

CYA's oldest ward drops release request

Crime + Crimals - Jan

By David L. Beck

Mercury News

Donald Schmidt, 32, the oldest ward in the California Youth Authority, withdrew his request for release Monday and will return to Chino for more treatment.

His attorney said, "He's done really well the past two years" and might be paroled within months.

The CYA could release Schmidt on its own.

Schmidt, who grew up in Fremont, was convicted in the New Year's Eve 1988 murder of a 3-year-old girl who was sodomized and drowned in the hills above Santa Cruz. He was 16, and a judge ruled he should be tried as a juvenile.

As a result, he has spent half his life in the CYA, from which wards are usually released at age 25, if not before. Four times since he turned 25 he has sought freedom, and four times he has been declared a public danger and kept in the system.

He is entitled to a jury trial to win his release. He waived trial



SJMN 11-9-04
Schmidt

Convicted in the 1988 murder of a 3-year-old girl near Santa Cruz, he will receive more treatment.

in 1997 and again Monday. Two years ago, he quit during his trial rather than face further cross-examination about his sexual interests. Two years before that a jury denied his release.

In the two years since his most recent trial, Schmidt has grown a Vandyke beard. His brown hair is thinner in front and longer in back, tied Monday in a ponytail. The man who prosecuted him in 1989, Michael Barton, is now the presiding judge of the Santa Cruz County Superior Court and was on the bench Monday to accept Schmidt's waiver.

Ariadne Symons, chief of trial operations for the Santa Cruz County District Attorney's Of-

fice, said Schmidt still has not accepted responsibility for the sexual aspect of his crime. Court documents cite the most recent diagnosis by a psychologist at the Heman G. Stark Youth Correctional Facility, Inga M. Talbert, as sexual sadism and pedophilia.

Public defender Larry Shallberg said parole is entirely at the discretion of the CYA and could come within months.

Shallberg said Schmidt has made "great progress" in the past two years and has practically exhausted the treatment available to him in the system. The next step, he said, is parole, coupled with treatment on the outside.

Schmidt was convicted of the murder of Marihia Silvola. His sodomy conviction was quashed on appeal because of judicial error. He would not have to register as a sex offender if released.

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