

Propp Set To Fly To NYC Today

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Abstract (Abstract): Matthew Propp would arrive in time to attend a court hearing scheduled for Barry Smiley, also known as Bennett Propp. Smiley and his wife, [Judith Smiley], disappeared with the then-15-month-old boy when the courts ordered him returned to his biological parents in 1980.

The couple were told in 1972 that they could not have children, according to Jennifer Reddin-Eliou, who represented Barry Smiley in Queens Family Court on Friday. They made efforts to adopt but were unsuccessful. Then, in 1979 they were approached by an attorney who told them she had a child for them. The boy they named Matthew was turned over to them when he was 3 days old.

Attorney Fred Magovern, who represented the Russinis, called the allegations against the biological parents "baloney." Magovern said the biological mother was coerced into giving up the child, and said the father never consented.

Full text: The 22-year-old New Mexico man allegedly kidnapped as a toddler is expected to fly to New York today to provide support to the man who raised him and now faces criminal charges for absconding with him. Matthew Propp would arrive in time to attend a court hearing scheduled for Barry Smiley, also known as Bennett Propp. Smiley and his wife, Judith, disappeared with the then-15-month-old boy when the courts ordered him returned to his biological parents in 1980.

"I think [Matthew] feels his place is here, to stand behind his parents," said defense attorney Steve Brill, who is representing Judith Smiley.

Barry Smiley, 56, who surrendered voluntarily last week to New York authorities for the alleged kidnapping, has been jailed since Thursday, unable to come up with \$25,000 bail.

Brill said Judith Smiley, who also faces kidnapping charges, was expected to stay home because she is too infirm to travel.

A week and a half ago, Matthew Propp came to meet his natural father and siblings and then returned to his family's Albuquerque home.

The biological father, Anthony Russini, 41, has choked with emotion as he expressed to the media how he never gave up searching for the boy whose custody he tried to regain within weeks of his being given up for adoption.

Queens Family Court Judge Guy DePhillips spoke Friday of how the courts had ruled in the Russinis' favor in 1980 and told Smiley he had inflicted a "great evil" on the child.

But that son, Matthew Propp, calls the Smileys "great people."

Perhaps he will help people understand the Smileys' side of the story.

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"They believed the adoption was completed," she said. Some weeks later, when they learned the baby's biological parents wanted the child back, they said they didn't believe that and feared that the "mother had violence problems."

In the Smileys' view, said attorney Reddin-Eliou, "they acted in what they felt was the best interests of the child."

Attorney Fred Magovern, who represented the Russinis, called the allegations against the biological parents

"baloney." Magovern said the biological mother was coerced into giving up the child, and said the father never consented.

In any case, Smiley and his wife both gave up lucrative positions with the city when they fled. They settled in New Mexico, where they have been living in the same modest house for most of the past two decades, eking out livings by making and selling small items.

Both the Smileys are now in poor health, according to their attorneys. Attorney Eugene Sarchiapone, who represented Barry Smiley in court, said yesterday he believes the case should be resolved with probation for the parents, not jail time.

"They're both sick," he said. "The child's 22. He's still living at home. Locking them up would really be very punitive."

Mary de Bourbon, a spokeswoman for the Queens district attorney, said the office was not prepared to predict the outcome of the case. A kidnapping conviction carries a minimum of 2 to 6 years in jail; however, those close to the case expect there to be a settlement.

Staff writer Joshua Robin contributed to this story.

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