

Killer has new bid for freedom

STATE ARGUES CONVICT, 29,
TOO DANGEROUS TO RELEASE

Crime Criminals - SJMN 8-13-01
**Donald Schmidt, who drowned a
young girl in 1988, is the oldest ward
in California's juvenile justice system.**

By David L. Beck
Mercury News

Donald Schmidt, convicted more than a decade ago of murdering a 3-year-old girl while he sodomized her, makes another bid today for his release from the California Youth Authority.

Schmidt, who is 29, is the oldest "ward" of the juvenile justice system. He is incarcerated at the Heman J. Stark facility in Chino, east of Los Angeles.

Today's hearing on a prosecution request to keep him locked up will be at 1:30 p.m. at Santa Cruz County's juvenile hall court on Graham Hill Road.

Schmidt grew up in Fremont. He was 16 when he went to a "drugie" party in Lompico, near Felton in the Santa Cruz Mountains, the night before New Year's Eve in 1988.

There, he attacked Marihia Silvola in her mother's bathroom. She screamed during his assault, so he held her head under water in the bathtub. Then he went outside, came back and "discovered" the body. She died in a hospital two days later.

He was tried in juvenile court because of his age, but the trial was public because of the nature of the crime. Schmidt's subsequent court proceedings also have been pub-



Schmidt
Child-killer has
twice been
denied release.

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lic, as is today's.

Schmidt could have been released at age 25, but the Santa Cruz County District Attorney's Office, at the request of the Youthful Offender Parole Board, asked the court to keep him locked up. Section 1800 of California's Welfare and Institutions Code permits such a request every two years when the offender, if discharged, "would be physically dangerous to the public because of the person's mental or physical deficiency, disorder, or abnormality."

Today's hearing will be Schmidt's third under Section 1800. Four years ago, the board recommended his continued incarceration, and the judge agreed after hearing from two

CYA psychologists that Schmidt was a sexual sadist and a substance abuser, a pedophile with an IQ of 80 who suffers from an anti-social behavioral disorder.

Schmidt requested a jury trial to appeal the judge's decision. He went through jury selection before changing his mind and agreeing to return to the Stark facility.

In the next round two years ago, Schmidt went to trial, where his chief witness was Stan Blondek, a CYA psychologist who testified that Schmidt was no longer a threat. Prosecutor Ariadne Symons demonstrated that Blondek was unlicensed, with advanced degrees from a correspondence school. The CYA fired him. The judge called Blondek the worst wit-

ness he had ever seen and declared a mistrial.

Schmidt was retried and the jury sent him back to Chino.

Symons said she plans to use psychiatric testimony to prove that Schmidt is unchanged. The youth parole board has once again recommended against releasing him.

But Symons said she senses that the juvenile system is getting tired of dealing with him and would like to move him into the adult corrections system — permitted, under Section 1800, but in practice difficult to do when someone has been tried and sentenced in the juvenile justice system.

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