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Friday, April 3, 1998

One year later, problems with autopsy of murdered 12-year-old surface

By TERRI LANGFORD /Associated Press Writer

FRIENDSWOOD, Texas (AP) -- Bob and Gay Smither are convinced their daughter's killer is behind bars, exactly one year after she was abducted from their street and murdered. So is Friendswood Police Chief Jared Stout.

But new information, including allegations of evidence tampering, surfaced Thursday to put Friendswood's precarious case in jeopardy and raise questions on whether the case ever will move forward to prosecution.

The first problem is that the man jailed since October -- on an unrelated kidnapping case -- never has been charged with 12-year-old Laura Smither's April 3, 1997, disappearance or her gruesome murder. That didn't stop Friendswood's police chief from publicly naming him last fall. And a lack of physical evidence hasn't stopped the Smithers from believing this man did it.

"I think they're on the right track," said Smither earlier this week. "I do think the person who murdered Laura is in jail. There's just damn little physical evidence and that's what the police, that's what the courts and everybody has to work with. It's just a slow process when there's so little evidence"

On Thursday an attorney for a fired Harris County pathologist announced his client was told last year to change Laura Smither's autopsy report to indicate that African-American hairs found on the girl's body were contaminants and that they didn't come from the crime scene. Dr. Marilyn Murr, dismissed March 18 in an unrelated whistleblowing case, refused.

The primary suspect for the past six months in the Laura Smither murder is white.

"She (the pathologist) was asked to say a clump of hairs she found during the autopsy in and on the hand were contaminants. They were and that

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not on the body when the body was found," said Dick DeGuerin, attorney for Murr. "She refused to do so."

After disclosure of the possible autopsy problems, an audibly shaken Mrs. Smither declined to comment Thursday on its significance.

"There's nothing new here and we have no comment ... none at all," she said.

Harris County Medical Examiner Dr. Joye Carter also declined to elaborate on the matter.

"I don't have any comment. There's litigation in both cases," Carter said.

The lawyer for Smither slaying suspect says his client should be cleared

"The bottom line is there were hairs found on her body of black origin," said Anthony Osso, lawyer for the man suspected by Stout. "It's been our position that they are the hairs of the perpetrator of the offense."

Once Police Chief Stout named the man last October and his picture was released to local media, dozens of residents called in to say they either had doubts about the man or first-hand knowledge that the 38-year-old construction worker was of dubious character.

Questioned earlier this week, Stout stood behind his decision to name his primary suspect and rejected the idea he may have planted a suspect in the minds of residents -- and the Smithers.

"I have reason to believe that we will charge him," Stout said Monday. "That is not ultimately my call, but I have no reason to think we won't charge him."

On Thursday, the police chief reiterated his earlier statement.

"We know who our prime suspect is. Our focus has not changed," he said.

Laura Smither disappeared on the morning of April 3, 1997 during a morning jog alone down her street.

The home-schooled girl was concerned with body strength and stamina after having been just accepted by the Houston Ballet and often ran with her father. When she didn't return for breakfast, a search that eventually enlisted thousands of volunteers began.

More than two weeks later -- on April 20, 1997-- Laura's body was found decapitated and nude in a retention pond in Pasadena about 15 miles from her home. She was identified by a ring on one of her fingers and dental records.

Over the next few months and with the help of the FBI and other law enforcement, Stout's office began looking at several suspects, mostly past sex offenders. During that review, Stout came across his primary suspect, who was working as a bulldozer operator in the neighborhood where the girl disappeared.

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But after a search of his home and truck turned up nothing and a lie detector test was determined to be inconclusive, no arrest was made. Then in October, the man accused in the aggravated kidnapping of a 19-year-old woman was named by Stout as the primary suspect in Laura Smither's slaying.

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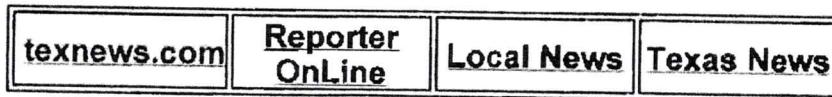
Evidence was collected from the man's truck and home and submitted to the Department of Public Safety for testing. Results are expected soon.

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