of course, between Atwood and Alsip was the police had a clergyman declaring Alsip had confessed. Not only that but, said Mikel, Alsip admitted to having had an affair with Charlene. Without this added twist, detectives might question why Alsip would want to kill Charlene if his grudge were with Lyman, his former business partner. Why not just kill Lyman? But if Alsip were involved with Charlene, he might be more inclined to do away with both.

Investigators immediately went about finding witnesses or physical evidence to corroborate the minister's story.

That was essential because Mikel at first asked that his name not be associated with the information police now possessed, especially since he said he had received threats on his life.

And even if the Rev. Mikel wanted to come forward, law protects the confidentiality of communication between a parishioner and a pastor, so there

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was a legal question if the minister could reveal in a court what he heard from Alsip or any of his flock.

At first, the Rev. Mikel had difficulty remembering exactly what day and time he believed Alsip had come to his office. Eventually, he fixed the meeting at 8:30 a.m. May 21, 1980. Joe's wife, Mari, originally had scheduled the appointment for herself but Joe came instead, said Mikel, who estimated the session lasted 50 minutes.

Alsip would later recall his actions on that particular May morning quite differently.

He remembered waking up at Casa Sirena Hotel at Ventura Harbor beside a woman he was having an affair with. They had celebrated her birthday the night before with a carafe of wine.

Joe and Mari had separated a short time before, and Joe lived on a barely seaworthy fishing boat at Ventura Harbor. As he recalled, on the morning of May 21, he shaved and showered onboard. Then he contacted his partner, Chuck Gilliard, by two-way radio on his drive to a job site in Santa Paula.

One of Alsip's companies had just broken ground on an \$8 million manufactured-home development on what had been a 22-acre lemon grove on Telegraph Road. The own-your-own-lot concept for manufactured homes was brand new and aimed at Los Angeles retirees, who sold their bungalows for a neat profit and sought a cheaper, low-maintenance lifestyle.

Gilliard, as much a drill sergeant as a building contractor, kept records of everyone's comings and goings in the early days of the project.

Alsip arrived at 8:40 a.m. greeting Gilliard and another worker. Both would later vouch for him, saying he was in their company for at least the next hour and a half -- the time frame in which the minister placed Joe in his office.

As it turns out, May 21 was a memorable morning. Groundbreaking on a new development was big news in Santa Paula. And at 10 a.m., Elaine Fulton of the Santa Paula Chronicle snapped a photo of Alsip, Gilliard and two other partners, Ed Skifstrom of Los Angeles and Dale Wilson of Santa Paula, amid the orange trees. Eight-hundred of the specimens were to be spared from the chain saw and would be part of the landscaping between the 130 modular homes.

The photo ran in the May 22 Chronicle. A smiling Joe Alsip looks on as Chuck Gilliard tags one of the trees that will be saved.

In August, investigators in the Smith case heard word of a double homicide in a gated Orange County tract. A medical student and his pretty, brunette wife had been found bludgeoned in their bed in upscale Niguel Shores, near Dana Point. Sgt. Gary Adkinson was dispatched to meet with Orange County Sheriff's Department detectives to compare notes.

Double homicides are rare; less than 3 percent of all the murders in 1980 involved multiple victims, and the majority of those were committed with handguns.

Two Orange County detectives herded Adkinson into a closet-sized conference room. They closed the door and proceeded to chain smoke as they went through the thick file.

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A nonsmoker, Adkinson choked and sputtered and hoped he could concentrate on what these investigators had unearthed.

Concentration proved to be no problem. What they told him made the hair on the back of his neck stand up.

Keith, 24, and Patrice, a 28-year-old nurse, lived in a one-story house with the exact floor plan as the Smiths' that boasted a distant view of the ocean, just like the Smiths'. The home was owned by Keith's father, a successful businessman whose firm manufactured surveillance cameras.

Bruises around their wrists and ankles indicated they had been bound but the killer had removed the knots and taken them. The killer did leave three lengths of pre-cut cord on the bed. The Smiths' assailant left the knotted ropes on the bodies but also left one length of cord on the bedspread.

And like the Smiths, the Harringtons died from blows from a blunt instrument.

Only in the Harrington case, the killer took the murder weapon from the home.

Orange County detectives believed the newlyweds had been intimate prior to the killer coming into their home. But they also suspected Patrice had been raped.

When the usual suspects -- family and acquaintances -- all came out clean, detectives were stuck.

"They were nowhere," Adkinson observed.

He returned to Ventura and told his supervisor, Capt. Paul Lydick, what he had learned.

Lydick told him we have a good suspect of our own and not to pursue it.

But it was eerie. Just eerie, Adkinson kept thinking.

Tomorrow: The big, bad Wolfe

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Chapter 15: The big, bad Wolfe

By Colleen Cason, ccason@insidevc.com

November 17, 2002

Joe Alsip was a member in good standing of the beachy set of Ventura. GAP, his development company, owned property along Seaward Avenue just before it dead-ends into the Pacific. The company also made its headquarters there, between the funky bars, sidewalk bistros and tourist traps.

For all the contortions he went through to make money, Alsip was never happier than when he was wearing shorts and flip-flops, cooking the fish he caught on a barbecue kettle on the beach.

It was there he could forget the enormous weight he was carrying in the summer of 1980. Skyrocketing interest rates were ruining him financially. He was the sole support of his family. He was losing his home. His car was repossessed. His marriage was at the frayed edge, and he, in his heart of hearts, realized he had no one to blame for that but himself.

What the beach didn't cleanse from his weary mind, booze did. Alsip always drank heavily. It was a failing he admitted. But now he needed the extra comfort found at the bottom of a Michelob bottle.

Alsip knew he had passed the polygraph test in the murders of Lyman and Charlene Smith, but he heard rumors the police still considered him a viable suspect.

Those rumors were confirmed the day his wife, Mari, arrived at the Hillview Estates building site. Detectives had just interviewed her, and she was afraid she had said something that would put her husband in jail.

"All you can do is answer the questions the best you can," Alsip told her.

She asked him if he did it, if he killed Lyman and Charlene Smith.

"No," he told her.

"Then why do they keep bugging you?" she asked.

"I guess because of the close proximity of the time I had been in the house. My fingerprints would be all over the house," he told her.

Mari accepted that, but it became obvious that investigators were trying to get the goods on Alsip any way they could.

* * *

Detectives found a man who had a whole lot to gain by cooperating with the Alsip investigation.

Paul Aaron Wolfe ran a kite shop out of a building GAP owned near the beach.

Alsip essentially was Wolfe's landlord, but the two also socialized.

Wolfe, or "Wolfie" as Alsip called him, had a mysterious past for a guy who was only 25 years old. He was a former Navy SEAL and looked the part: short, stocky and powerfully built.

While in the service, he had severed the tendon in his heel on a boat propeller, so he compensated for the weakness in his leg by beefing up his upper body; along the way he set military records for pull-ups.

Wolfe was a Pennsylvanian who had heard about Ventura through a boyhood friend who ran an auto-repair shop in The Avenue area of Ventura.

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Back in Wolfe's Pennsylvania hometown, there was a situation, however. Henry Swartz Jr. had been gunned down on St. Patrick's Day 1979 in Millerstown. His assailant shot him in the face with a deer rifle and killed him. At first, the Perry County, Pa., troopers believed Swartz had interrupted a robbery. But then the police started to suspect his wife, Beverly Rae, had hired someone to kill her husband.

What's more, they suspected the trigger man was Paul Wolfe. They just needed the evidence to prove it.

By cooperating with Ventura police, Wolfe might help himself with his problem back in Perry County, especially if the time came when he was charged in the Swartz killing. He would trade what he knew or said he knew about the Smith slayings for leniency.

After discussions with Wolfe, Ventura PD detectives developed the theory he had assisted Alsip in the killings of the Smiths. That would explain why the Rev. Don Mikel heard Alsip use the word "we" during his supposed May 21 confession. Investigators wondered from the start if two people were involved. One of their biggest hurdles was accepting that Lyman Smith, who was no shrinking violet, could be overpowered by a single person.

Now, with the addition of Wolfe, the so-far-unsolvable equation of who killed the Smiths started to add up for investigators.

* * *

One evening in October 1980, the Rev. Mikel and his wife, Gertrude, were out for a stroll along Victoria Avenue. A disheveled man with a "withered arm" suddenly crossed their path.

They crossed the street to avoid him. The man yelled after them, something about wanting to "put a scare" in them.

Not long after that, the Rev. Mikel answered his phone only to hear an unidentified male voice tell him. "If you think you were scared before ..." The rest was unintelligible.

Mikel filed a police report on Oct. 7, 1980.

Police officers installed a "trap" on the Mikels' phone to try to find the source of the threatening calls.

* * *

In October, the Star-Free Press newspaper ran a story naming Joe Alsip as a suspect in the Smith slayings.

Alsip's job was to find investors in his companies' various real-estate projects. On the day the article appeared, an investor who promised \$10,000 backed out. Soon, others followed suit.

His partners had the unhappy task of asking Alsip to resign until the suspicion lifted. They couldn't afford to lose even a buck's worth of business.

Alsip already had sought legal counsel. Through one of his beach buddies, he found Paul Clinton, who lived on a Chinese junk moored at Channel Islands Harbor. Clinton was on disability from the Ventura County Public Defender's Office. He had been one of the so-called "dirty dozen," the first bunch of lawyers hired when the office opened in the late '60s. A talented group, they took the district attorney by surprise, racking up major acquittals for their clients.

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Clinton had a reputation as a prodigious talker, given to hours-long summaries of his cases. A prosecutor once bet Clinton he couldn't wrap up his closing remarks to the jury in 30 minutes. Clinton accepted the bet and indeed finished his speech just as time ran out.

The prosecutor made good on the bet and later would say, "That was the best 10 bucks I ever spent."

Clinton's biggest problem was figuring out why police kept investigating Alsip when Joe had passed a lie-detector test. Why did they keep coming after him?

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Chapter 16: The waivers

By Colleen Cason, ccason@insidevc.com

November 18, 2002

The first anniversary of the murders of Lyman and Charlene came and went on March 13, 1981, without the arrest of their killer.

The homicide investigation still focused on Joe Alsip but the effort to find physical evidence to back up the Rev. Don Mikel's contention Alsip had confessed to the killings slowly went nowhere.

Discussions began between the Ventura Police Department and the District Attorney's Office on how to get around the legal barrier that would prevent Mikel from testifying about what he had heard.

Finally it was decided that if Joe Alsip were to sign away his priest-penitent privilege, Mikel could relate the information in a court of law.

On the afternoon of May 25, 1981, Capt. Paul Lydick called Alsip and asked him to come down to the station. Alsip complied and brought along his attorney, Paul Clinton.

Alsip was asked to sign a waiver that would allow investigators to examine his financial records.

Alsip signed it, after consulting with Clinton.

Then he was handed a Consent to Release Counseling Information. This form authorized the Ventura police to interview Mikel and granted him permission to divulge the conversations held during the counseling.

It said the permission is granted without threats or promises of any kind.

The document stated he had the right to refuse, and it further stated he had the right at any time to revoke the authorization.

"You do not have to sign this," Clinton advised Alsip.

In fact, he told his client three times he didn't have to put his signature to it.

Alsip signed it. "I have nothing to hide," he said.

Six hours later, the Rev. Mikel was at the Ventura Police Department.

Investigators showed him the document Alsip signed. He was advised he had a right to refuse to answer their questions.

Mikel expressed no reservations offering information to the officers.

"After considering a number of implications," he told them, "the only real honest thing I can do with myself is to share what information I know."

Until this time, the confession was off the record. Investigators could use it as a tool to question witnesses. Now they could use it in court.

Mikel suddenly stopped the meeting. He told them he needed to review his notes of the May 21, 1980, session -- the notes he said he had transferred to a safety deposit box.

At 8:30 the next morning, Mikel appeared at the station and was interviewed by Capt. Paul Lydick.

For the next half-hour, he recounted his story about Alsip's confession: the request for absolution; the dying screams of Charlene; the tossing of the house.

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The next day, however, Lydick answered his phone to hear some disconcerting news. It was the Rev. Mikel, reporting that Joe Alsip wanted to revoke the waiver. Lydick contacted Alsip and told him detectives already had interviewed Mikel for the record. However, he promised there would be no further interviews with Mikel until the legal issues were examined. Alsip thanked him for honoring his wishes. On May 26, Alsip was called back to the police station. He was about to hear exactly what the cops had on him.

He was read his Miranda rights against self-incrimination. He waived those.

Capt. Lydick then proceeded to tell him what the minister had said.

"Joe, we've got him talking about you and Lyman having some quarrels ... Lyman screwing you over. Talking about you wanting relief from Charlene's screams.

"Thing after thing. That's something that is so damn hard to explain away. I can't as an investigator ignore that."

"That's very upsetting to me," Alsip said. "I have not talked to him" (about Lyman and Charlene).

Alsip then rebutted everything the minister had said about a confession.

He said that during the session on May 13, after he had asked for Mari to be excused, he had mentioned to Mikel that his partner, Lyman Smith, had been killed right across the street from the room where they now sat on the church's High Point Drive property.

"He just went nuts when I said that," Alsip said. "From that moment he must have started building something in his head that I did it."

Paul Wolfe's cooperation with Ventura police in the Smith case dried up when he was arrested Sept. 15. He was driving his Volkswagen bus down Market Street when he was pulled over by Detective Russ Hayes on a Pennsylvania warrant for his arrest.

Back in his native state, Wolfe had been indicted in the murder-for-hire of Henry Swartz on St. Patrick's Day, 1979. Mr. Swartz's wife, Beverly Rae, had a boyfriend who was granted immunity for his cooperation. He said Wolfe executed Swartz for \$4,000.

Wolfe hired Oxnard attorney Joseph O'Neill to fight the extradition. O'Neill told Ventura PD officers there would be no more questioning of his client.

When police searched Wolfe's trailer at the Sea Esta Villa mobile-home park, they found \$12,000 in cash in a locked shed.

That's a lot of money for a man who said he made his living selling kites to beachgoers.

Joe Alsip was on a slow, sickening slide to the poorhouse.

He was bailing out of his investments right and left to get cash to pay his attorney Paul Clinton and an investigator he had hired.

Alsip's former partner, Chuck Gilliard, tried to help. He traded Alsip's interest in various projects for what cash he could muster.

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The only good thing was that Alsip and Mari reconciled. They shared an apartment adjacent to the GAP offices and over a restaurant on Seaward Avenue with their kids, Jody and Melissa.

All the things of value were gone: their hand-carved furniture, their gold-inlaid china and their silver. All sold just so they could survive.

Joe Alsip would be left hanging for eight more months.

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Chapter 17: The cul-de-sac killer

By Colleen Cason, ccason@insidevc.com

November 19, 2002

On Monday morning, July 27, 1981, a real estate broker by the name of John Sullivan drove up to a residence on Toltec Way in Goleta. His clients, Loren and Mahrokh Bonderson, were ready to make an offer on a property neighbors called the "barn house" for its rustic facade.

The home was occupied by the owner's niece, 35-year-old Cheri Domingo. The aunt had moved out, saying the neighborhood spooked her.

Sullivan unlocked the front door, only to find the safety chain latched. He, the Bondersons and their two young children walked to the side yard and entered through an open sliding-glass door.

"Cheri, Cheri are you here?" he called out.

As Sullivan reached for the knob of the door to the master bedroom, the Bondersons' 3-year-old son darted down the hallway to be with him.

Sullivan inched open the door, afraid Domingo might be in the shower.

He peered into the room and slammed the door shut.

His hands shook and his face had gone white as he walked the Bonderson boy back to his parents, waiting in the kitchen.

"What did you see back there, John?" Mahrokh Bonderson asked.

"I saw a dead man," he said.

So did her son, fears Mahrokh Bonderson. The boy didn't speak for a year after that.

When police arrived, they found Domingo and her 27-year-old former boyfriend, Greg Sanchez, brutally slain. Sanchez was engaged to another woman, but he was about to be transferred to the East Coast and had dropped in to say goodbye to Domingo the evening before.

Sanchez was shot in the face but that wound wasn't fatal. Both he and Domingo were bludgeoned with a weapon police could not locate. Bruises on her wrists and ankles indicated she had been tied, although the restraints were missing. A single piece of shipping twine was found near the bed. Fibers of an unknown source were scattered over her body. Sanchez was not tied, but his head was covered with clothes pulled from the closet.

There was no question in the mind of Santa Barbara County sheriffs detective Chuck Kennedy, this was another of "the doubles."

A big-city crime wave gripped upscale, suburban Goleta. Since the fall of 1979, an assailant had preyed on couples who lived in the cul-de-sacs that dead-ended at San Jose Creek. Along with homicides, there had been a rash of bizarre burglaries, thefts and acts of vandalism that kept nerves jangled.

Married residents took solace in the fact the assailant attacked only couples "living in sin."

The Goleta assailant struck first in October 1979, when he broke into the home of computer programmers Jennifer Horinek and Abraham Himmel. They were asleep naked in their bedroom.

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Menacing them with a serrated knife, the masked intruder had ordered Horinek to tie up Himmel with pre-cut lengths of cord he had brought to the house. He left Himmel bound in the bedroom and walked Horinek to the living room. As he tore through the house supposedly seeking money, Horinek could hear him almost chanting, "I'll kill them, I'll kill them, I kill them," perhaps a dozen times.

Now aware of his intent, Horinek tried to flee. Still bound, she hopped to the front entry. As her bonds loosened, she ran outside naked, screaming, her hands tied behind her back and blinded by the tennis shorts the attacker had pulled over her head.

The assailant caught her and pulled her back into the house, pressing a knife to her throat.

Her screams had alerted neighbor Stan Los, an FBI agent. They also spurred Himmel to make a break for it. He managed to loosen his restraints and take cover in the bushes of the back yard.

The attacker discovered Himmel's escape and pursued him.

Horinek again escaped. This time, she ran into the arms of Stan Los.

With his attack reeling toward chaos, the assailant fled.

Los and sheriff deputies spotted a man pedaling furiously on a bicycle and attempted to pursue him. He vanished into the creek bed.

He left behind footprints, belonging to an Adidas sneaker.

Two months later, on Dec. 30, 1979, the night stalker struck again, a few blocks from the first attack.

He pried open a sliding-glass door of a townhome owned by Robert Offerman, a prosperous, 44-year-old orthopedic surgeon. Alexander Manning, a 35-year-old clinical psychologist, was with him.

Both were shot to death. Neighbors wrote off the gunshots as New Year's fireworks.

Manning's body was found face down on the bed, bound at the wrists. A length of the same cord lay beneath her body. Green particles of an unknown origin were sprinkled around her.

Offerman was found partially untied and in a position that suggested he had lunged at the attacker.

The killer ate from a leftover Christmas turkey or fed it to the three-toed dog he brought to the scene.

The same Adidas shoe print left outside the home of Horinek and Himmel was found outside the Offerman condo.

None of the victims of the three attacks appeared to have been sexually assaulted, although the attacker appeared to be fantasizing as he ran a flashlight beam up and down Jennifer Horinek's naked body.

The attacker's familiarity with the local geography led detectives to believe he lived near and knew well the winding path of San Jose Creek.

After the Domingo-Sanchez homicides, detectives contacted their counterparts in Ventura and Irvine. Double homicides are rare but suddenly they were epidemic. The Smiths had been killed in March 1980, in a similar manner -- and so had the Harringtons in Niguel Shores.

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Ventura detectives, who at this time were convinced Joe Alsip had participated in the Smiths' killings, downplayed the connection.

Goleta investigators began surveillance of Brett Glasby, a troubled young man who belonged to a gang called the Haskel Locals. He was suspected of a number of burglaries. In addition, the man who attacked Jennifer Horinek and Abraham Himmel had fled uphill in the direction of Glasby's parents' home. Investigators would never know if Glasby was their man. He and his brother, Gregg, were shot to death during a fishing trip in Baja California, Mexico, in late 1982. Officers suspected their deaths were related to a drug deal.

After Brett Glasby's death, detectives obtained a warrant to search his parents' home. They found no evidence linking him to the homicides. But the Goleta murders stopped after Glasby died.

Chuck Kennedy, a veteran crime-scene investigator who worked all three of the Goleta attacks, was more inclined to believe the killer was a vicious psychopath rather than a local gangbanger.

"I just didn't feel Brett Glasby was good for these," Kennedy said.

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Colleen Cason

Chapter 18: Street justice

By Colleen Cason, ccason@insidevc.com

November 20, 2002

Around 6 a.m. Nov. 20, 1981, the phone rang in the Alsip apartment over the restaurant by the beach. The caller was a Ventura PD detective.

They were coming to get him. Joe Alsip was to be outside on the curb so officers didn't have to arrest him in front of his family -- that was the agreement worked out between his lawyer and the Ventura police.

Alsip showered, dressed in a plaid shirt and jeans and walked outside. He didn't see a cop anywhere.

So he waited there on Seaward Avenue. He was about to be charged with two of the most heinous murders in Ventura history. If convicted, he faced execution in the gas chamber. Still, he waited.

He was alone, but he didn't feel alone. Alsip had an abiding belief in God, although no one was more aware than he that he had fallen short of his Christian ideals.

When he was 7 years old, he wanted his mom and dad to take him to church. But they weren't churchgoing people then. So Alsip dressed himself and went into the First Baptist Church in Stargo, Ariz., and told the preacher he wanted to give himself to Jesus.

Whatever his failings in life, Alsip knew Jesus forgave him. Whatever his burdens, Alsip believed Jesus would lift them.

When the detectives arrived, they didn't search him or handcuff him for the ride to the jail. Even while they booked him, he was free to get himself coffee. They put the cuffs on just before taking him to a cell.

GAP development built a condominium complex on a hill above Ventura. The developers rather immodestly named streets after themselves -- Gilliard and Alsip lanes.

After Alsip's arrest, his street was renamed Pacific View Lane.

Gilliard Lane remains to this day.

Joe Alsip never much liked lawyers, and the events of Nov. 20 did little to alter his low opinion of the profession.

His attorney, Paul Clinton, failed to show up for his arraignment on two counts of murder in the first degree. Count One: Lyman Robert Smith. Count Two: Charlene Doyle Smith.

While in the Public Defender's Office, Clinton had been injured in a car crash and after that drew state disability benefits. If he defended Alsip in court, he'd be making a living as an attorney and, thus, make a case that he was no longer disabled.

Besides, Alsip couldn't pay him or any attorney. He owned real estate worth millions, but that kind of wealth was difficult to convert into cash when interest rates hovered at the highest level in U.S. history. He needed to find a lawyer who would take a deed on property as payment.

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Alsip's father, Bob, a mining engineer, was able to bring scant financial support to his son's cause.

James McNally, a highly respected attorney, briefly considered taking the case. Eventually, he backed off because he was uncertain he would get paid.

For a while, it looked as though Alsip's fate would rest in the hands of a public defender named Lawrence Noble, who had been in the county a little more than a year. Primarily, he handled misdemeanor cases.

Mr. Noble's resume did nothing to enhance Alsip's confidence in lawyers.

Detectives called him "Squeaky," not just because Pete Kossoris was 44 years old and his voice still cracked. They called him that because the lanky prosecutor insisted the cases he handled be squeaky clean -- every detail accounted for.

"I loved having cases with him. I also hated cases with him," said Gary Adkinson, of the Ventura Police Department. "He was a pain -- he'd want this and he'd want that -- but no one worked harder than he did."

Kossoris, one of the best trial lawyers Ventura County had ever known, had been assigned to prosecute Joe Alsip. He had never lost a felony case before a jury. It was a record he wanted to remain unblemished. He had been involved in the Smith murder investigation from early on and he knew it well.

Kossoris believed the formula for success was a healthy dose of preparation with lesser parts inspiration and perspiration. While he could read a file and easily determine the pivotal points of a case, remembering the details came harder for him.

"I'd review, review and then review," Kossoris said of his preparation before examining a witness.

He was a stickler for preparation, yes. But he also believed in his intuition. He fell in love with his wife, Ellen, within two hours of meeting her. She laughed at his jokes. People who found Kossoris mortician-like never really listened to him. He had a droll sense of humor and could flatten bombast in a few spare words.

When he selected a jury, he chose only those who laughed at his jokes. He figured they were on the same wavelength. It failed him only once, when a potential juror had a jolting laugh that bothered him. He picked her anyway. She ended up being the lone holdout for a not-guilty verdict in a first-degree murder case. The jury compromised on murder in the second degree.

He also sought guidance from someone whose opinion he valued more than any jurist: his father-in-law. A successful small-business man, he had common sense, not legal expertise.

The old man never failed him. After his father-in-law passed away, his wife became his court of last resort, and her advice always saved the day.

He was so highly regarded by his boss that he could explain his tactics merely by noting, "Ellen says so."

On New Year's Eve 1981, a deputy came to Alsip's jail cell to tell him he had visitors.

He was surprised to see Debbie Pleis, a 25-year-old escrow agent he liked very much. Through the years, he had thrown a lot of business her way.

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Alsip didn't recognize the man, except he thought he resembled the cartoon character Mr. Magoo.

Pleis had been at a party and had struck up a conversation with a defense attorney.

"I brought you your new lawyer," Pleis told Alsip. "He agreed to get paid in property."

Alsip was amused. "My new lawyer is Mr. Magoo?"

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Chapter 19: The odd couple

By Colleen Cason, ccason@insidevc.com
November 21, 2002

At 49 years old, Hanawalt was one of Ventura County's top defense lawyers, having never lost a murder case in front of a jury.

With his bulbous nose and narrow, deep-set eyes, Richard Hanawalt might have borne a physical resemblance to the nearsighted cartoon character Mr. Magoo, as Joe Alsip observed. But there was nothing myopic in the barrister's world view.

With his flowery manner of speaking, he came across as a sort of Damon Runyonesque rogue who favored rakish headgear long after other men had abandoned the wearing of hats.

The hats, as it turned out, were more than a fashion statement. They helped to keep him out of jail. While his all-around-the-mulberry-bush style of questioning confused and annoyed some judges, nothing made them madder than his habitual tardiness. More than one jurist threatened him with jail time for holding up proceedings.

So he worked out a code. He left his hat on a chair in the courtroom to indicate he was in the area and would return shortly.

So frequent were his disappearances that he earned the nickname "The Shadow."

Hanawalt belonged to more than one bar association. He was a stalwart of the Tuesday Evening Rest and Aspiration Society, an invitation-only drinking club headquartered in an empty office building off Ventura's Main Street.

All it took for a party to break out was one part Scotch and one part Hanawalt. A likable sort, he enjoyed boozy conversations about things that mattered terribly at happy hour but seemed trivial in the cold light of dawn.

Hanawalt had been in the county for 20 years when he undertook the defense of Joe Alsip. In 1962, fresh out of Hastings College of Law in San Francisco, he had landed a job with the Ventura County District Attorney's Office.

One of his first friends was another recent arrival, Lyman Smith. It was Lyman who called Hanawalt and gave him the news he had passed the bar exam. And it was Lyman who invited Hanawalt and the DA's Office's other bachelor prosecutor, Bill Peck, to his Santa Paula home for Thanksgiving.

Hanawalt liked Lyman and enjoyed his wit, although he thought of him as a bit of a fuddy-duddy.

In April 1970, Hanawalt switched sides when he left the District Attorney's Office and went into private practice as a defense attorney.

Hanawalt had a knack for getting publicity, but the biggest headlines he ever made came unintentionally. In May 1974, a jealous husband by the name of Elmer Carr caught the attorney in bed with Mrs. Carr. Carr administered a beating that left Hanawalt with a concussion, a broken jaw and short about 20 teeth.

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He would later claim to have learned a lesson from the experience. He would, he said, from that day on conduct interviews with clients only in his office.

While he was laid up, he took more blows. His marriage to a schoolteacher named Marceline fell apart, and his house went on the market.

To make the home more attractive to buyers, the real estate agent hired a storage company to clean out Hanawalt's packed-to-the rafters garage.

Workers called police when they discovered almost 100 weapons, a few with evidence tags attached. There also were brass knuckles and billy clubs, both illegal for people outside law enforcement to possess.

The five felony charges eventually were dropped when Hanawalt explained away the violations as a series of misunderstandings.

He also squeaked past a drunken-driving conviction, when a crime-lab technician testified the breath-analysis machine had been calibrated incorrectly.

A police officer who knew and admired Hanawalt believed the beating and the DUI arrest were both sobering experiences to him. His risky behavior lessened -- outside the courtroom anyway.

On Jan. 1, 1982, Hanawalt officially became Joe Alsip's lawyer.

"The Shadow" would face "Squeaky."

They were the odd couple. Hanawalt was Oscar to Pete Kossoris' Felix.

Hanawalt was flamboyant, given to relying on his wits. Kossoris was Mr. Preparation, leaving nothing to chance.

They had a history. In the early '60s, Kossoris' first job in the DA's Office had been as Hanawalt's assistant. Kossoris prepared elaborate notes for him before each day's proceedings. Invariably, Hanawalt showed up too late to go over them.

Fortunately, said Kossoris, Hanawalt had the fastest reading comprehension of anyone he'd ever seen. "He'd get up and just BS. Sometimes he'd make the most brilliant arguments."

Each man liked and admired the other. Each knew the other's strengths and weaknesses.

Fierce competitors, neither planned to give any quarter.

Under state law, the prosecution is required to turn over all investigative materials to the defense.

As Hanawalt read the files, it quickly became obvious the DA's Office had only two things on Joe Alsip.

His fingerprints were on a glass found in the Smiths' kitchen. This could be explained by the fact Alsip admitted he had been a guest in their home on March 12, at least 24 hours before they were murdered. Henceforth, Hanawalt would refer to the goblet as the Christ Chalice, the only real piece of physical evidence against his client.

But it was the minister's story of Alsip's confession that was the smoking gun. Juries, Hanawalt knew, would be reluctant to doubt the word of an ordained clergyman.

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Memos he found in the file indicated an investigator with the District Attorney's Office had his doubts. In December 1981, Richard Haas, formerly a Ventura PD detective, accessed the counseling center's records. He found no record that Joe or Mari Alsip had attended a counseling session on the day the Rev. Mikel claimed.

Hanawalt picked up the phone and called Russ Whitmeyer. At that time, Whitmeyer was one of few private eyes in Ventura County who did investigative work for defendants.

A former narcotics cop, he ran his business out of offices in the old Masonic Lodge in downtown Ventura. His wife, Leta, was his girl Friday, and despite being together 24 hours a day, the pair never quarreled.

Hanawalt and Whitmeyer quickly decided to do background checks on the Rev. Mikel. Whitmeyer dispatched nine operatives to the minister's previous posts. Soon the reports came back with a common denominator -- law enforcement. The minister invariably had contact with police, beyond just prayer breakfasts. While a pastor in Indiana, he had allowed his father's car to be used for police surveillance of drug dealers.

In Denair, in California's Central Valley, he told parishioners he almost had been kidnapped by Mormons. They were out for him, he said, because he had converted a Mormon bishop.

A pattern was emerging and Hanawalt liked the looks of it.

The name of the case might be the People vs. Alsip, but he planned to put the Rev. Don Mikel on trial.

For one of the few times in his career, Hanawalt had the luxury of a client he believed to be innocent.

Normally a preliminary hearing is a perfunctory affair, lasting a few hours at most. It is held to determine, first, if a crime was committed and, second, if there is a strong suspicion the accused committed that crime. This standard is far easier for the prosecution to meet than what it would take to convict the accused at trial. In a trial, a judge or jury must be convinced beyond a reasonable doubt.

Hanawalt knew the presence of Alsip's prints on the glass alone probably was enough for a judge to hold him over for trial.

But he was about to take a gamble that could either spare Joe Alsip's life or get himself disbarred.

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Colleen Cason

Chapter 20: The People vs. Alsip

By Colleen Cason, ccason@insidevc.com

November 22, 2002

On April 21, 1982, Judge Bruce Clark mounted the bench on crutches. He was hobbled by a leg broken in a ski accident.

He called to order the preliminary hearing of the People vs. Alsip.

It was defense attorney Richard Hanawalt's strategy to treat this proceeding as if it were the real trial. He would call three dozen witnesses and put up the same caliber of defense he would mount at a trial.

And because this was no dress rehearsal, Joe Alsip wore a business suit in court, rather than jailhouse blues. His family and friends sat behind him in the first row. Every chair in the gallery was occupied.

The same could not be said for the defense table.

Richard Hanawalt arrived in court seven minutes late.

"I'm sorry, your honor," he said. "I went to the other courtroom."

Clark let him slide -- this time.

Prosecutor Pete Kossoris immediately began his examination of young Gary Smith, who had found the bodies of his father and stepmother on March 16, 1980.

"How old are you, son?" he asked

Judge Clark interrupted and pointed to the defense table. "Just a moment. Mr. Hanawalt, is that a recording device?"

"Yes, your honor," Hanawalt replied.

The judge told him it would not be allowed.

Gary Smith, Lyman's younger son, testified about trying the front door, finding it unlocked and entering the house.

"Should I tell what I saw?" he asked Kossoris.

Gary, now 14 years old, described the cushions in the Smiths' living room as looking "ransacked."

It wasn't long before Hanawalt's penchant for posing convoluted questions emerged.

During cross-examination he asked Gary Smith: "In your many contacts, as you put it, with the detectives and the police, did you develop a notion of what in your own mind should be the proper position of pillows for ransacking?"

"Objection," said Kossoris. "Irrelevant, inadmissible, opinion and speculation."

"Sustained," said Judge Clark.

On Day 2, Dr. Claus Peter Speth, who had performed the autopsies on the couple, took the stand.

Known for his excitability, Speth nevertheless testified in a calm, matter-of-fact manner.

Questioned on whether Charlene had been raped, Speth testified she had suffered injuries consistent with rape or rough sex.

Both victims, he said, were bruised under the cords around their wrists, particularly Charlene.

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This information shocked those who had believed Charlene and Lyman died instantly from blows to the head and then were supposedly tied up after death. As he left the witness stand, Hanawalt called him back for one more question. "Am I still under oath?" Speth asked. "Would it matter?" Kossoris quipped.

Running in tandem with this testimony was Hanawalt's battle to block the Rev. Don Mikel's testimony. Hanawalt argued that police already knew the information the pastor had and had tricked Alsip into signing away his legal right to protect the confidentiality of a counseling session.

Calling Mikel a "police operative," Hanawalt said, "The prosecution will rely upon an attempt to evade, undermine and erode one of the most cherished of all our confidential communications."

"Thank you for the proverb," Judge Clark replied when Hanawalt concluded his impassioned argument.

Unswayed by Hanawalt's argument, the judge ruled the Rev. Mikel could testify about Alsip's alleged admissions during the counseling session. Clark believed Alsip had signed the waiver willingly and against the advice of his counsel.

Day 3

The defense's star witness took the stand. The Rev. Don Mikel looked like any Joe you'd see on the street. He was a soft-spoken man who would strike no one as a glory seeker.

Prosecutor Kossoris deftly led Mikel through the material, asking questions that would touch on the key points in the confession he said he had heard from Joe Alsip.

Mikel testified Alsip had told him "he had trouble getting screams or sounds out of his head. He wanted absolution."

His wife was bugging him about his involvement in the case.

And while it was a very horrible event, he believed that because of what Mr. Smith had done to him -- personally destroying his economy -- he deserved what he received. He said he had been a millionaire and now he was worth nothing.

"He used the word 'we' when he made reference to the crime."

Near the end of the discussion, when Mikel pressed the matter of Mrs. Smith, Alsip said they had a very personal relationship. On one or more occasions he had made love with her, and had done so within hours of the murder.

He believed that if they had lived, Charlene would have left Lyman for him.

He further testified that Alsip said if this information became known, his life probably would not be worth very much.

Mikel said Alsip had the smell of alcohol on his breath. He had been drinking but wasn't drunk.

Then the minister told of the threats he had received since the confession was made to him. He told of the man pulling up on the sidewalk on Victoria Avenue and of the threatening phone calls. He testified police had connected a trap to his phone. This device keeps the line open long enough for the call to be traced. But it apparently malfunctioned because none of the threatening calls were caught.

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When it came time for Hanawalt to cross-examine the witness, his demeanor toward Mikel was patronizing.

"Mr. Mikel, do they call you Reverend Mikel?" he asked

"Oftentimes, yes," Mikel replied.

Hanawalt questioned the minister about suffering blackouts during May 1980, the time of Alsip's supposed confession.

Mikel denied it.

Hanawalt grilled him repeatedly about the details of the threats but made little headway.

When Hanawalt opened the subject of the minister's previous history with law enforcement, Judge Clark shut the door. He told Hanawalt to put in writing why he should be allowed to pursue such a line of questioning.

Hanawalt filed a brief stating the minister had a psychological disorder that made him seek the protection of police officers.

Unconvinced, Judge Clark refused to allow Hanawalt to question Mikel about anything before he had met Joe Alsip in the spring of 1980.

It was a blow, but not an unexpected one, for the defense.

That came later. The last thing Joe Alsip needed was Roosevelt Carlton McCowan.

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Star file photo

The Rev. Don Mikel testifies about the location of his notes of the confession he said he heard from Joe Alsip.

Chapter 21: The accused takes the stand

By Colleen Cason, ccason@insidevc.com

November 23, 2002

Roosevelt McCowan, who was residing at the Ventura County Jail, used his last dime to phone an Oxnard detective on the morning of April 23, 1982, while the Alsip hearing was in full swing. He knew the detective's number by heart. McCowan maintained that his cellmate Alsip had told him he had confessed to a minister about killing his business partner and that Alsip felt the minister shouldn't reveal the information on the witness stand.

McCowan was facing prison time for five counts of theft. Was he a good citizen or a guy bargaining for leniency?

He quickly was summoned to the courtroom to relate this jailhouse confession. He swore to tell the truth, the whole truth.

"They couldn't come to no kind of an agreement" was how McCowan described Alsip's dispute with victim Lyman Smith.

Defense attorney Richard Hanawalt got hold of McCowan's lengthy rap sheet and used it to chip away at his credibility during cross-examination.

Meanwhile, defense private investigator Russ Whitmeyer dispatched detectives to interview other cellmates who might have heard a different story.

Those inmates testified they never heard Alsip make such a statement and they doubted McCowan had, either. None could think of a time when the men had been alone.

Later on the day of McCowan's revelation, Hanawalt got another chance at the Rev. Don Mikel.

This time he questioned the minister about his notes of the supposed May 21 session with Alsip -- when he took them and where he put them.

He said he jotted notes immediately after the counseling session on long, slender pieces of paper. These were preliminary notes and were locked in his briefcase. Eventually, he transferred them to a legal pad. These notes were the ones secured in a safety-deposit box.

Hanawalt wanted Mikel to clear up the confusion of where that box could be found.

The question was prompted by the fact that Mikel had appeared at the police station on the evening of May 25, 1981, after Alsip signed the waiver of his priest-penitent privilege. Mikel broke up that meeting with police officers, saying he had to consult his notes.

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He arrived at 8:30 the next morning with his memory refreshed. It would have been impossible for him to view notes kept in a bank's safety deposit box, because banks did not open that early. Mikel began to finger the knot of his tie and shift in the witness chair. Finally, he refused to answer Hanawalt's question about the location of the notes. Judge Bruce Clark warned the clergyman he would hold him in contempt of court if he didn't answer the question the following morning.

The big "where were they?" turned into anticlimax. After a night's rest, Mikel gave in. He had kept the notes in a locked file cabinet at the church. He admitted he had lied about their location to DA Investigator Richard Haas when Haas had interviewed him. He said he lied because he didn't want to involve the church in the case.

On Day 8, Charlene Smith's personal life became public record. Hanawalt called her boyfriend, Richard Atwood, in an attempt to show Charlene was having an affair with him, not Joe Alsip. The handsome former deputy sheriff, dressed in a gray shirt and jeans, was a somber figure on the stand. His responses came slowly. He told of meeting with Charlene hours before her death and how she had left his office saying she had something she needed to do. "When was your next view of Charlene?" Hanawalt asked. "As I recall, the front page of the newspaper," Atwood answered. Hanawalt posed the question: "Do you have reason to believe she had a romantic attachment with any other person?" "No," Atwood replied.

Hanawalt called the Rev. Mikel to the stand for another round of cross-examination. "Mr. Hanawalt, I will not allow you to embarrass or harass this witness," Judge Clark warned. He ordered him to cover only new material. Kossoris loosed a steady stream of objections to Hanawalt's questions. Each was sustained. The only headway Hanawalt gained was to get the point across that Joe and Mari Alsip and their children continued to be counseled at Mikel's church, although Mikel felt Alsip was behind the threats on his life. The minister also admitted he had seen a man by the name of Jose Murillo on the afternoon of May 21. Murillo was a groundskeeper at the Ventura Missionary Church who attempted to rape a young woman five months after the Smiths were killed. He later went to prison for the crime, but was eliminated as a suspect in the Smiths' killings. Hanawalt tried to get Mikel to admit he had confused Jose with Joe, especially since he originally told investigators that Alsip had come to his office in the afternoon. He later changed that to morning.

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But that was as far as Hanawalt would get. Kossoris continued his string of objections, every one sustained by an increasingly more perturbed Judge Clark. Mikel was allowed to step down.

On Day 12, Hanawalt broke a cardinal rule of defense lawyering: He called the accused to the stand during a preliminary hearing.

By doing this, it allowed Kossoris a chance at Alsip. The information he might gain through cross-examination could help the prosecutor press his case better during the jury trial.

It seemed to the public reading newspaper accounts of the hearing that every day there was a new affair popping up. This day would be no different.

With Hanawalt's prompting, Alsip admitted to an extramarital relationship with Sandi Strouse, a secretary for his development company. He had spent the night with her before he supposedly confessed to the minister on May 21.

Hanawalt believed that by showing Alsip was involved with Strouse, it precluded his having an affair with the victim Charlene Smith.

Hanawalt's style was to go after a witness with hedge clippers, snipping away at pieces of information here and there.

Prosecutor Kossoris used a scalpel. Although he had not known for sure that Alsip would be called, he was prepared.

Alsip tried to appear businesslike. He repeatedly addressed the prosecutor as "Mr. Kossoris."

Kossoris led him through the dissolution document that split GAP development company, giving half to Alsip and Chuck Gilliard and the other part to Lyman Smith and Bob Placencia.

Kossoris would name a property and then ask Alsip if that piece of real estate had increased or decreased in value since the dissolution. A clear pattern emerged. Properties held by Smith and Placencia gained. Everything else tanked.

"Were there ever heated discussions about the company?" Kossoris asked him.

"Mr. Kossoris, you're going to have to be specific about heated. Because we never had knock-down, drag-out-type fights."

It was hard to say as he stepped down from the witness stand if Alsip had done himself harm or good. Kossoris landed no body blows, but his jabs had been steady and accurate.

But on that day, it wasn't Joe Alsip who would seal his fate.

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Star file photo

Joe Alsip takes the stand in his own defense during the preliminary hearing. Two weeks later, he would learn how his testimony played with Judge Bruce Clark.

Chapter 22: The quiet man

By Colleen Cason, ccason@insidevc.com

November 24, 2002

A reserved psychologist by the name of S.R. "Brik" McDill took the stand on the final day of Joe Alsip's preliminary hearing. His testimony would be short but its impact decisive.

McDill co-founded the Ventura Counseling Center at the Ventura Missionary Church with Pastor Leonard DeWitt. McDill worked with the Rev. Don Mikel until 1980, when he quit to devote more time to his private practice.

The psychologist's credentials were impressive. He was one of 400 counselors in the state of California licensed to assess the abilities of his colleagues.

Mari Alsip brought him to the attention of her husband's defense attorney, Richard Hanawalt. She believed he could help Joe's defense.

She herself would not take the stand. Hanawalt felt she lacked confidence and would wither under cross-examination. And he had another worry. Mari Alsip knew Paul Wolfe, the kite-shop owner police suspected had a role in the Smith killings. If she took the stand, prosecutor Pete Kossoris could open that line of questioning, and Hanawalt believed nothing good for his client could come out of that.

In McDill, however, he had a witness he knew could help the defense. But he didn't know how much.

Upon taking the stand, McDill asked Judge Clark to clear the courtroom of reporters. He did not want to be misquoted. The judge declined, explaining criminal proceedings are designed to be public.

Hanawalt questioned him about Mikel's integrity.

"Does your opinion on his truthfulness and veracity flow to all cases or cases of a particular theme?" he asked.

McDill responded: "In cases where there would be an ounce of drama, an ounce of intrigue, an ounce of excitement, Don, I would believe, has a tendency of adding two plus two and getting seven.

"And if one were to say, 'Don, seven?' He might say, 'Well, OK five,' but he would never get any closer to four than five."

With that, the defense rested. One of the longest preliminary hearings in county history had ended.

Justice is a system, and like any system it tends to work the same way every time.

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Judge Clark delivered his ruling after a short recess. He looked at Joe Alsip and said, "Surely the case against you is not overwhelming. I'm not sure that I can say at this time that I'm convinced beyond a reasonable doubt that you are guilty." He said the defense had impeached the testimony of the Rev. Mikel, especially about where he kept his notes. The judge felt a critical part of his testimony had not been damaged: Mikel's characterization of Alsip's feelings about Lyman Smith were exactly as Joe had phrased them in his own testimony. Still in all, he concluded, "I would suggest that the District Attorney's Office carefully review the matter in light of the comments I have made." Then he bound Joe Alsip over for trial and set an arraignment date of May 21, 1982 -- two years to the day when, the Rev. Mikel said, Alsip had made his fateful confession.

Pete Kossoris went back to his office and did what he does best -- cut to the chase. He prepared a 50-page memo on the case that would be presented to the district attorney's top deputies. He weighed each witness. He felt the testimony of career criminal Roosevelt McCowan, who claimed to have heard the confession, would not play well in front of a jury. He felt Mikel had been largely discredited in the courtroom and by the district attorney's own investigator, Richard Haas. In addition, the Ventura PD could not find an iota of evidence the minister had received any threats. Kossoris would later say McDill's assessment deepened the doubt he felt about the minister's story. It explained to him why the minister might make up the story of a confession. Perhaps Hanawalt had been right. Perhaps the minister had a psychological need to involve himself in high-profile cases or to cozy up to police officers. He no longer believed enough in Alsip's guilt to try him for a case that could lead to his execution. "It would be unthinkable to ask for the death penalty in the case," he wrote. He recommended that the charges be dropped. But would his boss, Mike Bradbury, agree? The entire law-enforcement community had mourned the loss of Lyman and Charlene Smith. Two of their own were dead and now, more than two years later, the people with the power to investigate and to prosecute had yet to bring their killer to justice. So many months had been focused on investigating Joe Alsip. Now that case seemed to unravel with the minister's contradictions. For a district attorney, it meant spending political capital to drop charges in such a public and expensive prosecution. It meant going back to Square One, which was basically nowhere.

On Tuesday, May 18, 1982, a robin's-egg blue limousine pulled up to the Ventura County Hall of Justice.

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It was there to spirit away Joe Alsip.

That morning, prosecutor Pete Kossoris entered a motion to drop charges against Alsip.

No one on Alsip's defense team expected the District Attorney's Office to make such a move.

"We were astonished," said defense private investigator Russ Whitmeyer. "Once a district attorney has filed charges, it's almost an impossibility the case would be dismissed."

Alsip quickly was summoned to court in a blue jail jumpsuit, his hands cuffed. He was speechless when the judge told him he was free to go.

Alsip board the limo for its first stop -- a baseball diamond, where his son was playing in a youth league as his mom and sister watched.

Then it was off to a raucous celebration at the Port Royal Restaurant at Channel Islands Harbor.

Joe Alsip was now a free man. He also was 34 years old, bankrupt and a defendant in a number of lawsuits over his financial holdings. He had a 1973 El Camino, his clothes and the love of his wife and two children

While in jail, he read the Bible, along with honing his pinochle game and reviving his habit of reading newspapers.

He offered a few kind words for his accuser. "I hope the Lord will do everything he can for Rev. Mikel," he said.

Alsip voiced no ill will toward the police officers, his jailers or the prosecutors -- even though he would live the next 16 years under suspicion.

"It's just that they should have looked deeper," he told a reporter. "They would have found the truth."

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Chapter 23: The dead zone

By Colleen Cason, ccason@insidevc.com

November 25, 2002

Mike Bradbury released Joe Alsip for lack of evidence in May 1982 for the murders of Lyman and Charlene Smith. But the Ventura County district attorney remained open to digging something up, if it existed.

So in late 1982, investigators Richard Haas and Russ Hayes, along with prosecutor Pete Kossoris, traveled to Pennsylvania to convince Alsip acquaintance Paul Wolfe to reach out and put the touch on his buddy. They hoped he might engage Alsip in a phone conversation in which Alsip would implicate himself in the Smith homicides.

Wolfe had told investigators Alsip approached him about a paid hit in 1980. Then, after the Smith were killed, according to Wolfe, Alsip told him he no longer needed his services.

To most everyone's surprise, Wolfe had been acquitted of a St. Patrick's Day 1979 murder-for-hire hit in his native state. He was, however, in custody for an unrelated robbery and open to cooperating with investigators.

With detectives listening in, Wolfe phoned Alsip.

Wolfe broached the subject of the Smith murders.

There was a long pause on Alsip's end of the phone.

Hayes thought Alsip was about to admit something to Wolfe.

In the end, Alsip denied any involvement and hung up.

With that avenue shut, Bradbury held a summit dedicated to solving the murders.

Every investigator who worked the case was invited to participate.

Detectives felt the crime scene was so full of clues that, surely, if they looked at the case in a new way they could solve it. The DA's lead investigator, Braden McKinley, committed the evidence to slides -- 600 in all.

He invited former FBI Agent William Peters to apply the new technique of criminal profiling to the case. After studying the evidence, Peters felt the crime was committed by a Caucasian male, perhaps as young as his late teens, obsessed with Charlene Smith.

On the first day, detectives threw everything they knew about the homicide on the table. On the second day, each presented a point of view and voted on who they thought had killed the couple.

Half thought the killer knew the couple; the other half felt it was a random, sexually motivated killing. They argued the killer seemed to get too much pleasure from tying up the victims.

In the end, the vote split 50-50.

Time had not made the case any easier to solve.

Over the years, the voluminous file of the Smith investigation sat on a shelf in the Ventura Police Department detectives bureau. Investigators would be assigned to work the case along with their more current assignments.

No one wanted to give up on it. But time passed with no new leads. Most of the original investigative team moved on.

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Space ran short on the shelves. And by 1990, the Smith case went where all Ventura cold cases go -- downstairs in the vault.

Maureen Doyle, Charlene's former sister-in-law, grew bitterly resigned to the possibility the case would never be solved.

"Some SOB is proud of himself that he got away with this," she said. "But for me, there are too many open books, too many open wounds."

Six years after the Smiths were killed, law enforcement agencies began to use the emerging DNA technology to identify criminals.

Contained in every human white blood cell is the code that makes each of us unique. Over time, scientists learned to analyze and quantify the information locked inside human chromosomes. The chances any other person would have this same makeup runs around one in a few billion.

Each person's genetic fingerprint can be found in blood, semen, saliva, hair follicles and scraped skin -- the very matter criminals often leave behind. And, in turn, finding a victim's DNA on a suspect's clothing can be very incriminating.

In 1988, Ventura County made national news as a leader in using DNA technology for solving crime.

On Feb. 24 of that year, George White, a 63-year-old janitor, was stabbed to death at the closet-sized Top Hat hamburger stand in downtown Ventura.

A few months later, police arrested Lynda Axell, a clerk at a nearby thrift store.

The case against Axell rested solely on her DNA fingerprint, obtained from long, dark hairs found around White's body.

The case became the testing ground for admissibility of DNA evidence for the state of California. Eventually, the courts ruled in the prosecution's favor.

In September 1989, Judge Lawrence Storch found Axell guilty, making Ventura County the first jurisdiction in California to successfully prosecute a case through the use of this new technology.

"In forensic science, the goal is to individualize everything," said John Houde, the author of the textbook "Crime Lab: A Guide for Nonscientists." "When you can determine who evidence came from at the exclusion of anyone else, that is the Holy Grail. DNA does that."

The Orange County Sheriff's Department formed a cold-case unit in 1997 to attempt to revive old murder investigations with DNA technology.

The Aug. 18, 1980, killings of newlyweds Keith and Patrice Harrington of Niguel Shores begged to be solved. They were young professionals bludgeoned to death in the bedroom of their ocean-view home. They had no criminal ties and no known enemies.

Technicians at the Orange County crime lab analyzed blood taken after death from the hearts of Patrice and Keith. This sample would reveal each victim's genetic profile, without the possibility of anyone else's DNA entering the mix.

They then tested the genetic material on the swab from the rape examination performed on Patrice after her death.

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From that, technicians identified one set of DNA indicators that matched Patrice, a second revealed Keith's DNA -- indicating the couple had been intimate before death.

Then, a third set came up unknown.

This likely was the DNA profile of their killer, since there was no evidence Patrice had been with another man that evening.

The killer's genetic profile was entered in a database of the DNA of known criminals. There was no match.

The Orange County cold-case unit then turned its focus to two more unsolved cases. On Feb. 5, 1981, pretty Manuela Witthuhn was bludgeoned to death in the bed of her Irvine home. The 28-year-old mortgage agent bore bruises on her wrists and ankle indicating she had been tied, although the killer took the cord used to bind her. No murder weapon was found, but a lamp and a crystal curio, each weighing nine pounds, were missing from the house. The sliding-glass door had been pried open.

Although this crime occurred only six months after the Harrington homicides, the original team of detectives believed Witthuhn's slaying was unrelated because it involved a single female.

On May 14, 1986, more than five years after the death of Manuela Witthuhn, a strikingly beautiful young woman by the name of Janelle Cruz was attacked in her home a mile from the Witthuhn residence.

The 18-year-old cashier and a male companion had heard sounds outside before the attack. They chalked them up to the cat, the wind, the washing machine. As her friend left out of the front door, the killer came calling. He fatally struck Cruz in the face, probably with a pipe wrench that had vanished from the house after the killing.

A technician at the Orange County crime labs analyzed the swabs of the rape examinations of these victims, and made a stunning discovery.

The DNA of Witthuhn's and Cruz's assailant matched the genetic fingerprint of the man who killed the Harringtons.

This was a serial killer. But what was his name? Where was he now? Had he struck elsewhere?

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Matt McClain / Star staff

Larry Pool investigates the Smith killings and related homicides from the Orange County Sheriff's Department headquarters in Santa Ana.

Chapter 24: The missing link

By Colleen Cason, ccason@insidevc.com

November 26, 2002

Investigator Larry Pool looks like a cop. His appearance is clean-cut; his manner, all business. He greets strangers by looking them hard in the eyes.

He's been a police officer for 16 of his 41 years. For the past five, he has worked unsolved homicides from a 12-by-8-foot office at the Orange County Sheriffs' headquarters in Santa Ana.

In late 1997, he spotted a notation in the file of the 1980 murders of Patrice and Keith Harrington in their Niguel Shores home. Detectives believed that case could be linked to the killings of Lyman and Charlene Smith in Ventura in March of that same year.

Pool contacted Ventura police and asked if there might be any remaining crime-scene evidence that could be analyzed for DNA. The blood taken from the hearts of Lyman and Charlene at the time of autopsy had been preserved, as had the swabs from Charlene's rape exam -- the ones medical examiner Claus Speth had dried so painstakingly with his portable fan.

Pool came to Ventura, picked up the evidence and drove it back to the Orange County crime lab for analysis.

In February 1998, technicians at the lab phoned Larry Pool.

They had a match.

Lyman and Charlene Smith were murdered by the same man who killed the Harringtons, Manuela Witthuhn and Janelle Cruz.

Ventura Police Detective Gary Adkinson was right all those years ago when his gut told him the Smiths and the Harringtons had died at the hands of the same killer.

After one of the most thorough investigations in Ventura's history, after all the delving into the personal and business lives of the Smiths, in the end their killing was random.

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DNA had brought the Smith investigation back to life. Ventura police detectives moved the files out of the vault and back upstairs.

DNA can convict. It can also exonerate.

Joe Alsip was eliminated as a suspect by tests performed by the Orange County crime lab on a follicle of hair taken from him after his arrest in November 1981. Richard Atwood, Charlene Smith's lover, also was cleared by a strand of his hair. Paul Aaron Wolfe was eliminated by the fact he was in custody in Pennsylvania during one of the DNA-linked murders.

The drab pink walls of Detective Pool's office are lined by bookshelves holding 155 thick, black binders -- the body of knowledge about a vicious killer who took at least six lives, including the Smiths'.

Serial killers are rare, perhaps there are 10 operating in the United States at any given time.

Most serial killers prey on prostitutes or hitchhikers. They pick them up off the street and drive them to a remote place, where they can torture and murder them undetected. This method of operation is low risk to the assailant.

But this killer breaks into the place where people think they are the safest -- their own beds. Thus, he takes on the risk.

"This guy is brazen. He has no conscience," said Pool, who has nicknamed him the Original Night Stalker.

On a shelf in his office, Pool keeps a photographic shrine to the killer's victims. Lyman and Charlene Smith are there, flanked by portraits of the four Orange County victims.

Joe Alsip used to quote an Eagles song when describing Charlene: "She was terminally pretty."

In fact, that is closer to the truth than any one knew. The killer seemed to fixate on petite brunettes between the ages of 18 and 33. Charlene and Orange County victim Janelle Cruz look as if they could be sisters.

Both of them favor Alexandria Manning, who died at the hands of the so-called Cul de Sac Killer who prowled Goleta from 1979 to 1981. The same attacker took the lives of Robert Offerman, Cheri Domingo and Greg Sanchez.

It is Pool's supposition the Goleta victims were murdered by the same man who killed the others, based on crime-scene evidence.

This link is not universally accepted. There was no sexual assault in the Goleta cases so there is no DNA evidence. Even the killer's method differs in that some victims were shot.

Sgt. Ron LeGault, a major-crimes investigator with the Santa Barbara Sheriffs Department, expresses skepticism. And the truth is no one will ever know -- unless the killer confesses. Without DNA evidence, there is no way to prove the cases are linked.

The case file compiled by the original Smith detectives served as the bedrock of Pool's latter-day hunt for the killer. He drew leads from the two-decade-old

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reports. He took a second look at anyone considered suspicious in the original investigations.

Today's investigators are blessed with tools the Smith investigators could only dream of. They can run names through law-enforcement databases to see if suspects committed any similar crimes anywhere in the country.

With the support of his boss, Orange County Sheriff Mike Carona, Pool enjoyed a luxury few detectives are allowed: the time to explore every piece of evidence. Pool consulted an expert on knots to analyze the ligatures the killer tied on Lyman and Charlene. The expert explained the cord on Charlene's wrists was tied in a diamond knot, also known as Chinese decorator knot. Its uses are nautical and in interior decor.

The expert challenged Pool's colleagues, a forensic psychologist and a profiler, to re-create that knot using a guide.

"They sat there for 15 minutes trying to tie the thing. They couldn't do it," Pool said.

Since the DNA trail of the Original Night Stalker ends in 1986, Pool can surmise the killer is either dead, incapacitated, out of state or in prison.

Serial killers don't stop unless they are stopped, according to Eric Hickey, the author of the textbook "Serial Murderers and Their Victims."

Hickey maintains predators who operate like the Original Night Stalker are driven by paraphilia, an intense addiction to sexual fantasy that involves voyeurism and sadism. The fantasy is so pleasurable that giving it up is unthinkable.

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Colleen Cason**



Courtesy photo

Lyman and Charlene picknicked with friends at a Thousand Oaks Park in 1978. The couple was killed in March 1980 in one of the most brutal and baffling crimes in Ventura County history.



Matt McClain/Star staff

The Smiths' High Point Drive house in Ventura appears to have changed little since 1980. Some of the citrus groves the Smiths saw every day on their way home have been replaced by housing tracts.



Courtesy photo

Charlene Smith is shown with her goddaughter Tiffany Morrill during an Easter celebration in the late '70s. Tiffany is the child of one of Charlene's oldest friends, Jill-Karen Morrill.

Chapter 25: The dragon's lair

**By Colleen Cason
November 27, 2002**

The phone call starts with deep, exaggerated breaths.

A male falsetto voice hisses:

"I could kill you."

"I could kill you."

"I could kill you."

"I could kill you."

A woman and children chat in the background. Their actual words are hard to understand, but the tone is breezy, as if they are picnicking in the park.

The menacing voice resumes:

"Bitch."

"Bitch."

"Bitch."

He utters an even more vicious and profane epithet.

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The victim of this threatening call can't take it anymore and hangs up. It is the voice of the man who raped her. Three other rape victims listened to this tape and identified it as their attacker.

It likely was the last voice Lyman and Charlene Smith heard before they were clubbed to death in March 1980.

In April 2001, the investigation into the Smiths' murders took a remarkable turn. Crime labs in Orange and Contra Costa counties discovered the DNA profile of the killer of the Smiths and four Orange County victims matched that of the notorious East Area Rapist. This elusive assailant had struck at least 36 times during the late 1970s in middle- and upper-middle-class neighborhoods of Sacramento and Contra Costa counties.

While the breakthrough failed to yield the name of the serial killer, it offered investigator Larry Pool of the Orange County Sheriff's Department hundreds of pages of victim accounts gathered during a three-year manhunt to catch this clever, systematic sexual predator.

During his first several attacks in 1976-77, the ski-masked rapist broke into homes where one or two women were present.

In time, he changed his methods and targeted couples. Armed with a knife or gun or claiming he had a weapon, he ordered the woman to tie up the man, usually with shoelaces he brought to the scene. Then he placed dishes or perfume bottles on the male victim's prone body, warning him that if he heard them rattle, everyone in the house would die.

"He seemed to want the man there to humiliate him," said Carol Daly, assigned to the case as a rookie detective with the Sacramento County Sheriff's Department.

The lingering shame devastated relationships. Of the almost 20 couples attacked by the East Area Rapist, only two stayed together after the assault, Daly said. He usually stole jewelry and driver's licenses as souvenirs of his crimes. And if the victims later thought he was out of their lives, they were mistaken. He followed up the rapes with obscene phone calls.

During his reign of terror, detectives called town-hall meetings to quell rumors and offer prevention tips. At one such gathering attended by more than 300 citizens, a man stood up and questioned how one person could subdue a husband and attack the wife. He would protect his woman, the man declared. In a matter of days, that couple were victims. Investigators speculated the East Area Rapist had attended the meeting and followed them home.

It meant he knew how to fit into middle-class suburbia, how not to draw attention to himself.

The rapes stopped in July 1979, for reasons Daly and her colleagues never could explain. But investigators were anything but relieved. They believed it was just a matter of time before he killed someone.

"With each rape, he expressed more anger and viciousness in his threats to his victims," Daly said. "His behavior was becoming more and more violent."

* * *

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The East Area Rapist usually prowled in a neighborhood before he struck. Residents reported finding footprints in their yards, hearing noises in the wee hours, getting telephone hang-ups and finding once-locked doors unsecured. Someone was on the prowl on High Point Drive during the nights before the Smiths died. Five days before the murders, a neighbor had heard someone moving through her back yard. The prowler had jiggled the bathroom window, slid it back and forth a couple of times, then vanished.

Another neighbor reported his infant son had woke up crying in the night. Hearing noises, the mother went into the nursery to settle the child. The couple thought nothing of it until the jittery days after the Smith slayings, when the father found the screen removed and missing. There was a tiny hole in the window next to the latch and a crack through the pane.

* * *

After studying the patterns of behavior of the East Area Rapist, investigator Larry Pool developed a scenario about what had happened to Charlene and Lyman Smith in the late hours of March 13, 1980. No one but the killer knows for certain if each of these events took place exactly like this, but Pool's version is based on behaviors the East Area Rapist showed time and again throughout his crime spree.

Charlene probably caught his eye just going about her life. How he traced her to High Point Drive, only the killer can explain.

From his behavior when he was a rapist, it is known he often stalked his subjects over several days.

Since he had been casing the Smith house, he might know which door they were lax about locking or where to find a spare key. Maybe he had been in and out of the house without the Smiths ever knowing.

Pool imagines the killer watched Charlene and Lyman make love through a parted drape in the sliding-glass door. He let time pass, enough time for them to fall asleep. Then he put on his mask and gloves. His psychotic fantasy was in motion.

He entered the Smiths' bedroom without a sound and stood at the foot of the bed. He shined a high-powered flashlight into their faces, blinding them as they tried to shake off their sleep.

His own face would be covered by a ski mask, his clothing dark.

In the flashlight's beam, they might catch the glint of a handgun.

"Get up. Get up," he demanded through clenched teeth. The East Area Rapist always spoke with his teeth together and he usually called his victims disgusting names. He told them that resistance meant certain death.

Pool speculates the assailant then ordered Lyman to roll over on his stomach. He threw the pre-cut cord to Charlene and demanded she tie him up.

Maybe he pressed the muzzle of his gun to their flesh. Charlene's body bore small round bruises on the back of her legs.

His next move was to walk Charlene into another room, where he tied her hand and foot, probably with a loose knot he could tie and untie at will.

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Then he played mind games. "Where's the money?" he might demand. The rapist's victims said this made them think he would take what he wanted and leave, so they didn't try anything risky to overpower him.

He yanked drawers open and threw pillows around the living room. He rattled around in the kitchen, restlessly prowling.

Just as 20 other men had been forced to do by the rapist, Lyman laid by helplessly as Charlene was assaulted in the next room.

Only this time, he crossed the line to killer. He walked Charlene back into the master bedroom and tied her with an ornate knot.

And when he was through with Lyman and Charlene, he hoisted a log from their fireplace and slammed it into their heads.

He likely lingered. He might have sipped milk from the carton the neighbor spotted the next morning on the Smiths' kitchen counter. He pocketed Charlene's jewelry -- as a memento.

Then he walked out the front door, ready to fit back into the world until it was time to kill again.

This gruesome handiwork sent a message: "I own you. I own you. Your life lasts just as long as I say. You may buy the best house your hard work can pay for. You may have possessions, you may have status, but none of those protect you from me."

* * *

The more Larry Pool studied this predator, the more he knew he needed to be identified.

But his search was blocked by legal barriers -- barriers he prayed would fall.

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Chapter 26: Waiting for a phone call

By Colleen Cason, ccason@insidevc.com

November 28, 2002

In early 2001, detective Larry Pool was in the Bay Area when the horrific death of Diane Whipple made headlines. The petite lacrosse coach's throat was ripped out by two 100-pound attack dogs, kept by the lawyers who were her neighbors in a San Francisco apartment house.

The story took a bizarre twist when it was learned the hulking presa canarios were given to those lawyers by their client, a white-supremacist convict named Paul "Cornfed" Schneider.

Pool, of the Orange County Sheriffs Department, looked at the television screen and saw the same face that once stared back at him from a criminal file.

Schneider lived in Orange County in the '80s -- at the time of the serial murders there. He was the kind of violent offender Pool wanted to check out for his investigation.

Under provisions in the California Penal Code anyone convicted of 13 classes of felonies is required to give a DNA sample.

Schneider just said no. Authorities at Pelican Bay State Prison in Northern California, where Schneider is serving a life sentence, never insisted. An estimated 800 to 900 other prisoners also declined to submit to DNA sampling. Non-compliance is a misdemeanor, which hardly intimidates an inmate serving 20 years to life.

So Pool decided to make an example of Schneider. He wrote a letter to the California Department of Corrections citing the legal precedents by which guards could take Schneider's blood by force.

When the letter failed to get action, Orange County prosecutors used Pool's language to draft a bill, SB1242. Introduced by Republican Senate leader Jim Brulte, it would allow prison guards to use reasonable force in obtaining a DNA sample from felons who were required to give one.

The bill hit a rocky road on its path through the Legislature, when lawmakers wanted to make sure prisoners' bodies and civil rights would not be abused. In June, it looked like the SB1242 would die a quiet death.

And that wasn't Pool's only stumbling block. In 2000, he traveled to San Quentin State Prison to examine the files of the 600-plus prisoners on Death Row to see if any had committed offenses similar to the killings of Lyman and Charlene Smith and the four Orange County victims.

After examining the files he identified some three dozen inmates he felt were capable of these calculated crimes. To Pool's disappointment, he discovered only two had given a DNA sample as required by law.

No more seemed to be forthcoming. In 1998, a female death-row inmate sued to stop prison officials from taking her DNA. Her action was based on the argument the Department of Corrections was violating her constitutional right to privacy.

While her suit worked its way through the courts, prison officials decided against taking blood from any condemned prisoner of either sex.

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Meanwhile, Schneider changed his mind and agreed to give the sample. It eliminated him in this case.

In one week in September, the walls standing before Pool all fell down. The state Supreme Court refused to hear the condemned inmate's case. State Attorney General Bill Lockyer directed corrections officials to begin taking the DNA of death-row inmates.

And in the Legislature SB1242 passed, after passionate lobbying by Bruce Harrington of Orange County -- whose brother Keith was killed by the same man who murdered the Smiths.

"This is the desired answer to prayer," Pool said.

In ancient China, a fight broke out between two workers digging a ditch by the side of the road. It reached its peak when one man clubbed the other to death with his shovel.

The laborers who witnessed the slaying refused to reveal the culprit. So the boss resorted to his keen powers of observation. He ordered the men to lay down their shovels in front of them. As time passed, flies were attracted to the decomposing blood on one man's shovel. Thus, the guilty party was exposed.

This is a favorite fable among criminalists. It is the story of how blood and time solved a crime. And in this tale, the silent witness was the dead man's blood.

In the Smith killings, the silent witness is their killer's DNA.

Profilers who studied the Smith's assailant agree the couple's killer is highly intelligent. But he left behind a clue that forensic technology could not decipher in 1980. He left behind semen. With the passage of time, that became his biggest -- perhaps only -- mistake.

On Monday, Department of Corrections medical technicians finished the task of drawing blood from Death Row prisoners who declined in the past. Five refused and the sample was taken from them by force.

The samples could be processed and entered in a DNA database as early as the end of December.

Prisons across the state also have begun what could be a two-year process of taking DNA samples from eligible felons in the general population.

Investigator Pool still does not know the name of the Original Night Stalker, but if his supposition is right, and the killer is housed in a California prison, he will be found.

His blood will arrive for analysis at the state Department of Justice Richmond DNA Laboratory in a white cardboard container workers call a pizza box.

A battery of high-tech machines will type it. His genetic code will be boiled down to a series of 18 or 26 numbers -- the exact arrangement of which can belong to only one in a few billion people.

That convict's genetic code and his name will be input into the state's felon database.

A young computer technician by the name of James Weigand sits at a computer in a stark room inside the lab's smoked-glass confines. He checks the state and federal databases for matches of known convicts versus the unidentified DNA collected in unsolved crimes.

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When a match occurs, it is known as a cold hit. Weigand is the first to know. The great pleasure of his job is picking up the phone and calling a police department to tell them the news.

The staid detectives, said Weigand, get giddy as a once-cold case comes back to life -- like Snow White under the prince's kiss.

The last chapter in the killings of Lyman and Charlene Smith has yet to be written. That comes when their vicious killer is identified and held responsible for murdering people in the sanctity of their homes.

But time is now on the Smiths' side and not their killer's. Each day the genetic profiles of more felons are added to databases in California and other states. As these pools of information widen, the noose around the neck of the killer tightens. Ultimately the story of the Smith investigation is not the tale of a golden couple who lived fast and died young. It is one of hope lost and revived.

For 20 years, it seemed impossible the killer would ever be found. Now, with the DNA evidence, hope lives. In the past two years in California alone, 72 rapes and murders that detectives despaired would ever be solved were closed through the use of the DNA database.

"This crime will be solved when the right someone rolls up his sleeve and gives blood," said Rock Harmon, Alameda County's senior deputy prosecutor and an expert on DNA use in closing old murder cases.

Lyman and Charlene Smith of Ventura died on March 13, 1980, waiting for a phone call they thought would seal their fate. The caller would tell them whether or not Lyman would be a judge.

Now, the phone call could come any day to the Orange County Sheriff's Department or the Ventura police.

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Who's who in the Smith murder case

November 11, 2002

The victims

Charlene Smith 33 years old and an interior decorator and gold jewelry vendor.

Lyman Robert Smith 43 years old and a prominent Santa Paula attorney.

Randy Adams Lieutenant in the Ventura Police Department who was contacted by the Rev. Don Mikel about the Alsip admissions.

Gary Adkinson Supervising detective for the Ventura Police Department, who responded the day of the Smith murders.

Joe Alsip Lyman Smith's former business partner, charged with the Smiths' murders.

Rick Atwood Former deputy sheriff with whom Charlene had a long-time love affair.

Hal Barker Police officer who was Lyman's best friend.

Will Bartfield English auditor who exposed Maverick's creative accounting practices to its prime investor.

Judge Bruce Clark Presided over Alsip hearing.

Paul Clinton Former public defender who represented Joe Alsip before he was charged with the murders of Charlene and Lyman.

Coco Corral Lyman Smith's client and a flamboyant Fillmore Ford dealer.

Carol Daly Sacramento detective who investigated the East Area Rapist cases.

Woody Deem Tough-minded former Ventura County district attorney who hired Lyman.

The Rev. Leonard Dewitt Revived the flagging Ventura Missionary Church in the late 1970s.

The Rev. Leonard Dixon Episcopal priest who married the Smiths and officiated at their funeral.

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Isabelle Doyle Charlene Smith's former mother-in-law; the last person known to have spoken to them before their deaths.

Jim Doyle Brother of Charlene's ex-husband and a police officer killed in the line of duty in 1975.

Maureen Doyle Sister of Charlene's ex-husband and Charlene's good friend. She discovered Charlene's jewelry missing after the murders.

Mike Doyle Isabelle's son and Charlene's second husband.

GAP Development company with initials representing its principals, Chuck Gilliard, Joe Alsip and Bob Placencia.

Richard Haas Detective who investigated the murders for both the Ventura Police Department and the district attorney's office.

Richard Hanawalt Colorful attorney who defended Joe Alsip; known for his long absences, his nickname is "The Shadow."

Russ Hayes Detective for the Ventura Police Department who worked the Smith case.

Gladys Herzenberg Charlene's grandmother who raised her after her father's death. Her ex-husband was Bob Herzenberg.

Winslow Herzenberg Charlene's father, a disabled veteran, who at the time of his death in November 1949 drove a cab.

Daniel Hood Santa Barbara pilot who founded Maverick International.

Pete Kossoris Deputy district attorney who prosecuted Joe Alsip.

Majorie Lasswell Winslow Herzenberg's fiance, who help raised Charlene after her father died.

Claire and Marvin Lewis Smiths' neighbors and friends. He was a Superior Court judge; she, a former court clerk who worked with Charlene.

Capt. Paul Lydick Supervised the investigation in the Smith murders.

Charlotte and Carl Marchetti The Smiths's closest neighbors. Their son, Vance, was questioned in the case but eliminated as a suspect.

Josephine Martinez Charlene's mother, who was 20 years old when Charlene was born. She abandoned her and moved to Los Angeles shortly after her birth.

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Roosevelt McGowan Ventura County jail inmate who said he heard Joe Alsip confess.

The Rev. Don Mikel Associate pastor at the Ventura Missionary Church. He testified that Joe Alsip had confessed the Smith killings to him. He also was a chaplain at a peace officers weekly prayer breakfast.

Edward C.C. Peagram Fast-talking entrepreneur who helped procure the cattle for Maverick International.

Judge William Peck Lyman Smith's law school chum. He was named to one of the judgeships Lyman sought.

Larry Pool Cold-case investigator for the Orange County Sheriffs Department.

Don Smith Lyman's brother.

Gary Smith Lyman's youngest child, who was 12 when he discovered the bodies of Lyman and Charlene Smith.

Jay Smith Lyman's middle child, who was 15 at the time of the murders.

Jennifer Smith Lyman's oldest child, 18 at the time of the murders. She briefly was considered a suspect in the case.

Lyman Jones Smith or Lyman Sr. Lyman's father.

Marjorie Smith Lyman's former wife.

Wilma Belle Shappart Smith Lyman's mother, who died of cancer in 1956.

Bud Sloan Former prize fighter who ran a successful ranching business. He lent Lyman \$1.5 million to start Maverick International.

Claus Peter Speth Medical examiner who performed the autopsies on the Smiths.

Dave Stone Ventura PD rookie for whom the Smith case was his first murder investigation.

Russ Whitmeyer Private investigator who worked for Joe Alsip's defense.

Paul Aaron Wolfe Former Navy SEAL, considered a suspect in the Smith homicide.

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Do you know the 'Original Night Stalker'?

By Colleen Cason, ccason@insidevc.com
November 28, 2002

Based on victims' descriptions of the East Area Rapist, the suspect who killed Lyman and Charlene Smith might have shown these characteristics in 1980:

A white male in his 20s or early 30s.

Medium height, husky build with a muscular upper body.

A tattoo of a bull on either forearm.

Blond or light brown hair.

A high-pitched voice.

Seemed middle class in his manners.

Jogged with a white German shepherd.

Drove a white '70s Pontiac.

Mentioned he once lived in Sacramento, Davis, Contra Costa County or Goleta.

Preferred bondage or sadomasochistic sexual practices.

Showed proficiency in tying ornate knots.

Gave gifts of jewelry.

Showed unusual interest in the Smith murder investigation.

Inexplicably was absent in the late hours of the night.

Showed contempt for authority, tendency to blame others.

If you have information, you can report it to the Orange County Sheriff's Department at (714) 834-2583, or at www.ocsd.org/SerialKiller/LeadSheet.asp.

Or to Detective Sgt. Jerry Thurston, Ventura Police Department, 339-4400.