

Smiley Surrenders After 20 Years

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Abstract (Abstract): Though her husband, Barry, 56, surrendered three months ago, [Judith Smiley], 54, was unable to make the trip at the time, according to her attorneys. Yesterday, she was wheeled into State Supreme Court in Kew Gardens in a wheelchair, having undergone knee replacement surgery earlier this year.

"It's hard to maintain a 2,000-mile relationship," [Anthony Russini] said on the steps outside the courthouse. But, he added, "he's welcome anytime." Russini said he didn't know if Propp expressed any desire to develop more intimacy.

Steve Brill, who represents Judith Smiley, said there has been some talk of counseling as part of any settlement. He also said there was a possibility of restitution to the Russinis for thousands of dollars they spent on legal fees and private investigators to find the boy.

Full text: Judith Smiley-the woman who fled to New Mexico 20 years ago in spite of a 1980 court order to give up the baby she and her husband wanted to adopt-surrendered to New York authorities yesterday on kidnapping charges.

Though her husband, Barry, 56, surrendered three months ago, Judith Smiley, 54, was unable to make the trip at the time, according to her attorneys. Yesterday, she was wheeled into State Supreme Court in Kew Gardens in a wheelchair, having undergone knee replacement surgery earlier this year.

Acting State Supreme Court Justice Joseph Grosso set bail at \$25,000-as he had done for her husband-which she posted immediately. The judge also set another court date for June 12, indicating he hoped for a settlement on the kidnapping charges.

"There have been extensive negotiations," Grosso said. Still, there was tension yesterday.

Matthew Propp-once the child in the middle of the case-sat in the second row of the courtroom.

"I'm just relieved that today is done," Propp, now 22, said outside the courthouse. Asked what he would like to happen, Propp said, "My ideal outcome would be to be in Albuquerque right now with my parents."

A security guard, Propp lives in Albuquerque with the Smileys, who had assumed the names Mary and Bennett Propp for the past two decades. The couple told him the truth about his past only last summer.

Anthony Russini, 41, of Westbury, Matthew Propp's biological father, sat on the other side of the courtroom with family members.

Unlike at earlier court appearances, the relationship between biological father and son, who reunited three months ago with great hopes, seemed strained yesterday.

"It's hard to maintain a 2,000-mile relationship," Russini said on the steps outside the courthouse. But, he added, "he's welcome anytime." Russini said he didn't know if Propp expressed any desire to develop more intimacy.

"He's obviously defending the Propps," responded attorney Fred Magovern, who represents the Russini family. If the Smileys are convicted of the kidnapping charges after a trial, they will face 2 to 6 years in jail. A settlement could keep them from doing any jail time.

Mary de Bourbon, a spokeswoman for the Queens district attorney, said the office was trying to balance the interests of the state, the Russinis and Matthew Propp in negotiations. Yesterday, those interests seemed far apart.

"It's inconceivable that they don't go to jail for the crime they committed," Magovern said.

Steve Brill, who represents Judith Smiley, said there has been some talk of counseling as part of any settlement. He also said there was a possibility of restitution to the Russinis for thousands of dollars they spent

on legal fees and private investigators to find the boy.

But, Brill said, "any disposition I'm going to be a part of would include no jail."

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