

Approved: 3/10/94
Date

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY.

The meeting was called to order by Chairperson Jerry Moran at 10:00 a.m. on February 22, 1994 in Room 514-S of the Capitol.

All members were present except: Marge Petty (excused)

Committee staff present: Mike Heim, Legislative Research Department
Gordon Self, Revisor of Statutes
Darlene Thomas, Committee Secretary

Conferees appearing before the committee:

Attorney General Robert Stephan
Representative Gary Haulmark
Gene and Peggy Schmidt
Mary Ann Souise
Kelly McCaffrey
Mary Bush
Carla Stovall, Attorney
Jan McCloud, Instructor at Kansas Law Enforcement Training Center

Others attending: See attached list

Chairman Moran announced the issue of capitol punishment would be debated on Thursday, February 24, at 10:00 a.m. in Room 514-S.

SB 666--fraudulent representation on employment application
SB 667--inmates sentenced to custody of secretary

Senator Vancrum gave a brief description of SB 666 and SB 667 and said they are an outgrowth of Speak Out For Stephanie Task Force, a group that formed in Johnson County after the rape and murder of Stephanie Schmidt last July, 1993. He said they both deal with limited, but important aspects of the sexual predator problem.

SB 525--sexually violent offense

Senator Vancrum gave a brief description of SB 525 and said it serves to protect our communities from those offenders who pose the greatest danger to society by providing for commitment and treatment of sexually violent predators. He said SB 525 is based on a 1990 State of Washington Law which authorized civil commitment of sexually violent predators to the custody of the Department of Social and Rehabilitation Services. He said the bill would require a civil jury to find beyond a reasonable doubt that the person is a sexually violent predator based on a psychological evaluation. Senator Vancrum said the fiscal note prepared by State of Kansas, Division of the Budget, was based on the assumption that 90% of the maximum number of individuals that would meet the criteria for sexually violent offenders would be committed under this act. Senator Vancrum indicated Washington statistics suggest an actual 10% annual commitment rate. (Attachment No. 1)

Representative Gary Haulmark testified in support of SB 525 and provided written testimony (Attachment No. 2).

Attorney General Robert Stephen testified in support of SB 525 and provided written testimony (Attachment No. 3).

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY, Room 514-S Statehouse, at 10:00 a.m. on February 22, 1994.

Peggy Schmidt, mother of Stephanie Schmidt, testified in support of SB 525. Stephanie was raped and murdered in July, 1993. She said the individual who confessed to raping and killing Stephanie had been released after serving half of his sentence for the rape of a college student in 1983. Mrs. Schmidt said only 2% of the rapist are ever convicted and if they are they serve an average of 3 years in prison.

Gene Schmidt, father of Stephanie Schmidt, testified in support of SB 525 and provided the book "Missing Still, Stephanie Rene Schmidt, The Life. The Death. The Dreams" (Attachment No. 4). Mr. Schmidt gave a video presentation of Stephanie's life.

Kelly McCaffrey testified in support of SB 525 and provided written testimony (Attachment No. 5).

Mary Livermore Bush testified in support of SB 525 and provided written testimony (Attachment No. 6).

Carla Stovall testified in support of SB 525 and provided written testimony (Attachment No. 7).

Jan McCloud, Instructor at Kansas Law Enforcement Training Center testified in support of SB 525. Ms. McCloud works with the Wichita Police Department dealing with sex crimes.

Tom Locke, PhD, Kansas Psychological Association provided written testimony (Attachment No. 8) in support of SB 525.

Mary Ann Souse, a victim of rape, testified in support of SB 525. She said the man convicted of raping her received 15 years to life on a plea bargain and it is possible for him to be paroled in 7.5 years on good behavior. She asked that the law be changed for convicted rapists to serve their full time, not half.

Meeting adjourned at 11:00 a.m.

The next meeting is scheduled for February 22 at 12:30 p.m. in Room 527-S, 1994.

GUEST LIST

COMMITTEE: Senate Judiciary Committee

DATE: 2/22/94

NAME (Please Print)	ADDRESS	COMPANY/ORGANIZATION
Marisa Larson		KTKA
Mike Turner		KTKA
Mary Bush	11732 High Dr. Leawood	—
Christine Vendel		KC STAR
Gene Schmidt	Leawood KS	SOS
Dee Dee Schmidt	"	"
Kelly McLaughlin	12320 Catalina Leawood, KS	SOS
W. A. Paden	Leg	Leg
Blaise Plummer	Overland Park, KS	Dist. 20
Libby David		AP
Carla Stovall	Topeka	Public
Jennifer McCormick	Lawrence	Kansas
Tom Leungin	"	Kansas
Jeff Eustice	"	intern
Beth Brauer	"	Lloyd intern
Jenny Thiessen	"	Hawthorn intern
Terry Leatherman	"	Topeka
Ron Smith	"	Topeka KS
Stuart Langer	Topeka	Topeka State Hospital
Ellen Pickalkiewicz	Topeka	Assoc. of ^{Comm} Health Workers
Nancy Lindberg	Topeka	Atty Gen
Julie Maska	Topeka	AG Office
Don McCloud	Hutchinson	KLETC
Terry Larson	Topeka	Kansas AMI

GUEST LIST

COMMITTEE: Senate Judiciary Committee

DATE: 2/22/94

[illegible]

BOB VANCURUM
SENATOR, ELEVENTH DISTRICT
OVERLAND PARK, LEAWOOD,
STANLEY, STILWELL, IN
JOHNSON COUNTY
9004 W. 104TH STREET
OVERLAND PARK, KANSAS 66212
(913) 341-2609



TOPEKA

SENATE CHAMBER
STATE CAPITOL
TOPEKA, KANSAS 66612-1504
(913) 296-7361

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MEMBER: COMMERCE, LABOR AND REGULATIONS
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STATE LEGISLATURES
MEMBER: ENVIRONMENTAL TASK FORCE,
COUNCIL ON STATE GOVERNMENTS

TESTIMONY FROM SENATOR BOB VANCURUM
TO THE
SENATE JUDICIARY COMMITTEE

RE: SB 525

The Sexual Predator Act (SB 525) serves to protect our communities from those offenders who pose the greatest danger to society by providing for treatment and commitment of sexually violent predators until they are no longer a danger. Based on a 1990 Washington law which authorizes the civil commitment of sexually violent predators to the custody of the Department of Social and Rehabilitative Services for control, care and treatment. The bill requires a civil trial in which the court or jury finds beyond a reasonable doubt that a person is a sexually violent predator based on a psychological profile showing a mental abnormality or personality disorder making him likely to engage in predatory acts of sexual violence. Furthermore there is an opportunity for regular review of the issue of whether the offender remains a danger to society.

The bill is narrowly tailored to focus on the small number of habitual sex offenders who, because of their psychological makeup, pose an immediate danger to the public as soon as they are released from prison. According to the *Seattle Times*, for example, about 25 commitment petitions have been filed since Washington state's law was passed in 1990. Of those, 12 people were committed and several others are pending.

Although the official fiscal note for SB 525 places the cost of implementing the Act in Kansas at more than \$8.6 million, it should be noted that this figure assumes a commitment rate of 90% of the maximum number of individuals meeting the criteria for sexually violent offenders.

Senate Judiciary
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attached 1-1

A more realistic figure is \$898,000, which assumes a commitment rate of 10% of the persons who might be committed under the bill or 33 people. Please **carefully** review the attached material from George Vega of the SRS showing ranges of cost with different assumptions as to numbers committed. Moreover, the planned changes under mental health reform likely will provide the state with space to house those found to be sexually violent predators, further reducing the cost of implementation.

The real life tragedies of families like the Schmidts are reason enough to pass this bill, to ensure that these few sex predators are provided treatment and not released back into society until they no longer pose a danger to the community. Moreover, the bill accomplishes this through a scheme that has been held to be constitutional:

The bill meets the requirements for civil commitment set forth by the U. S. Supreme Court in Foucha v. Louisiana in that it:

- 1) is narrowly tailored to serve a compelling state interest
- 2) requires proof the detainee suffers from a mental illness or severe personality disorder
- 3) places the burden of proof as to dangerousness on the state.

The bill is consistent with Due Process in serving a compelling state interest and in placing upon the state the burden of proving the detainee is both dangerous and suffering from a severe personality disorder or mental illness.

Finally, like the statute upheld by the Washington Supreme Court, the bill does not serve any punitive goal. It is civil in nature and thus does not offend the double Jeopardy clause, which applies to criminal matters.



JOAN FINNEY, GOVERNOR OF THE STATE OF KANSAS

KANSAS DEPARTMENT OF SOCIAL
AND REHABILITATION SERVICES

DONNA WHITEMAN, SECRETARY

January 28, 1994

The Honorable Robert Vancrum
The State Senate
State Capitol Building, Rm. 449-N
Topeka, Kansas 66612

Dear Senator Vancrum:


Senate Bill 525 proposes to provide a system of civil commitment to a facility operated by SRS for persons completing a prison sentence for specified violent, sexual offenses. Determining annual costs for a new program is difficult without a full understanding of the specific goals of the proposed legislation.

We contacted the Department of Corrections and determined there were 331 individuals released during FY 1993 who met the criteria stated in Section 2 of this bill. We are not able to make an accurate estimate on how many of these individuals would be committed to SRS custody. The projected annual cost for each resident of the State Security Hospital for FY 1995 is \$57,966. The first year costs could range from (assuming an average stay of 6 months for new admissions) \$898,473 for 10% of the released population to \$9,593,373 for 100%.

Currently, the State Security Hospital at Larned, Ks. has approximately 30 available beds. The first year of Mental Health Reform downsizing closed 30 adult beds, which allowed us to correct overcrowding on the Security Behavior Ward, but created no new available beds. The final two years of reform could make from 40 to 60 beds available, assuming appropriate remodeling. Should the expected bed need created by SB 525 exceed 70 to 90 beds a new facility would be required. The Attachment provides construction estimates for various sized secure facilities. These estimates were based upon the costs of construction of the Correctional Mental Health Facility in Larned, Ks.

Please do not hesitate to contact George D. Vega at 296-3773 if you need any additional information.

Sincerely,


Donna L. Whiteman
Secretary

DLW:DAJ:hb

cc: Senators Bogina, Bond, Burke, Corbin, Emert, Feleciano, Frahm, Hardenburger, Harris, Kerr, Langworthy, Lawrence, Martin, Morris, Oleen, Papay, Parkinson, Ramirez, Ranson, Reynolds, Rock, Salisbury, Sallee, Steffes, Tiaht and Vidricksen

SENATE BILL 525 CARE AND TREATMENT

10% ANNUAL COMMITMENT RATE

	FY 1995	FY 1996	FY 1997	FY 1998	FY 1999	FY 2000
ANNUAL COST	57,966	59,705	61,496	63,341	65,241	67,198
CENSUS:						
BEGINNING	0	33	63	90	114	136
ADMISSIONS	33	33	33	33	33	33
DISCHARGES	0	3	6	9	11	13
ENDING	33	63	90	114	136	156
TOTAL ANNUAL COST	898,473	2,865,839	4,704,454	6,460,783	8,155,155	9,810,978

100% ANNUAL COMMITMENT RATE

	FY 1995	FY 1996	FY 1997	FY 1998	FY 1999	FY 2000
ANNUAL COST	57,966	59,705	61,496	63,341	65,241	67,198
CENSUS:						
BEGINNING	0	331	629	897	1,138	1,355
ADMISSIONS	331	331	331	331	331	331
DISCHARGES	0	33	63	90	114	136
ENDING	331	629	897	1,138	1,355	1,551
TOTAL ANNUAL COST	9,593,373	28,655,405	46,918,779	64,459,584	81,348,886	97,653,114

GARY HAULMARK

REPRESENTATIVE, 30TH DISTRICT
JOHNSON COUNTY
8709 GALLERY
LENEXA, KANSAS 66215
(913) 894-2035

ROOM 181-W, CAPITOL BLDG.
TOPEKA, KANSAS 66612-1504
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TOPEKA

HOUSE OF
REPRESENTATIVES

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MEMBER: TRANSPORTATION
RULES & JOURNAL
JOINT COMMITTEE ON ECONOMIC DEVELOPMENT

Testimony in Support of S.B. 525

Thank you Mr. Chairman and members of the committee for the opportunity to testify today in favor of S.B. 525, otherwise known as the Sexual Predator Act.

As you may know, this bill was one of five pieces of legislation designed this past fall by an Ad Hoc Sexual Offender Task Force in Johnson County. The task force was composed of legislators, law enforcement officials, parole board members, probation officers, concerned citizens and of course, Gene and Peggy Schmidt. This legislation was based on current law in the state of Washington. It seems to be serving its purpose there and has been found constitutional.

Lines 25 to 29 get to the heart of the matter; sexually violent predators generally have antisocial personality features which are unamenable to existing mental illness treatment modalities and those features render them likely to engage in sexually violent behavior. The Sexual Predator Act would go after anyone convicted of, or charged with a sexually violent crime and who suffers from a mental abnormality or personality disorder. Our task force saw statistic after statistic which indicated these people will re-offend 50% to 90% of the time if allowed the opportunity.

Steve Gindling
2-22-94
attachment 2-1

Very simply, the bill would allow the prosecuting attorney to file a petition before the release of the inmate, alleging that this person is a "sexually violent predator. Upon filing of the petition the judge would determine if probable cause exists and an evaluation would be conducted by a qualified professional. Then within 45 days, the court would conduct a trial to determine if the person was a sexual predator. If the court determines that the person is a predator, they would be committed to the custody of SRS for control, care and treatment.

Mr. Chairman, it is time for us to step up to the plate and do something about an obviously serious problem. Lee Iacocca said, "Lead, follow or get the hell out of the way". Well, let's be leaders, let's pass this bill and begin to deal with a problem we can not just sweep under the rug.

I'll be glad to stand for any questions.



STATE OF KANSAS

OFFICE OF THE ATTORNEY GENERAL

2ND FLOOR, KANSAS JUDICIAL CENTER, TOPEKA 66612-1597

ROBERT T. STEPHAN
ATTORNEY GENERAL

MAIN PHONE: (913) 296-2215
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Testimony Before Senate Judiciary
Senate Bill 525
By Robert T. Stephan, Attorney General
February 22, 1994

Mr. Chairman and Members of the Committee:

I appreciate the opportunity to rise in support of Senate Bill No. 525.

From your therapeutic perch as legislators, you have an opportunity to pass what might be the most significant preventive criminal justice legislation to be presented in this 1994 session of the Kansas Legislature. Most new laws against criminal conduct tend to provide punishment after the victimization has occurred. Senate Bill 525 will act prospectively and be preventative of criminal conduct and not just punitive. You have a rare opportunity to pass a law that will keep dangerous sex offenders confined past their scheduled prison sentence. As I am convinced none of them should ever be released, I believe you, as legislators, have an obligation to enact laws that will protect our citizens through incapacitation of dangerous offenders.

Under the provisions of the sentencing and parole system in effect prior to July 1, 1993, a violent sex offender could serve the full sentence and be released without any relevant safeguards for the public. In the same manner under the sentencing guidelines, a violent sex offender will be released at the end of the sentence imposed. With either system, there has been no adequate legal provision to continue incarceration of violent sexual predators past the period of mandatory incarceration. Senate Bill 525 fills the void and provides for the continued incapacitation of sex offenders through an appropriate constitutional incarceration of persons who commit sexually violent offenses and continue to be a sexually violent predator at the expiration of their period of imprisonment.

If there was ever a law which should be passed unanimously by the Legislature, this is the one.

*Senate Judiciary
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attached 3-1*

MISSING ~~STILL~~

22

Seneca Audubon
2-22-94
attached 4-1

Dedicated to the loving memory of

Detective Mark Stephen Leonard.

Detective Leonard was one of the lead investigators whose diligent and tireless efforts to find Stephanie lead to the arrest of her murderer. His dedication continues to give us hope and inspiration. We will miss him and always remember his willingness to go the extra mile for his family, his fellow officers, and all those he served. He may not have been able to be in the courtroom on November 18, 1993, but his presence was felt and the result of his dedication completed.



Speak Out for Stephanie

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P.O. Box 7829

Overland Park, KS 66207

Compiled by Angela Wilson and Julie Allison

Layout and cover design by Gene Schmidt

First printing -2500 copies.

Printed by Walsworth Publishing

MISSING **STILL**

The Life, Memory, and Dreams of Stephanie Rene Schmidt

Beloved daughter, sister and friend

With a special appreciation to all those who knew her and loved her, and to the thousands of people who joined together by being touched with her smile. Her love continues even though she is

MISSING **STILL**



I came home immediately and we went directly to Gene and Peggy's.

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tremely proud we have been able to be a part of their extended family ever since...and will be as long as they want us to be. Not because they need us, but because we are blessed to know them. Gene, Peggy, and Jeni Schmidt are remarkable, beautiful people.

Throughout these pages, you will find a consistent refrain. It is that Stephanie Schmidt was a wonderful... and special...young lady. She was. So is Jeni. Stephanie and Jeni are direct descendants of Mom and Dad, proof of which is in the way Gene and Peggy have conducted themselves since July 2, 1993. In short, with grace... dignity... and strength.

Time and time again, I saw grieving friends and relatives who were the ones comforted by the Schmidts, not the other way around. That is not to say, though, they did not garner strength from the overflow show of love from our Heart of America community. They did. And it was that enormous outpouring that also is testimony to the Schmidts regard in our community.

They accepted everyone into their home and heart, patiently going through the unfolding story. They dished up food, faith and courage. They tirelessly worked to solve the awful mystery, creatively trying every source and opportunity to bring it to a happy conclusion.

And it didn't take long for either the police or the media to find out that the Schmidts were special, too. The Schmidts put everyone at ease, so it

shouldn't have been any surprise that everyone quickly and willingly joined in their effort. They also fully understood the reality, but never gave into the despair...or allowed anyone else to. When they hit a roadblock, they invented new avenues. When they tired, they were refueled by the love of their daughters. And you. And you were there for them...as Sandi barked out every time the door swung open.

And as August revealed an awful truth, the Schmidts showed us yet another strata of courage that led us through another exacting time. Again with dignity and grace.

They were never defeated by July. And less than 24 hours after that glorious morning at Atonement, they began to Speak Out for Stephanie. Distinctively. And it is gratifying to know that your voice is providing the amplification.

Throughout the whole ordeal, one could see that the Schmidts had already begun to change attitudes and opinions. On the morning of August 3rd they began the process to change the laws...laws that will eventually help protect our daughters and sons.

Their's is a campaign for vigilance, not vigilantism. That campaign continues at this very moment. Let us follow their lead, let our voices be their treble and bass. God Bless the Schmidts... Gene, Peggy, Stephanie, and Jeni

Gene Fox
Kansas City, Missouri



MISSING STILL-5

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Foreward

Stephanie Schmidt was born July 4, 1973, the first child of Gene and Peggy Schmidt. A little over two years later, a second daughter, Jeni, was born, and the Schmidt family was complete. By all accounts, the Schmidts lived a life that many can only envy; they were the epitome of happiness, of love, and of strength. In one of her college classes, Stephanie would write that in her future she wanted most a family of her own that was just like the one she had growing up.

July 2, 1993, two days before her 20th birthday, Stephanie did not show up at home from the small college town of Pittsburg, Kansas, where she was attending Pittsburg State University. Everyone knew something was wrong, and "Missing" pictures of Stephanie were posted all over the Midwest within a matter of days. Family and friends rallied in an effort to find Steph. The agony continued for three and one half very long weeks, with everyone praying for her safe return.

July 27, 1993, a previously convicted rapist confessed to murdering Stephanie. Her body was identified the next day. There would be no happy ending to the horrifying weeks of waiting. On July 29, 1993, over 400 people attended a candlelight vigil at the Pittsburg State University campus to grieve. Over 600 people came to Stephanie Schmidt's funeral on August 2, 1993, the day she was laid to rest.

Stephanie's murder changed the course of life for many people forever; especially for her family, who have quite literally been catapulted from a very private and satisfying existence to a very painful and public one. Now they are speaking out for Stephanie, in an effort to never allow what happened to their beautiful daughter to ever happen again.



But they are not speaking out alone. Hundreds of cards and letters have poured into the home of the Schmidts. Together, what is written in these cards and letters represent the collective horror, sadness, and grief of the community and of society.

Friends and strangers alike have been affected.

But in our grief over the loss of Stephanie, we cannot forget the joy that she brought to so many people, her smile, or her laugh that touched so many lives.

Why?

"Did you know her?"

(Those were the first words from most who spoke with us about the publication of this book.)

"Yes. But we didn't have to."

"Why are you so involved?"



"Because we need to be."

"What do you hope to accomplish?"

"Is it trite to say we want to keep Stephanie's memory alive? Are we naive to think that a book will make a difference? Perhaps, but we continue."

"Why?"

"Why" has become pervasive in this situation. We would like to know "WHY," in every sense. Why Steph? Why here? Why not one of us, or someone else? Why try to change the system? Why not let this tragedy go?

We challenge you to turn to the front cover of this book. Go ahead. Look into the eyes of the young woman pictured there. Shining, sparkling, full of life. See the spirit of her life. Know now that it is gone. No answer to the question 'why' will ever make sense, no multitude of answers will explain.

We cannot restore what once was; we can only influence the future. The tragedy of her death has impacted us. From reading these pages, it becomes evident that her death touched countless lives, many who never met Stephanie.

We will not let her death be forgotten. For reasons we will never understand, Stephanie was taken from among us. This injustice cannot be brushed aside.

Even if you never knew Stephanie, you can make a difference. Look intensely into the eyes on the cover of this book, and tell us that you won't...

For those who have joined the efforts to prevent future tragedy, when your faith grows weak, look again into the eyes of Stephanie Schmidt. Know that she could be anyone. Know that the violence must stop. Know that you must help. The eyes that look back from the cover of this book could have been yours.

Angela Wilson
Julie Allison
Editors



MISSING STILL-7

A Cry for Help!

"Missing...STILL" are the words that we go to bed with every night and wake up to every day. Even though the mystery of Stephanie's disappearance has been solved, she continues to be a very important part of our life that is still missing. Although each day may offer pleasant and happy times, there will always be something missing—still.

Recalling that first moment on July 2nd when it became apparent that Steph was missing still summons vivid feelings of terror, anger, and tremendous sorrow. Everyday, we become increasingly aware of her absence: we miss the absence of her phone calls; we miss seeing her proudly drive home honking her horn to announce her arrival; we miss her unloading a full basket of laundry needing to be cleaned. But most of all, missing from our life is the laughter and brightness she always brought whenever she arrived—always just a little late, but she always came.

The most difficult task, at the very first, was to create a flyer of Stephanie to be circulated by her friends. Flyers and brochures were common place in our business and life. But this time was different. Starting at the computer with a mind more blank than the screen with its blinking prompt, instructions by our very near and dear friend, Gene Fox, echoed in my mind:

Type the word, "MISSING." he said. I kept repeating to myself: "This can't be true! She is just *LATE*, not MISSING." Yet, even at that very moment, unknown to all of us, Stephanie was going to be missing for the rest of our lives.

Something will always be missing, and the world is at a tremendous loss because of it. All of us throughout this country have been deprived not only of the potential Stephanie offered, but also the deprivation of her dreams, goals, and accomplishments. Her friendship, loyalty, beauty, charm, and effervescent personality will be missed even by those who didn't know her.

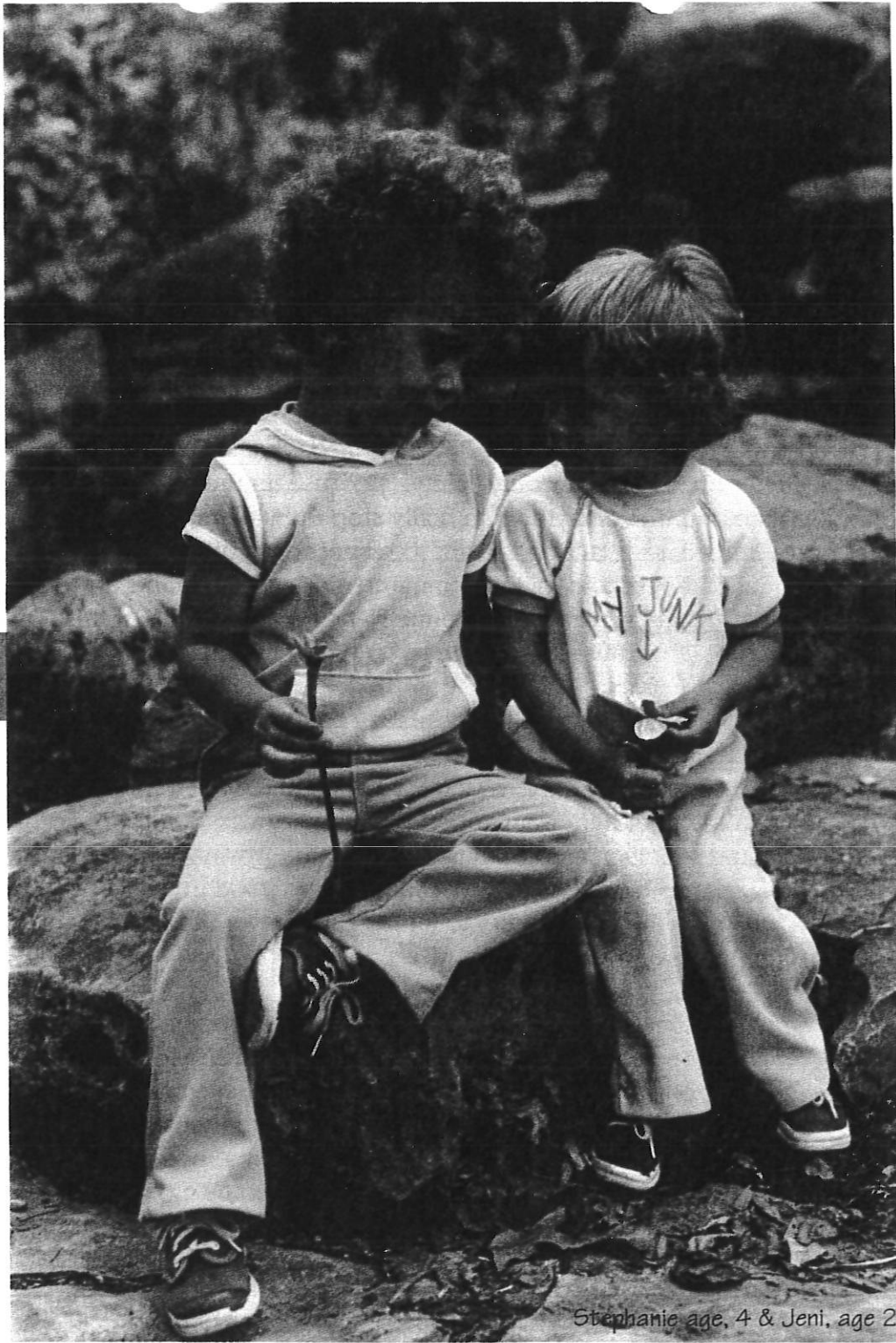
She could have been the head of state; she could have been your child's 1st grade teacher; she could have been a doctor or nurse. But more importantly, she **would** have been the mother of the child down the street; the mother involved in making cookies for the 2nd grade Halloween party; the mother who would have helped to organize the Christmas party...the mother of a family who would bring love, happiness, and laughter into all the lives they touched—so much for all of us to be missing.

One of the greatest compliments Stephanie gave to us was written in a class assignment. She wrote that her future values centered around "being happy, married, never divorced, and having a close family." That is also what she would wish for all of her friends and for our society. Because, in the end, we can not legislate or enforce anything to really stop the violence in our country. But what we can do is learn to respect each other and to make sincere, honest, and loving commitments—commitments and dedication to family values that continue to be the back bone of this great country. Don't miss the chance to do what is right.

Stephanie's legacy was unfortunately created by her untimely and tragic death. Remember, no matter how small or insignificant you may think you are, you can make a difference. Therefore, remember her. Remember her values, goals, dedication, and commitments. Don't let her death be in vain. Always remember her laughter, her practical jokes, her ability to find good in everything. Don't miss the opportunity to let people in your life know how much they are loved and adored.

Also remember that Stephanie mastered the ability to see beyond appearances. In spite of what she saw on the surface, she looked beyond for the good, she trusted people, and she believed in life, love, and strong family values. Keep Stephanie's faith, dedication, and hope. And most of all, hold on to your dreams and hold on to the good times. Love can never die and it can overcome all—even when an immense part of you is **MISSING STILL**

Gene Schmidt,
Father of Stephanie



Stephanie age, 4 & Jeni, age 2

MISSING STILL-10

4-10

"Jeni and I became very close...We played in the backyard with all the neighborhood kids, dressed alike, and terrorized our baby-sitters."

-Stephanie Schmidt

My Philosophy of Life

On Childhood...

by Stephanie Schmidt

As a child, I would imitate my parents, such as what they would say, their sense of humor, etc. I was the only child until I was two-and-a-half. After Jeni was born, I helped my mom take care of her. Jeni and I became very close as well. We played in the backyard with all the neighborhood kids, dressed alike, and terrorized our baby-sitters.

Finally I turned five-years-old and started kindergarten. I can still remember the first day of school when I got on the bus. I looked back and saw Jeni waving for me to get off the bus and her eyes were full of tears.



October 8, 1993

Dear Steph,

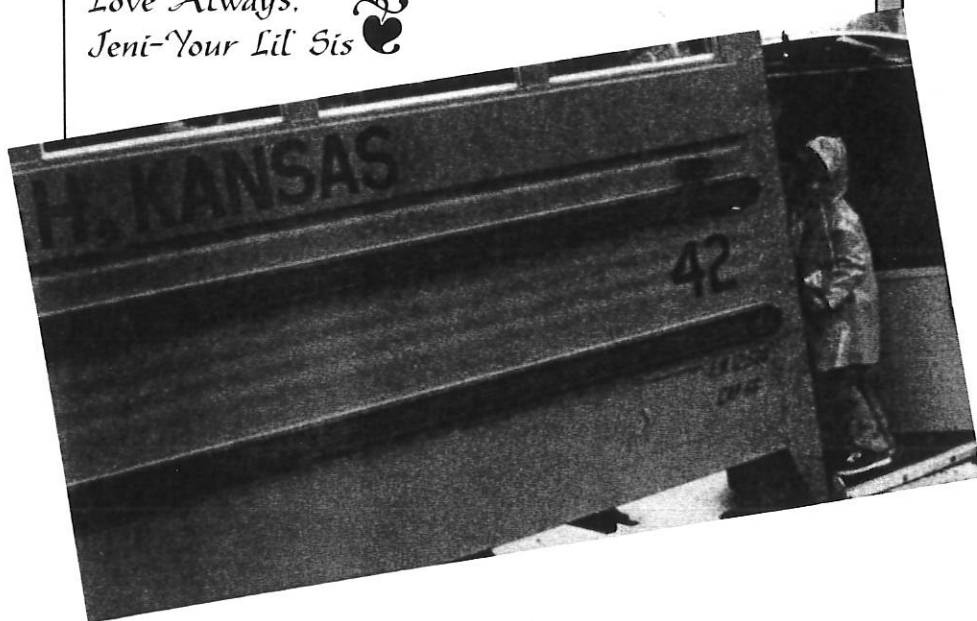
I got to thinking about you the other day. I started thinking about how much I miss you. It made me think of your first day of kindergarten. I remember it was a dark, cloudy, rainy day. The big yellow bus pulled up in front of our house, you slowly walked toward it. The door slid open, and you stepped up onto the bus. Then you turned around and waved good-bye. I smiled and waved back. You turned around and the door started to slide shut. I guess you found a seat, but I had lost my view of you because the bus windows were all fogged. Mommy assured me you would be all right. When the bus drove away, my eyes fogged up like the windows and I started to cry. You had disappeared.

The rest of that day was so lonely and sad. I missed you so much. Watching cartoons was not even fun without you to share the laughter. But later on the clouds drifted away and the sun started to shine. I sat outside waiting for you to

come. Soon I heard the roar of the school bus as it came around the corner. It stopped in front of the house and you jumped right out and ran to see me. We gave each other one big hug. I never wanted to see you leave again.

That day reminded me of another dark stormy day. You were supposed to be on your way home from school in Pittsburg. You had disappeared. I waited on the front porch for you to come home. It was getting late and you were still missing. Then I heard I would not see you again. My eyes fogged up and I started to cry. The clouds never drifted away and the tears have not stopped. I guess you found a seat somewhere, I know you will be all right. I miss you, still.

Love Always,
Jeni-Your Lil' Sis



THE WHITE HOUSE

WASHINGTON

August 6, 1976

Dear Stephanie:

Although this note is belated, Mrs. Ford and I wanted to express our warm congratulations on your recent July 4, 1976 birthday.

This is indeed a time of celebration for both you and America which is marking its 200th year as a Nation. I am sure that all of our fellow citizens share my hope that this Bicentennial year will serve to strengthen the spirit of our republic and reinforce the values which have come to make our country the great and good land it is today.

We hope you had a wonderful day. You have our warmest wishes.

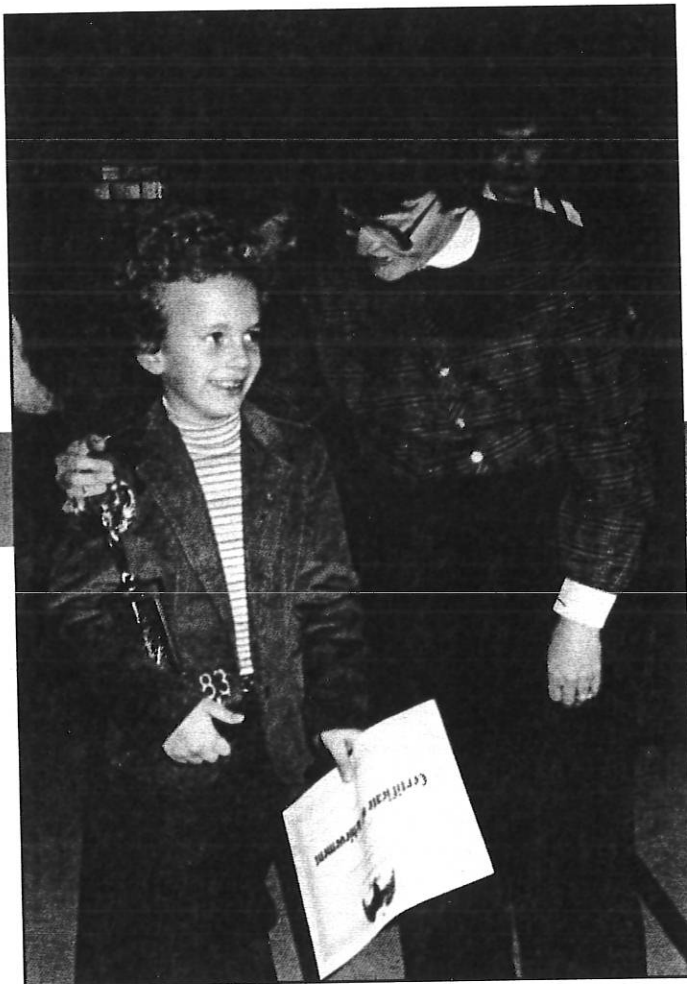
Sincerely,



Miss Stephanie Schmidt
31012 Southeast Burton Road
Topeka, Kansas 66605

Stephanie was so cute, and she always wanted long hair. When she came to me for a haircut, she would climb up in the chair and say, in her dear little voice, "Cut it long."

Janice Schuetz, Hairdresser
Topeka, Kansas



My Three Wishes

1. I wish I was skinnier.
2. I wish I had long hair.
3. I wish I knew Ricky Schroder personally.

— Stephanie Schmidt, age 10

One of the many wonderful things I'll remember about Steph is her laugh. She had the **best** laugh! It had some kind of magical power over me because she always made me laugh so hard I would wet my pants. Steph had the best sense of humor I have ever seen in a person.



The Two Steps—
Stephanie Schmidt
and Stephanie Alloy



She was always very optimistic and it rubbed off on others. Steph was always there for me and she has taught me so much about myself and about life in general. I miss her greatly, but I know she will always be with me. As Steph would say, "Shacody people forever!"

Stephanie Alloy
Topeka, Kansas

*We will always remember
Stephanie's infectious laugh,
her loving personality, her
enthusiasm in everything.*

The Enewolds
Omaha, Nebraska

*We loved having Steph baby-
sit for our children and we
will always remember her
warmth and smile.*

Anne Maxfield and Family
Leawood, Kansas

Everyone will remember Steph in their own special way. My special way is through memories of good times, and practical jokes. I remember best are the good old' days at Pauline South. Goofing around in the lunchroom, and discussing "Days of Our Lives," what happened at recess, or trying to make one another laugh during "Quiet Zone!"

And Mrs. Hall's 6th grade English class, who could forget "eek-a-mouse!" Or when Steph had the chicken pox, and her chair fell off her desk one day when she was gone. We all thought it was so funny how her spirit was still with us. I remember the clothes pin gag in 7th grade, the whoopee cushions, and all the hours we spent talking on the phone.

I remember Steph had the coolest Swatch Watch, the cutest clothes, and most important, the qualities you want in a good friend. Stephanie was caring, optimistic, humorous, honest, and understanding.

I was so glad that we kept in touch after she moved. Steph's friendship meant so much to me.

Amy Rohrback
Topeka, Kansas

Stephanie was a great baby-sitter and a great friend. The people who knew Steph were very lucky because she was such a great person and a great friend. Nobody could have been nicer than Stephanie.

Kacie Koch, age 8
Leawood, Kansas

Stephanie was beautiful, caring, and fun-loving. She was concerned about everyone. She touched my life and I will never forget her. I hope she is some place happy and wonderful now as she deserves.

Sarah Elizabeth Seglie
Pittsburg, Kansas



Some times you have bad times. Sometimes you have good times. I remember the good times when Stephanie baby-sat me. I really care about her. We all miss her.

Love,
Kelley Morrison
age 7-Leawood, Kansas



I loved the times when you baby sat. I will always remember you Steph. There will always be a special place in my heart where you belong.

Please ask God to bless your family.

Love,
Kim Crabb
Leawood, Kansas

Stephanie and I were friends from the first day of sixth grade. Not only did we share the same first name, but we had many other similarities. We played tag games at recess, never slept a wink at slumber parties and shared our first experiment with powder blue eye shadow. To this day, applying makeup still makes me think of Steph...and smile.

However, since her death I have cried and wept until there is nothing else left to be done. Except, to accept it...and hurt. The tragedy of Stephanie's passing has affected me like nothing else in my life, I wish I could explain it, understand it or at least come to terms with it. I think that's why I now keep a journal. No matter how scattered or organized the thoughts are, I share them in my secret book. This is something that I never had the concentration or dedication to do before. Maybe its the thought of how scary it may be to take a day of life for granted—things Stephanie taught me. Nonetheless, I want to share an excerpt with you. Somehow I think those of you who knew Steph will be able to relate.

as the
memory
of your
light fades
my days grow dark,
my nights are lit with
electric bulbs. I cannot
sleep. I am afraid of the dark
I am afraid that you will return
and then fade again.
I am afraid that you will
never return. I am afraid
that my next thought will be of you.
I am afraid
that I will run out of poems
before I
run out of pain.

Stephanie and I were such good friends. After being with her for only a little while, I no longer related to sadness. I wish she could tell me how she made life so joyful. But at least I will always know I will never forget Steph, but instead I can hold her in my heart, mind, soul and more privately, my journal, until we meet again.

Stephanie Sigg
Topeka, Kansas

*I have a book my mom gave to me for
High School Graduation~ you have prob-
ably seen it:*

Life's Little Instruction Book.

#274: "Leave everything a little
better than you found it."

*Stephanie sure did that. She was always
there for me. I am lucky to have such a
beautiful friend.*

Matt Crandon
Madison, Alabama

*I remember her as cute, bub-
bly, and very fond of her fam-
ily. She made a mark in my
life and I know she did in
many others—and I was just
her high school English teacher.*

Tammy Fry
Overland Park, Kansas

*I can tell that Stephanie grew up to
be a very special person, just as she
was a special baby and toddler
when I knew her.*

The Cannon Family
Garland, Texas

*We remember the sweet little curly
headed girl who came to live next
door to us on Burton Street. We
shall never forget the sweet smile
she always had for every one. And
then to see what a young lady she
turned out to be.*

Jim and Ellen Perine
Topeka, Kansas

*We will never forget the wonderful
memories we have of Stephanie.*

Judy, Dick, & Eimee Edington
Topeka, Kansas

*Stephanie had such a zest for life—
and so many friends.*

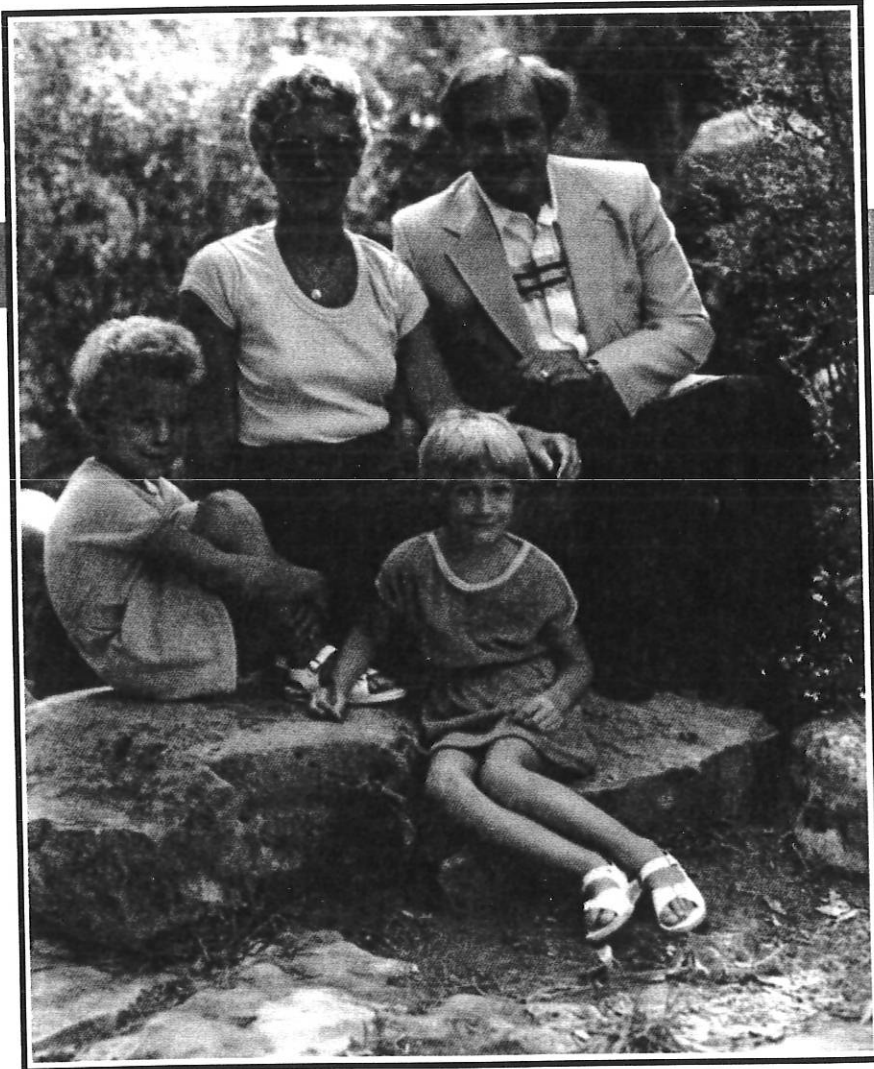
Steve & Lou, Wanamaker, and Family
Topeka, Kansas

MISSING STILL-21

4-21

"I am strongly influenced by my parents as to who I am, what I have become, and what I will be. We have always had an open, trusting relationship."

Stephanie Schmidt



MISSING STILL-22

4-22



My Philosophy of Life

by Stephanie Schmidt

On love and family...

Love is the most important thing to me. It is necessary to get through life. There are so many kinds of love and I feel fortunate to be as loved as I am. My family, friends, and boyfriend have all helped me get through some tough times.

I am strongly influenced by my parents as to who I am, what I have become, and what I will be. We have always had an open, trusting relationship. My parents have done so much for me that I do not know what I would do without them. Without the love of my parents, I would not grow or be happy.

My parents have been happily married for 25 years. I hope someday I can be like my parents. I am excited to get married and want to have two to four children before I am 30, but I want a couple of years to spend with my husband without any children. I want my family to be close-knit, caring and loving. I think it will be similar to how my family is now.





Stephanie represents the daughter and sister of all young women who are loved, and loving, in return.

Kay and Gary Landers
Merriam, Kansas



Stephanie was a sweet and wonderful person. I was so lucky to have been friends with her. She has touched so many lives.

Leslie Cugno
Overland Park, Kansas



Stephanie will not be forgotten, she and her family will be in our prayers for a long, long time.

Sally (O'Bannon) McDonald
Overland Park, Kansas



For Two Special Parents:

I've always known—
but only just realized how true it is—
that few families are like ours,
and I believe it's because
few people are like you two.

From the very beginning,
all you've done has proven your love
for each other and for us,
and has served as an example
of how important it is
not only to have a family,
but to be a family.

So it should come as no surprise
that what you have always treasured
has become very valuable to me, too
Our family means more to me than anything,
and it's all because of you.

*Thanks for always being there for me. You've made my
first year away from home a lot easier. I do miss you
both and enjoy seeing you! I love you both!*

Love,

Stephanie

Reprint of a greeting card and message
Stephanie sent to her parents.
June, 1992
1 year before her death.

MISSING STILL-25

4-95

MY DAD

by Stephanie Schmidt,

Age 14

I consider my dad somebody I look up to and respect. He's taught me to have a positive attitude, especially when I'm upset. He tells me that I should look at the good things in my life, rather than let one thing bring me down.

I also admire his sense of humor. Sometimes it's embarrassing; like when he teases me or does something weird in public. I think he's easier to talk to

because of his sense of humor. Overall, my dad is a "cool" guy, except when he gets mad at me for dumb and little reasons. He can get mad easily and disciplines me. But usually after a few days, if he realizes he's been unfair, he removes my punishments.

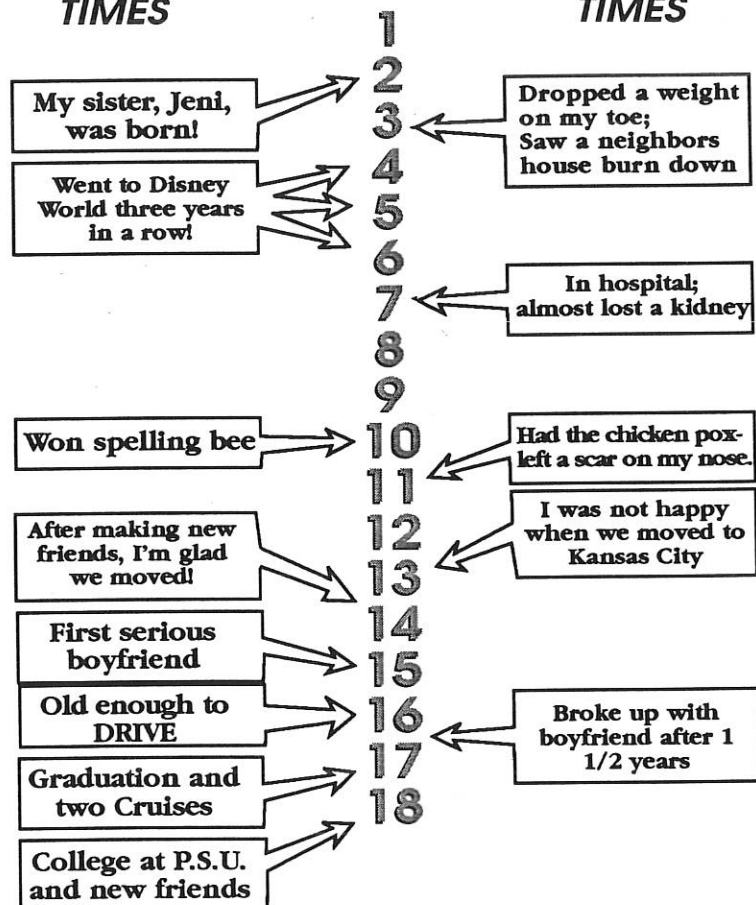
Now you can see how having a sense of humor makes it easier to get along with others, like I do with my Dad.

My Life Graph

THE BEST OF TIMES

Age

THE WORST OF TIMES





Stephanie, According to Stephanie

Written in the Spring of 1992
for a psychology class

HAPPY, because I have friends, a boyfriend, family, and I'm at school.

MOODY, because little things annoy me.

DEFENSIVE, because I think I'm right.

YOUTHFUL, because I like to have fun and don't want to get old.

THOUGHTFUL, because I help others.

IMPATIENT, because I hate waiting.

PROCRASTINATOR, because I put everything off until the last minute.

FORGETFUL, I forgot why.

CONFUSED, because I don't know what I want.

GENEROUS, because I like to give, and help people as much as possible.

November

Dear Steph,

I've started to write to you so many times, but it all seems so impossible—and you know that I'm not very good at this. There have been so many times that I have picked up the phone and dialed your number still expecting you to be there. But, now the summer is gone, the leaves have fallen and the cold of winter is felt everywhere.

***It seems like the rains didn't stop—
there was flooding everywhere
for that whole month.***

***A friend of yours felt it must have
been God crying. I know we all shed
a lot of tears.***

Steph, I just want you to know how much I love you and how proud we have been of you. You have been a wonderful daughter. And, I really value the time we had last Father's Day Weekend. I'll never forget giving you a little extra hug as you were leaving for Pittsburg. I remember you telling me, "Don't worry, Mom, I'm almost 20 now. You worry too much. I've been on my own almost three years."

Yet, there is so much we never got to talk about.

8, 1993

Our shopping day was so much fun—that last weekend. We did a lot of window shopping and you kept hinting at what you wanted for your birthday. I remember staring at you as we shopped and thinking what a beautiful young lady you have grown up to be.

Remember your Dad and I trying to get you ready for your canoe trip that next weekend? We got you that sleeping bag (somehow the "Kermit the Frog" one wouldn't do). You had enough insect repellent and suntan lotion for two trips. We cracked up when we found out that you "roughed it" at Amy's grandmothers. Couldn't imagine you brushing your teeth and having breakfast outdoors. All in all it was great to know that you had so much fun. Who would believe that camping could become one of your favorite things to do.

I really wish I would have talked you out of going to your birthday celebration on June 30th. Your dad and I tried to convince you to stay home and take care of your sore throat. Even though you didn't feel good you felt you needed to hurry because your friends would be picking you up soon. You have always tried hard to please everyone, even to a point of neglecting yourself. Fortunately, we both got to tell you that we loved you and that we would talk to you later; if not, you would try to call before going out Thursday night. After all, you would be home between noon and two on Friday.

Then came Friday late afternoon. A terrible storm was approaching, and you know how I worry—80 mile an hour winds and heavy rain. All I could think about was you were alone on the road. It seems like the rains didn't stop—there was flooding everywhere for that whole month.

We really missed you on your birthday this 4th of July. We had your birthday tree all decorated in red, white, and



blue: lots of flags. There was a special surprise gift for you, too. And, we had your cake ordered and decorated. We all were anxiously waiting for you to pull in the drive, honking your horn. Instead, we celebrated your whole life, one month later.

Steph, you have so many beautiful friends—we received thousands of cards and phone calls, and a lot of your friends came to look at photos and talk about the fun they had with you. A lot of your Topeka friends came by as well, and so many friends from Pittsburg and all over Kansas City. Steph, you would have loved seeing everyone. There were even some Sigma Chi's: even some of the 'old' alumni that you have heard us talk about. It was a beautiful day. The rains had stopped.

The summer went by so fast. Jeni had her birthday in October. We really missed having you here with us. We had her cake and small party: your dad & I, Chad & Jeni...we missed you a lot.

Your dad had his birthday, too. He really misses you. And, our wedding anniversary was last week end. We missed you again.

Yesterday, your dad went to Pittsburg with Gene Fox. They went to visit the spot where you were found. I didn't go. I stayed home and worked in your room all day. It was so unorganized, all the things from your apartment, boxes of clothes, papers, pictures, etc. Now it looks more like the room you left. I looked at the "many" pictures you had taken of your friends, and at all the things you have collected: McDonald's

toys, smurfs, trolls, and the overabundance of stuffed animals.

Your bed is finally cleared off so Sandi can lay on your pillow. She misses you, too.

Our business is doing okay. We continue to try to get caught up. And now it is time to design our Christmas card: for 18 years it has always had two girls (and for 12 years included Sandi—the dog). I just don't know what to do this year. It is difficult for us to be creative. You are a big missing piece in our family, Steph. I just want you to know how much you are loved.

We all miss you...still.

Love. 
Mom



We are all pulling
our children a
little closer—
holding a little
tighter—trying not
to smother them
with fear. And
yet, we know the
awful knowing
that we cannot
protect them from
all that is "out
there." We
warn—you
warned, we call—
you called, we
smile and send
them out to seek
their fortunes as
you did—in faith,
love, trust. How
unfair that fate
has sent a collec-
tive chill down all
our backs just as
we try to turn
loose of these
beautiful chil-
dren.

The Garlands
Leawood, Kansas

"Love means every-
thing to me. I
feel I am a lov-
ing person and
caring as well. I
would do almost
anything for the
people I care for
and love."

—Stephanie Schmidt

My Philosophy of Life

by Stephanie Schmidt

On Death...

One topic I could do without is death. Thinking about it makes me worry. I have a hard time accepting death. Even when people I do not know die I get very sad. Going to funerals is one of the hardest places for me to go. I get very sad, depressed, and think of how it would be if my parents or anyone close to me died. I go to funerals to show respect and to grieve with others, though. Eventually I learn to accept and think of the happy memories that will last forever.

Death makes me realize how much I value life, but more specifically, my parents, friends, family and most of all—love. I try to treat everyone as if there is no tomorrow because you never know if there is. I try not to argue; instead, I attempt to make the best of every situation.

One of our fellow students was killed this summer. In an event that made headlines across the state, Stephanie Schmidt was first reported missing, then nearly a month later found murdered in rural Cherokee County, only a few miles from Pittsburg.

The entire community mourned her death, as it seemed so senseless and preventable; the man who confessed to raping and murdering her only three days before her 20th birthday had only recently been released from prison, where he served 10 years of a 20 year sentence for the aggravated sodomy of a community college student in 1982.

Stephanie worked at Student Publications last year. I didn't have to know her well to know that Stephanie Schmidt was a very real and genuine person, a quality often lacking in people today. She was sweet, quiet, and unassuming. While she was unique in her personality and character; she was like so many students at PSU. She was a part of the community, typical of many of us.

Her death was so traumatic in part because she was so much like me, so much like my close friends, so much like all of us.

The horror and reality of her death removed a thin veneer that separated us from the crimes typically expected in other parts of the country. We no longer can protect ourselves with the myth that rape and murder happen to someone else, somewhere else, away from here.

And I liked that myth. It made me feel safe, like when I was a child, and I would be afraid of monsters in the closet, I would cover myself up with my blanket. No blanket was going to protect me from the monsters, but I felt better.

Stephanie's murder stole our blankets from under our chins.

***Stephanie's
murder stole our
blankets from
under our chins.***

***Our comfortable
ignorance was
ripped away,
and we saw how
terrible life
can be. And we
saw how
horrible
death can be.***

Our comfortable ignorance was ripped away, and we saw how terrible life can be. And we saw how horrible death can be.

Stephanie's murderer stole from us a beautiful person. There are many on this campus more qualified to eulogize her, and many whose personal pain I cannot pretend to know or understand.

Most would agree that the death of a young person is always tragic. Particularly so when the death is so sudden, so incomprehensible as this was.

A line from a television re-run I watched recently clearly expressed, "Death is the state in which one exists only in the memory of others."

I am determined not to forget; not to forget Stephanie, not to forget the legal loopholes that allow innocents to be victimized, not to forget the sorrow I feel for her family and friends.

If we forget, we allow her death to become more tragic. For if we forget, we will allow this violation to happen again.

In remembering her death, I want to be careful to remember her life, for that was Stephanie's contribution to all those who knew her. More than 400 students, administrators and community members attended a candle-light vigil for the memory of Stephanie's life. It allowed us to talk about her, to talk about our fears, and most important of all, it allowed us to cry and express.

We cry because she should be alive. She should have started classes with us yesterday. We should not have to remember to appreciate Stephanie, she should be with us.

Because we cannot understand, because there is no justice to this event, we owe it to ourselves to remember. We owe it to the Stephanie to remember. Our memories are the only place on earth that Stephanie can still exist.

In our memories, in our hearts, she will never be violated again.

Angela Wilson
Chanute, Kansas
Reprint of an editorial
from the PSU Collegio



MISSING STILL-35

4-35

Friends Forever

As night sets before our eyes,
the dawn of a new day will give rise.
Stephanie's memory will remain;
seen in the sun, moon, stars, and rain.
She was a friend, daughter, and sister,
Oh God, how we miss her.
Certain songs ring in our ears;
how they seem to always bring tears.
She thought she was small and befriended by few,
If she only knew . . .

Her birthday we will celebrate year after year,
so she will know she is still very dear.
We think of her laughter, smile, and hair
with which no one could compare.
She was unique, compassionate, and sincere;
always ready to lend an ear.
Now it is time for us to move on;
but her memory will never be gone.
As life's path twists and bends,
please let Stephanie know
WE WILL ALWAYS BE FRIENDS!

Brian Cullen
Zeta Iota Chapter
Sigma Chi Fraternity



*Her positive outlook on life and smile
will always be a source of inspiration.
Her spirit is with all of us and her smile
will live in our hearts forever.*

Trish Hollenbeck
Reporter for Pittsburg Sun

*The memories you have of your
beautiful daughter can never be taken
away.*

Donna and Jim Townsend
Shawnee, Kansas

*I know I have to be among many who
will not be silent about this situation. I
only wish our awareness had not come
at the expense of an innocent young
woman. It is so senseless and unfair.*

Cheri Freshwater
Leawood, Kansas

*It seems to us she has left a vibrant,
inextinguishable legacy, in her family.*

Don and Mary Bush
Leawood, Kansas

*Stephanie
was a
beautiful
example of
what we all
hope our
children will
grow up to
be. She
touched
many lives in
such
wonderfully,
positive ways.*

*The Crabb family
Leawood, Kansas*

*No one can
explain why
these terrible
things occur,
but I frequently
pray that the
memory of
Stephanie's
beautiful smile
will, over time,
help to fill our
hearts with
peace and
comfort.*

Carole Barnickel
Leawood, Kansas

*The angels must be weeping with us. Our
hopes have been dashed and our minds and
hearts are so full of revenge and bitterness
over Stephanie's tragic death.*

*How much I would like to have met her. But
even though we never had the opportunity, I
feel like I know her and I grieve for her and
for her family.*

Janis and Rocky Smith
Joplin, Missouri

*We didn't know Stephanie but as members
of the community in which she lived—we
shared your fears. This tragic event has
touched our lives and the lives of our three
children in ways we may never fully
comprehend. Heaven has gained an angel.*

Wayne and Kathy Cichon family
Pittsburg, Kansas

*I hope it may be some small, comfort to
know that even people from long ago, who
never met or knew Stephanie miss her.*

Mary Engleman Kemmer
Wichita, Kansas

Not all of us were blessed with a personal knowledge of Stephanie Schmidt; but because of the tragic end to her life, we all know her story. How many of us felt our hearts drop each time our eyes fell on the missing posters featuring her, which were plastered all around our town in hopes of her recovery? And how many of us wished to God that we had within us the power to deliver her safely back into the arms of her family?

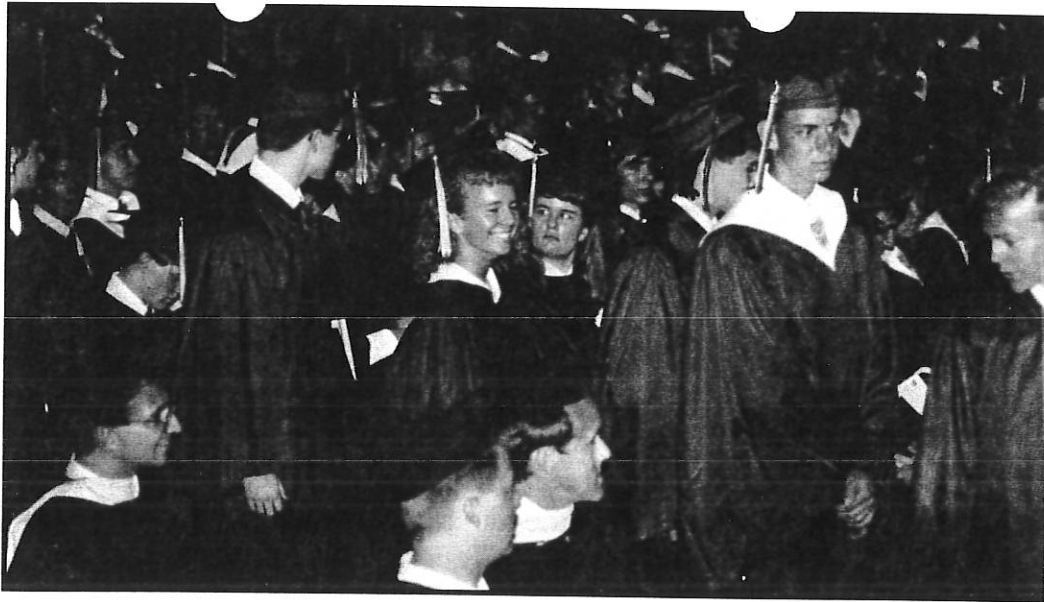
May none of us forget Stephanie and her family's suffering. As months and years go by, making it all too easy to push their pain from our consciousness, let us remember to never forget them in our prayers.

But more than that even, let us find joy in our hearts toward the Schmidt family, for having had Stephanie for however short a time.

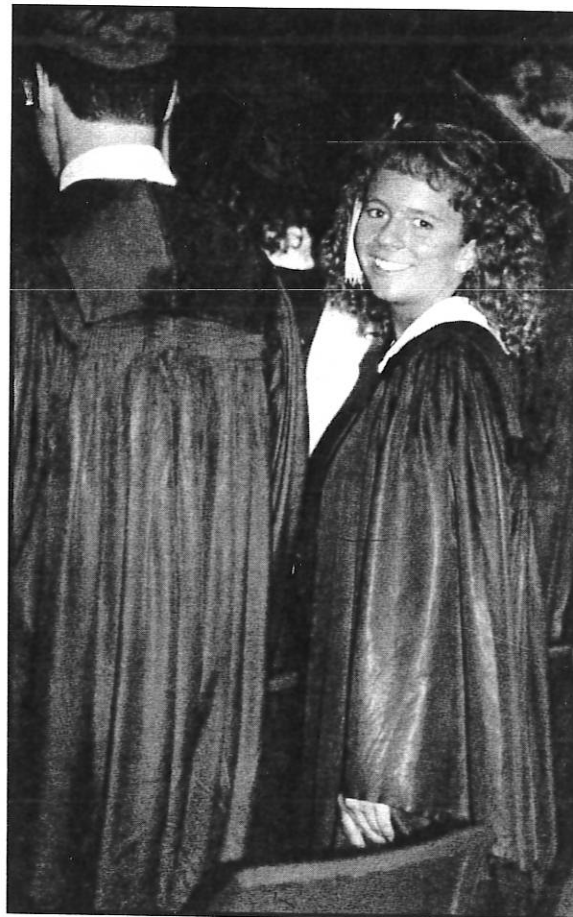
Make a silent promise to them that you will never forget their angel-child, then keep that promise...and pray with all your might to ease the suffering of their souls.



B. K. Kissane
Pittsburg, Kansas



Stephanie's smile even stood out in a crowd and when she was with her parents or friends. Graduation photos were taken May 18, 1991. Far left, Peggy and Steph at a Hy-Yee Christmas party and dance December of 1990.



MISSING STILL-40

Dear Stephanie,

I've searched my memories many times over, trying to pinpoint the exact moment that we met. I'm not sure why its so important to me, but it is. Nevertheless, I do remember you well, and you have impacted my life.

I remember your smile. Your smile could make anyone feel better. And you always knew when to smile. I knew that you could tell when someone needed cheering up. This seemed, to me, important to you, to cheer people up when they needed it.

I remember how in the period of a year, you went from an individual who was confused, like so many freshmen in college are, to someone who was developing a sense of direction. Someone who was enjoying every facet of being a college student.

I remember that when you were asked to describe yourself in ten words—a very hard assignment at that—the first thing you wrote was “happy.” And, as always, you made me smile when I read that.

You always seemed to be concerned about the well being of everyone around you. I remember thinking

that you were able to make friends so easily, and that everyone liked you.

I remember that love was very important to you. You talked often of the love of your family and the love of your friends, and how much that

***I remember your smile.
Your smile could make
anyone feel better.
And you always knew
when to smile.***

meant to you. It always seemed important to you that you were there for them, as they were for you.

I want you to know, Stephanie, that the love has not died. I believe it has only grown stronger. And though it is no longer possible to share that love directly, it will never go away. Your presence will always be felt.

Stephanie, I'm truly sorry about what happened to you, and I will miss you.

Julie Allison
Stephanie's Advisor
Pittsburg, Kansas



NANCY LANDON KASSEBAUM
KANSAS



United States Senate
WASHINGTON, D. C.

Dear Gene, Peggy, and Jeni,

My deepest sympathy in your tragic loss. My thoughts and prayers have been with you these past difficult weeks.

I have endeavored to learn more about Stephanie's case. As you are well aware, under Kansas law, unless a prisoner has serious disciplinary problems, he must be conditionally released after serving only half his sentence (in this case ten years). It is my understanding that the state legislature had only recently cut the conditional release date back to one half of the sentence to, among other things, relieve prison overcrowding.

I can only begin to share your outrage. It seems that time and time again we protect the constitutional rights of criminals at the expense of their past and future victims. I raised this issue with Attorney General, Janet Reno and law enforcement leaders in Wichita this week. There was acknowledgment all around about the problem.

While this is a state legislative matter, please know I'm deeply concerned and will continue to talk to Kansas lawyers and law enforcement personnel. I believe we must expand "bootcamp" facilities for first time juvenile offenders, separate them from other criminals and do a far better job of keeping in prison those such as Gideon who should never be released.

We must bring sanity and discipline to our criminal justice system. I will do all I can to try and be of help. Please let me know if you have suggestions. I will keep in touch.

With my warmest wishes always.

The above letter has been typed from a
handwritten letter dated September 3,
1993.

Stephanie Schmidt was a student at Blue Valley North, where she graduated in a class of high achieving students with loft goals to leave the world better than they found it. Stephanie was the type of student who would light up the classroom and have a personal magnetism that made teachers smile when rosters of a new semester would be distributed to the teachers.

Rudy Papenfuhs, Ph.D.
Stephanie's Principal,
Blue Valley North High School

Stephanie's death will not be in vain. Many sweet girls like Stephanie will, sadly, have to be less trusting, but, happily, more safe.

Emmy Fite &
Leatha Bolinger
Pittsburg, Kansas

Sometimes when such a tragedy hits home, we wonder what good could possibly come from it. But by the grace of God, it does. Something has to be done about the violence in this country.

Sandra Pfeifer
Overland Park, Kansas

When I thought I would see a beautiful family tragically broken, I saw a family strengthened.

Kimberly Werely
Overland Park, Kansas

Stephanie touched my life and I doubt very much she even knew it. I remember her first as beautiful. Beyond her beauty there was just something about Stephanie that tugged at my heart, and I didn't really know why. I would watch for her to come into

***We would make eye-contact;
smile. That was it. I watched
for her and waited for her smile
and somehow felt settled.***

class (usually almost, but not quite late). We would make eye-contact; smile. That was it. I watched for her and waited for her smile and somehow felt settled. Maybe that makes sense, I'm not sure. Maybe she touched a lot of lives in that way. That is how she touched mine.

Stephanie was a beautiful girl with a whole life ahead of her. Her death was a tragic loss to a lot of people in our community.

Christine Vilela
Pittsburg, Kansas



THE WHITE HOUSE

WASHINGTON

September 22, 1993

Mr. Gene Schmidt
3416 West 122nd Terrace
Leawood, Kansas 66209

Dear Gene:

I was shocked and saddened to hear of the death of your daughter, Stephanie, and I extend my deepest sympathy.

As a parent, I understand your pain and your frustration with the violent crimes that threaten our communities and destroy our families. I admire your efforts to cope with your grief and to honor Stephanie's memory by helping to prevent similar tragedies.

I am working to protect our citizens and strengthen our criminal justice system so that violent criminals receive punishment commensurate with the crime they inflict.

My heart goes out to you and your family. You are in my thoughts and my prayers.

Sincerely,

Bill Clinton

There are so many things I'd like to say that I don't know where to start. I don't want to have to say good-bye. I always thought we had so much time left. I want to thank you for all the joy our friendship brought me.

You always warmed my heart with the joyful spirit and smile. You always made me feel special. You treated everyone you knew with love. You always found the good in everything. You tried to overlook the bad. You

A friend like you is as special and rare as your laughter and your curly hair. I'll never forget the times we've shared. I'm so lucky to have had you as a friend. I'm thankful to God for having known you.

accepted everyone for who they were. You loved everyone unconditionally. It's difficult to let go of something so special.

A friend like you is as special and rare as your laughter and your curly hair. I'll never forget the times we've shared. I'm so lucky to have had you as a friend. I'm thankful to God for having known you.

You've touched my life and made me a better person for having known you. You've taught

me that it's more important to relax and take it easy. You certainly knew how to do that. You never exerted more energy than necessary, except when shopping. You definitely lived your nineteen years to the fullest, enjoying every minute. We all need to learn how important it is to do that.

All we have left now are memories. Someone once said, "I always knew that looking back on the times we've cried could make us laugh, but I never knew that remembering the times we've laughed could make us cry." I know now how true that saying is. You gave me this card and now I want to say the same things to you—

*"Special" is a word
that is used to describe
something one-of-a-kind
like a hug, or a sunset
or a person who spreads love
with a smile or kind gesture.*

*"Special" describes people
who act from the heart
and keep in mind the hearts of others.*

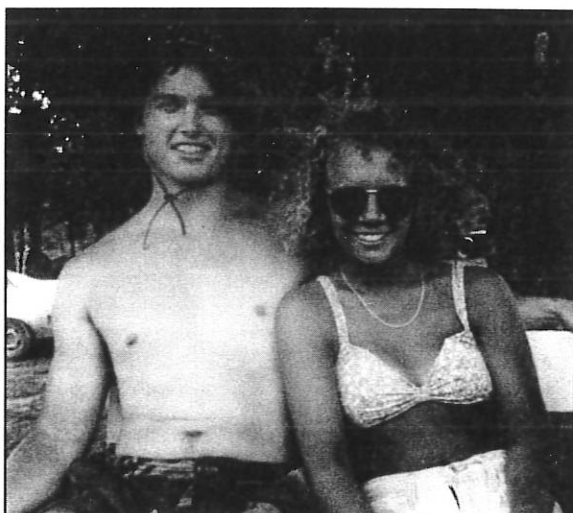
*"Special" applies to something
that is admired and precious
and which can never be replaced.*

*"Special" is the word that best
describes you.*

Steph, I'll never forget you. You will always live on in our hearts. I'll always love you.

Your buddy,
Kelli Gariglietti





Stephanie's first time at "roughing it" on a Sigma Chi canoe trip. It gave her a chance to provide "expert" instruction to Matt Schicke on how to steer a boat.

Pictured at the right is Shannon Marsh, who along with a number of other girls also ended up at Amy Speck's Grandmothers to clean up. None of them were big on brushing teeth and eating breakfast in the great outdoors. Far right close up of Matt and Steph for the Canoe Trip. The following Monday she told her parents that it was the best time she ever had and wanted to go Canoeing every weekend.



MISSING STILL-48

Dear Stephanie,

I would like to begin by thanking you for all of the things you showed me while you were here with me. I never knew how going to the mall could be such a stressful time and could also be a day long saga.

For that I thank you.

I never knew how one person's smile could reach out and touch so many people.

For that I thank you.

I never knew how a person with caring hands and a warm heart could change a persons life.

For that I thank you.

Stephanie I thank you for all of these things which you have shown me. I still have yet to mention your greatest attribute. It is the backbone to all of your intentions and is your greatest asset. It is love. The greatest of all of these is love. For that I thank you with all of my heart. I will never forget you Steph.

Love,

Matt Schicke



I am sorry I never had the opportunity to meet and know Stephanie, but I will never forget her. I talk about her often to my co-workers. Many of us [women] don't trust men quite as readily as we once did before Stephanie disappeared. Many of us wouldn't even accept a ride home with a male associate from work. And, each and every one of us [women] are more cautious when we leave the store late at night while walking to our automobiles. I am constantly reminding other female associates to please be careful, look over your shoulders, carry your keys as a weapon, lock your cars, etc.

*...I have asked God
over and over
again the same
burning question,
"Why?" The
answers have yet
to come for me.*

Often times, no, many, times, I've thought about Stephanie and tried to imagine her last minutes of life. I've tried to sort out this terrible tragedy and have asked God over and over again the same burning question, "Why?" The answers have yet to come for me.

Sandra Kolb
Pittsburg, Kansas

I didn't know Stephanie personally but I have a bond with Stephanie's family for I

***Let us speak out,
for Stephanie, for
the world, our
world. If we
don't, then that
would compound
the tragedy....***

have known loss and grief. I am writing because if I don't acknowledge Stephanie, her life, her contribution, her death, and the void she leaves than I am as guilty as the rest who are afraid to speak out against injustice, the unnecessary taking of an innocent life, snatched out, taken away, irreplaceable. We have become desensitized to such senseless victimization in so many ways. Yes, we all have to go sometime but

we do not willfully seek to be extinguished. Yes, life is never so precious until it is nearly snatched away, but for Stephanie's family there will never be a day she is not remembered, missed, and mourned.

Let us not become so accepting of such meaningless acts of violence and unnecessary deaths, that we, just by our silence, our helplessness in a sense, condone it, allow it. Let us speak out, for Stephanie, for the world, our world. If we don't, then that would compound the tragedy of a young woman, attractive, vibrant, glowing, and healthy, becoming just another statistic. There are people behind those numbers. People who belong to other people, who have families, significant others, who make a difference, impact peoples' lives.

Farewell, Stephanie.
Dorcas Sutton
Pittsburg, Kansas



Leawood Middle School

"an Exemplary Middle School"

Speak Out For Stephanie

During the dozen-plus years in the existence of Leawood Middle School thousands of young people have shared, learned, and grown together in this supportive school community. Hundreds of young transescent students have matured toward adulthood in this environment. We have been blessed with many outstanding youngsters. None has made a more significant impact than has Stephanie Schmidt.

Stephanie Schmidt spent but a short time in our school community. However, Stephanie's good natured attitude and her ever-present smile will always be remembered at Leawood. Her short life on this earth will always be cherished by everyone who knew and admired her and by others who were not fortunate enough to have met her.

It is my hope and prayer that Stephanie's tragic loss will prove to have a significant impact in our society. I know I speak for all in the LMS community when I suggest that we "S.O.S." - *Speak out for Stephanie* and speak out for the Schmidts.

Jim Hill, Principal

2410 W. 123rd Street

Leawood, Kansas 66209-1214

913-345-7400

Blue Valley Schools "growing with pride"

Fax 913-345-7406

Our community of Blue Valley North has lost an important young woman from its alumnae. Stephanie Schmidt, a graduate of Blue Valley North in 1991 will be remembered by her smile, her energy and her spirit. We have a different connection with her now, she is still with us, with Jennifer, and her mother and father, and her friends.

weather the fall and winter winds, and renew its colorful beauty in the spring and summer seasons. We can make our way through the dark clouds of grief and anger and return to life with a different perspective of the world, yet still growing, still renewing ourselves, empowered by our experiences.

We were blessed to share part of

This tree we plant into the mother earth will carry with us a symbolic reminder of Stephanie. This tree is here to honor and celebrate Stephanie's life. The tree will bring to us memories of Stephanie, sometimes it will be painful, sometimes the memories will feel gentle and warm.

This tree we plant into the mother earth will carry with us a symbolic reminder of Stephanie. This tree is here to honor and celebrate Stephanie's life. The tree will bring to us memories of Stephanie, sometimes it will be painful, sometimes the memories will feel gentle and warm. Respect your special needs in these places as you would for this fragile young tree facing winter's harshness. Let it be a reminder that we can keep our faith for continued growth as we slowly pass through the seasons of grief.

This young tree must be nurtured until its roots have found its firm foundation, much like ourselves during these difficult times. Our new tree in Stephanie's honor will

Stephanie's life, we have memories to hold us to. Keep her in your hearts as a survivor. The spirit of Stephanie will always be with us in this symbol, through this living form. It is a tree of life, of growth, of renewal in our faith that we will continue.

May Stephanie's love for life be a part of us always.

Louanne Hein, one of Steph's teachers at Blue Valley North HS, From a speech given at a memorial tree dedication, from the Classes of 1991 and 1994.

...We may need to pray to God for forgiveness as we experience guilt in this tragedy.

How could we allow a system that would permit this to happen? How could we not be more aware of what laws are? Perhaps a God that brings something good out of something that is not, could make a change in that area.

All of us need to express our sorrow and sadness and we need not apologize for our tears. Jesus wept at the death of his friend. So, too, many of us are affected.

Tears come easily to those who never knew Stephanie.

I can even imagine how the whole universe is somehow wounded by this tragedy.

We are hurt, and we want God to know about it.

But, of course, God already knows, and God is hurt probably more than us.

Taken from a eulogy for Stephanie
by Rev. Tom Blakley
First Christian Church Minister
Kansas City, Missouri

Living through the hell of not knowing where or how Stephanie was is unimaginable. The tragedy of her death sparks anger at the judicial system. This just should not have happened. Nothing is so unfair as for a parent to outlive a child. Tragedies like these make us all question so much.

Lynne Mosman
Overland Park, Kansas

I feel Stephanie belonged to us all...your grief is our grief...such a beautiful, bright star who brought joy and thoughtfulness to her friends and neighbors. There can be no answers to our questions now.

Manuel and Luanne Arias
Renton, Washington

Stephanie was among the best. That is what I struggle with. Why, so young, so sweet, so innocent, why? Questions will remain unanswered for as the Bible tells us, 'now we see in part' and our finite minds can not comprehend the infinite. I suppose that's how it's meant to be.

Ann Keltey
Leawood, Kansas

***It's so awful
to know that
there is so
much
violence in
our country
and this
didn't have
to happen.***

Marty and A.J.
Holmquist
Smolan, Kansas

The last words Stephanie ever said to me were with tinkling laughter and her special little giggle: "Yes, Mom!" she said over the phone....

Several PSU students along with Stephanie and my daughter, Amy, went canoeing the weekend before Steph disappeared. Before leaving on the trip, Amy called to say they would be leaving, and I asked to talk to Steph in order to pass on some advice from her mother. Peggy had said, "Don't go in the water if the river's too high. Be sure to wear your life jacket. Be careful, and don't do anything foolish."

She giggled and laughingly replied to my admonishments, "Yes, Mom." I guess in my mind's eye, I will always see her sparkling eyes and hear her tinkling laughter whenever I hear those two words spoken together. How I wish she were here to say them to me again. I miss her and all the special times that she and Amy would have shared together.

Sue Speck
Lenexa, Kansas

I met Stephanie my freshman year at PSU. She was always smiling, joking around—always making me laugh. I remember one night after studying she, Kelli and I went to the Jehovah's Witness church and told them that Stephanie and I had just been married and wanted to join their church. It was little, crazy jokes like that that made her such a fun person to be around.

Besides always making me laugh she was also one of the most

She always saw the positive side of things no matter what the situation. I honestly believe that she was a true gift from God...

caring, trusting people I've ever met. After my freshman year at PSU I decided to transfer schools and was scared to death. It was Stephanie who was always checking up on me, asking me how things were going and making sure that I was doing okay.

She was always there when I needed anything. She always saw the positive side of things no matter what the situation. I honestly believe that she was a true gift from God and that she is watching over us in heaven just like she watched over us here on earth.

Kyle Fleming
Fremantle, W. Austrailia

*Stephanie does not want us to ever stop
laughing—
She gets that from her dad.*

*She does not want us to ever stop
caring—
She gets that from her mom.*

*And she wants us to
never give up...
This is what she is leaving with Jeni.*

*Chris Hill,
Lenexa , Kansas
From his eulogy for
Stephanie Schmidt
August 2, 1993*

Stephanie wrote in a school paper that her goal in life was to bring happiness to the people she is with. It is very obvious to me that she lived the life she planned for herself. Since her death I have met some beautiful people who will always remember the joy Stephanie brought to their lives.

The shock of Stephanie's death is still with me. It is beyond my understanding why this happened to such a beautiful person. She will always be missed and her memory will live in all of us until our own death.

Stephanie's death has made me rethink my own life and what is most

Stephanie's death has made me rethink my own life and what is most important to me. I have five children and have always loved them very much.

important to me. I have five children and have always loved them very much. When I see my children now, I only see what a beautiful gift I have been given. They know I have changed too. The only thing I want them to know is how much I love them.

Family and friends are the focus of my life. The hours I

have spent with Stephanie's family and friends have greatly enriched my life. The bond that has been created in this community and the state of Kansas would not have been possible without the love and courage that we have all seen coming from Gene, Peggy, and Jeni.

Stephanie's memory will live with us because of the beautiful person she was. Stephanie's memory will live with us because her friends will never forget what she did for them. Stephanie's memory will live with us because her mother, father, and sister will treasure the moments of joy and all the love she gave to them.

Stephanie's memory will live with us because there are no tears in heaven. She will be there smiling and greeting us when each of us join her.

Jim Blaufuss
Lenexa, Kansas

Stephanie was beautiful, bouncy, and bubbly; full of life and the joy of it. She radiated her love for life to the people around her—family, friends, parents of friends, and her co-workers. When I think of Stephanie now, I can see her walking into Hy-Vee (where she worked with my son Mike, one of her classmates) or out with her family, always smiling, and greeting us with her inward beauty. I miss her and think of her everyday.

When Stephanie was taken, we all lost. Not only do I feel a hurting anxiety from her loss, but am emotionally appalled, angered, and shocked, that such a beautiful young lady and her family should have to experience such a tragedy.

For those of us who are close friends of the Schmidt's, we can only care and love them, and yet feel so helpless in knowing that we cannot stop the pain they will always feel, for their Stephanie. Therefore, we must do other things in Stephanie's memory to make up for this inadequate feeling. I have pledged to do all I can to change the criminal laws in the State of Kansas, so that at least our loss of Stephanie may create an awakening in our society and all around this country, that laws have to be changed to prevent this from happening.

May we all "Speak Out For Stephanie" forever.

Linda Lister and Family
Leawood, Kansas

The month of July was the longest month of my life. From the first phone call until my mom came to my work and told me Steph was gone... forever. So many long days and even longer sleepless nights. It was so painful—the waiting. It is a pain that no one should ever have to feel. Steph was my best friend since our freshman year in high school. I have years of memories of us ... she was the friend that I did everything with, & told everything to.

Shannon Marsh
Leawood, Kansas



MISSING STILL-61

4-61

Stop the Violence

A prayer by Roland Taylor

No Grief can match the grief I bear
For all the Stephanies everywhere.
We are lost and beyond repair,
If we cannot Stop the Violence
Here and there.

Love and concern for your fellow person
That's the solution and that's the answer
Help us God to find a way
To Stop The Violence and Stop It Today.

Dedicated to the memory of Stephanie Schmidt

Roland Taylor
Dallas, Texas

*Stephanie was a beautiful,
vibrant young woman, and
we feel such anger at her
senseless death.*

*Our society has surely failed
us when sweet, innocent girls
are taken from us so
brutally.*

Rex & Vicky Howard
Overland Park, Kansas

Anne Peters family
Simpsonville,
South Carolina

I didn't know Stephanie personally but I am a Pittsburg native, and she had waited on me and my family several times. The last time was the week before my wedding—she was so pleasant to be around—very personable and a lot of fun to visit with. The personality of Stephanie touched us—as we know she touched others in so many different ways.

Rebecca Downing
Pittsburg, Kansas

As we have two daughters, we worry constantly about the confrontations and dangers females have to deal with everyday.

At the same time, we have to let them live, explore, and experience what life throws at them, knowing that living a full life is a risk. We have children not only to perpetuate our families, but to add happiness, meaning, and purpose to our lives. They really are God's children and the only thing we really own with our children is the memories and happiness they bring us.

Porter B. Guttery
Overland Park, Kansas

We have all been touched in some way by the tragic, untimely death of Stephanie ... We should not allow ourselves to forget Stephanie, as our State begins making strides to better protect the innocent from this type of senseless victimization. For her sake, your sake, and your children's sake and safety—be aware of the actions being taken and stand up for what you believe in... Stephanie didn't have that chance.

Taken from a Millers Color
Photography newsletter,
Pittsburg, Kansas

A reporter's job is to find answers. But sometimes finding them leaves more questions. Covering part of the Stephanie Schmidt case brought up a host of questions for me.

A few days before Stephanie's body was found, I interviewed her parents, Gene and Peggy Schmidt of Leawood, for 2 1/2 hours.

We'd met before, at a counseling session at Blue Valley North High, and they were open and gracious. Still, I was nervous before the interview on Friday. Was I prying? Would they resent it? Would there be a scene? Should I phrase questions about their child in the present or past tense?

Gene told funny and sweet stories of his oldest daughter. Peggy's eyes went dead. Then Peggy spoke and Gene's eyes went off in a similar gaze. Were they reliving in their hearts the stories as they unfolded? Were they merely exhausted—Peggy had said she gets up at 3AM many days—or were they in awe of how fragile life can be?

I left the Schmidts feeling like I wanted to cry. No, I thought, I'm an objective reporter. And reporters keep an arm's length away from their stories. Why, then, did I feel the tears welling in my eyes?

Maybe this case hits close to home. I, too, am in my 20's. I, too, have worked at restaurants and I, too, meet people from the rougher side of life.

So, should we learn to be more aware? Not go out at night? Be less trusting? I can hear my mother telling me the high school curfew was for my own good. I hear her saying, don't go here and there—it's dangerous. She worried about me walking to the car after work at a Plaza restaurant, my pockets heavy with tips.

Sure, I listened to her, but there comes a time when you have to trust your instincts, right?

At K-State I made and trusted friends, including a guy who was under house arrest one summer for getting his third DUI—at least that's what he told me. I believed him. Nothing my folks or friends said changed my opinion of him.

But should it?

*So why did
she draw the
black marble,
not I?*

Should we be afraid? How long should we hesitate as we welcome new friends into our lives?

Should we resign ourselves to the fact that tragedies occur? What happened to Stephanie could happen to any of us.

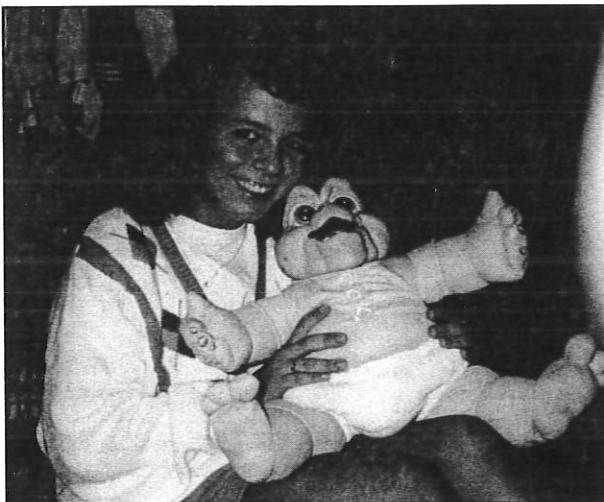
So why did she draw the black marble, not I?

Christine Vendel
Staff Reporter for
The Kansas City Star



When I think about Steph, I always remember how hilarious she was. She always tried to include everyone. She was such a great friend and I'll never forget her.

Kara Taylor
Leawood, Kansas



Stephanie's smile will be forever imprinted in our hearts and on our minds. There is a better world beyond, and no doubt Stephanie is lighting it up just like she did here.

Star and Sky Rhoney
Overland Park, Kansas

Even though Stephanie is not with you today, I truly believe she can feel the love in your family. Most of all, Stephanie will always be alive in my heart. When I think about Stephanie, I see her smile and outlook on life.

Jamie Braklow
Overland Park, Kansas

***Stephanie was
such a love
and will leave
a void in our
world.***

Genevieve Speck
Osawatomie, Kansas

Our laughs, our private talks, our goofy voices, and even the times we cried will always remain deep in my heart. As each day passes by your memory remains in my mind. I feel as though you are now my guardian angel who takes care of me from above.

Gertie Gurera
Kansas City, Missouri

I, personally, got to know Stephanie. She was always our favorite waitress, and I always enjoyed her pleasant disposition and warm smile. I will never forget your sweet Stephanie—and I plan to get involved in local efforts to change the legislation.

Teresa Hamilton
Pittsburg, Kansas

The loss of Stephanie has touched each and everyone of us.

The Howard Clark Family
Overland Park, Kansas

Why, as Kansans and Americans, must we be afraid to drive at night in our once-safe neighborhoods? Why must we live in fear for our children's lives? How much longer will we have to turn on the television and watch one more horrifying episode of "America's Most Wanted," "Rescue 911," "Unsolved Mysteries," or even the 10:00 news? I believe with all my heart that we have the power to cut down on the violence in our neighborhoods. I realize that there is not an overnight solution, but we must start somewhere.

Kathy Hajinian-Collins
Lenexa, Kansas
from a letter written
to Senator Nancy
Kassebaum

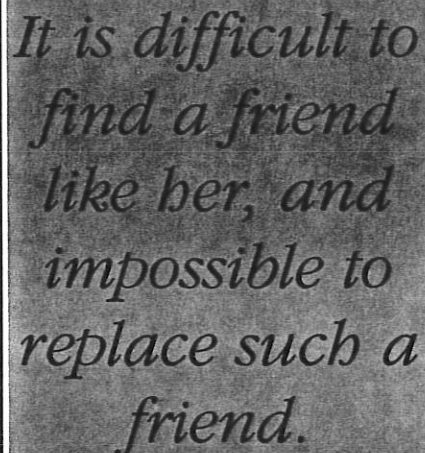
Although I met Stephanie only three years ago, I still find something or someone that triggers those special memories she and I shared. She became an integral part of so many who shared the unique experience of attending PSU. There was homecoming, those date dashes with the pre-party at the "Love Pub," her favorite country songs, her vocalizing with "Friends in Low Places," her great laugh, her ability to shop for hours, and those times when she would be with you to just listen.

She had a wonderfully natural sense of knowing when to listen and when to offer that special advice that only a great friend could offer. It is difficult to find a friend like her, and impossible to replace such a friend.

Consequently, you learn to carry her uniqueness in your heart. In her memory you promise yourself that you will pass on that same incredible friendship to others. You make a promise to live up to her standards of caring. And you hope that someday, you too, can offer that insight, that special knowing, and that special ability to make everyone else feel important.

Let us all make that promise to her. Promise to walk in her footsteps daily, and make those same changes she made in leaving this world a lot better than she found it. I know I will make that promise—because she would have, too.

Eric Rittenhouse
Overland Park, Kansas



*It is difficult to
find a friend
like her, and
impossible to
replace such a
friend.*

Stephanie's family
You should never
ride with strangers
until you know them
She will always be in your
heart from Mandi
Seibert



Mandi is a beautiful little girl who never met Stephanie. Yet, when Steph was missing, Mandi climbed a tree with a young friend, and looked through her plastic binoculars trying to help find Stephanie. Mandi's beautiful letter served as an inspiration and influence in the design of the S.O.S. logo.

The untimely death of any child is devastating. But that devastation is increased many times over when the death is the result of violent crime. Further devastation is felt and strong feelings of anger arise when it is evident that the crime could have been prevented.

Because of our antiquated legislation, Stephanie can no longer speak for her self. Instead, she represents every child, every young adult, and more especially, every woman: all of whom are crying out for help from sex crimes. When the letters, "SOS," are transposed, they form an acronym for **"Stop Sex Offenders."**

Consequently, we have designed a logo which exemplifies that cry for help: **"S.O.S."** The dominance of the **black** background symbolizes our continued grief and mourning for Stephanie Schmidt and everyone who has been victimized by violent crime—especially by sex offenders.

The **red** border symbolizes our outrage for this travesty and serves to remind us that our grief will remain contained by this outrage.

The **white** letters consist of two large "S's" (the first initials of Stephanie Schmidt) and a smaller "O." The purity of these letters serve as a reminder of the innocence and trust that led to Stephanie's death.

The **"O"** encircles a **red heart** and serves as a symbol of the circle of love that Stephanie extended to all who knew her and to all the love felt by those whose lives she has touched. Thus we have taken our plea for help and given new meaning to **S.O.S – "Speak Out for Stephanie."**

"S.O.S." will serve as a constant reminder of our objective to get the laws changed, the rights of law abiding citizens restored, and some common sense back into our courtrooms and judicial system.



Speak Out for Stephanie

MISSING STILL-69

4-69

WHEN I THINK OF MY FRIEND LITTLE STEPH...

When I think of my friend little Steph

I think of happiness

When I think of my friend little Steph

I think of her warm smile

When I think of my friend little Steph

I think of the sparkle in her eyes

When I think of my friend little Steph

I think of the amount of hearts that
she touched

When I think of my friend little Steph

I think of the times when she brought
little toys to the lunch or dinner table

When I think of my friend little Steph

I think of gigglish laughter

When I think of my friend little Steph

I realize that she is not so little

How can one be so little if they touch

So many hearts and lives?

FRIENDS ALWAYS !

Dan Wnorowski
Pittsburg, Kansas

Little did I realize when our parents introduced us shortly before our freshman year at PSU, that my friendship with Stephanie would become so special. Our parents had been friends during their college days, and were so excited that we would be sharing a PSU experience, too.

And, share we did—late nights discussing boy problems, wondering if we were going to be asked to homecoming, rides to Wal-Mart, our first experiences at cooking meals, and playing practical jokes on each other. Laughing and crying, and most of all having a wonderful time—just like our parents had hoped.

Hardly a day would go by that we didn't play some kind of joke or prank on each other. Sometimes it might be as simple as jumping out from behind a door to scare me, or a more elaborate plan of using her voice synthesizer on her keyboard.

One particular morning I stole her clothes while she was in the shower. I heard the water stop running and Stephanie shout, "Speck, I know it was you!" Not to be outdone, she ripped the shower curtain from its rings, wrapped it around

me and proceeded to run down the hall looking for me. What she hadn't expected was to see the entire 3rd floor of the dorm sitting in the hallway. We all laughed until we cried as she ran down the hall with her wild wet hair going every which way.

I laughed but I knew she would return the prank with even greater, but loving, humiliation for me in the near future.

Not a day passes that I don't see your smiling face, Steph, or hear the beautiful sound of your laughter. I feel your presence in my heart, and Steph, I love you.

I really miss her. I miss the fun times, the laughter and the tears, but most of all I miss the times that were yet to come. She was my buddy, my friend, and my own special "good luck troll."

Amy Speck
Lenexa, Kansas

MISSING STILL-71

4-71

To Stubby Toes

To my dear friend of stubby toes
with whom I laughed and flared my nose,
it is for you that I compose
this tiny little bit of prose.

From you I learned the finer things in life:
how to spread frozen butter with a knife,
and how to shimmy with giggling glee
down the frozen food aisle of Hy-Vee.

More seriously though I do confess
that I miss those times when you said,
"let's..."
I miss your laugh and your roguish ways
Steph, I miss you each and every day.

The memory though of your beautiful smile
stays with me now as does your compas-
sionate style.
Pureness. Sincerity. Warmth. Love.
These words you truly knew the meaning of.

Heather Haas
Overland Park, Kansas

As uplifting as the dawn of a new
Morning,
As determined, and persistent to
please her family
She was friendly to those she met.

Laughter, fun, an open-mind, she
had no prejudice of a person.
Her life was short, but whatever
she touched was blessed.

Stephanie Rene Schmidt was all of
these things in my eyes.
She was without a doubt a true
gift from heaven not only to her
parents, but to her friends and the
community.

We will never forget her, and we
will always love her...she truly
was a gift from heaven

Demetrius Thompson
Pittsburg, Kansas

*Stephanie touched many
lives and I am very happy
I got to know her. She
was one of my first
friends I met when we
moved to Kansas City.*

*I loved her curly hair! I
remember that I got my
hair cut and permed so I
could look like her. A lot
of people said we lookd
alike!*

*There were lots of good
times that Steph and I
shared. I hold those very
close to my heart.*

Michaela Dulohery
Leawood, Kansas

Dear Steph,

Without being selfish, I would like to say how much I miss you, but in fact I could be speaking on behalf of everyone who knows you. You remain a bright spot in many lives and you will never be forgotten. My life has been forever changed because of you. I wish you could be here. I can only imagine how much joy you brought to those who know you... We all love you!

Chip Garrett
Pittsburg, Kansas



Stephanie loved her car and took exceptional pride in it. She would have had it for one year on August 2nd, 1993, the same day of her funeral.

Even though I did not get to know her well, the memories I have of Stephanie will always be with me. She was a very special person.

Rick Khoury
Plano, Texas

The hearts of Leawood's residents are filled with sadness for your family upon the tragic & senseless death of your daughter & sister, Stephanie. May your memories of happy times with Stephanie sustain you.

Marcia Rinehart
Mayor of the City of Leawood
Leawood, Kansas



Office of the President • Pittsburg, Kansas 66762 • 316/231-2750

Stephanie Schmidt was a happy, fun-loving person who represented the best in young people today. She was also a part of our University family

Therefore, it is easy to understand why all of us feel such a sense of loss. Even those who did not know her well feel violated. In one senseless, brutal moment she was taken away from all of us—from our university, from our town, from our lives. Such brutality should not exist anywhere in a civilized society—and certainly not in Pittsburg, Kansas, or Pittsburg State University.

Unfortunately, we cannot change the past. However, by our positive action, we can hopefully change the future. Change it so that no other family will ever have to suffer the pain that the Schmidts have endured.

Gene, Peggy and Jeni have shown remarkable courage and determination at a time when most people would have given in to their grief. Granted, we cannot erase their pain. However, we can help. The greatest tribute we can make to Stephanie is to work for change in her name—to let everyone know she did not die in vain—that her life was and is precious to each of us.

Dr. Don Wilson

Dr. Don Wilson, President
Pittsburg State University

Thanks so
much for tak-
ing me out to
lunch and
for the outfit.
I enjoy seeing
you guys! I'm
looking for-
ward to com-
ing home
next weekend.
Thanks
again! I had
a lot of fun!
I miss you!

I love you
both,
Steph

6/25/93

The hand written copy
above is from the last
card her parents
received from Steph.
It followed her Father's
Day weekend visit.

June 1993 has become a very significant month in our lives. It was the last time we were a family of four; it was the last time to be with Stephanie and do the things we all enjoyed when we were together; and it was the last time we departed with the promise and hope of all being together again.

Father's Day was an emotional prelude to the mixture of sorrow, pride, and happiness that would come to a tragic head in just a few short days. Stephanie was deliberate in her card giving and frequently spent hours searching for just the right one. Who would have known the power of the words she selected that June? Although I have been moved to tears by other cards, this one held something extra and it was evidenced by that "special" smile Steph had as she proudly gave me the card that appears on the next page.

It contains the words that best express the summation of not only Fathers Day, but her feelings and recognition of the importance of family.

It is with some reluctance that I offer them here to the public—never before have I felt some one else's words to have come so directly from Stephanie. I have re-read it frequently—each time with many tears. Each time, the words from her Video song echo in my mind: ***"If I had only known it would be our last walk in the rain..."***

A dad brings strength and stability to the family and a feeling of security to life...he gives you a sense of values and self-worth, and a foundation of love to last a lifetime.

*The loving gifts you've given me
as a father have shaped my life
and made me
the person I am...*

*Your strong sense of values,
of fairness, of right and wrong,
are all part of me...*

*My outlook on life, my sense of humor,
my interests and talents...*

I can see you in them all.

*It makes me happy and proud
to know that the qualities in you
I love and admire so much are a
part of me.*

*You are always with me, dad...
in my thoughts, in my heart,
in the very fabric of my life...
you are always with me.*



All copy taken from a
Fathers Day card by
Ambassador Cards.
Photo of Stephanie and her
dad taken at a Sigma Chi
Homecoming Dance 1992.



Fallen

Baby cries, life is birthed
seed lies in the earth,
Babes reach for things to
know
seed looks for room to grow.

Child tree in its youth
Young tree growing roots
Child dreams of days to come
Young tree yearns for the sun.

Long days with time to burn
countless chances for one to
learn

No thought to what's ahead
life on earth, all things must
come to an end.

Tree

Flesh to dust, she's heaven
bound
Fallen tree returns to the
ground
Close your eyes and soon
we'll be
together there with Stephanie.

Stephanie, Oh Stephanie...
Close your eyes and rest child
we'll be there soon, home
with you.

Stephanie, Oh Stephanie
we'll be there soon...with
you.

1993 Paul Clark
Minstrel's Voyage Publishing Company
©ASCAP 1993
Written and performed by Paul Clark
for Stephanie's funeral and
graveside services

A SISTER

My childhood was a very special time in my life, thanks to Stephanie. My life got started out on a good note because Stephanie was my first friend - my best friend. We had our own special world together. We shared everything from secrets to clothes, and laughter to tears.

Stephanie has been the most influential person in my life. She was the one who taught me the important rules of life. The first rule is to have fun; the second rule is, to shop; and the third, and most important rule, always be a friend.

We were always having fun. I remember dancing to Sesame Street songs, racing each other on our big wheels, and playing on the swing set. Another way she taught me how to have fun was playing jokes on people, like cutting our baby-sitter's hair. Our more recent adventures were sliding down the stairs on a baby mattress, pranking our friends with the keyboard, teaching me how to two step, and shopping.

Stephanie has been the most influential person in my life. She was the one who taught me the important rules of life.

NEVER DIES !

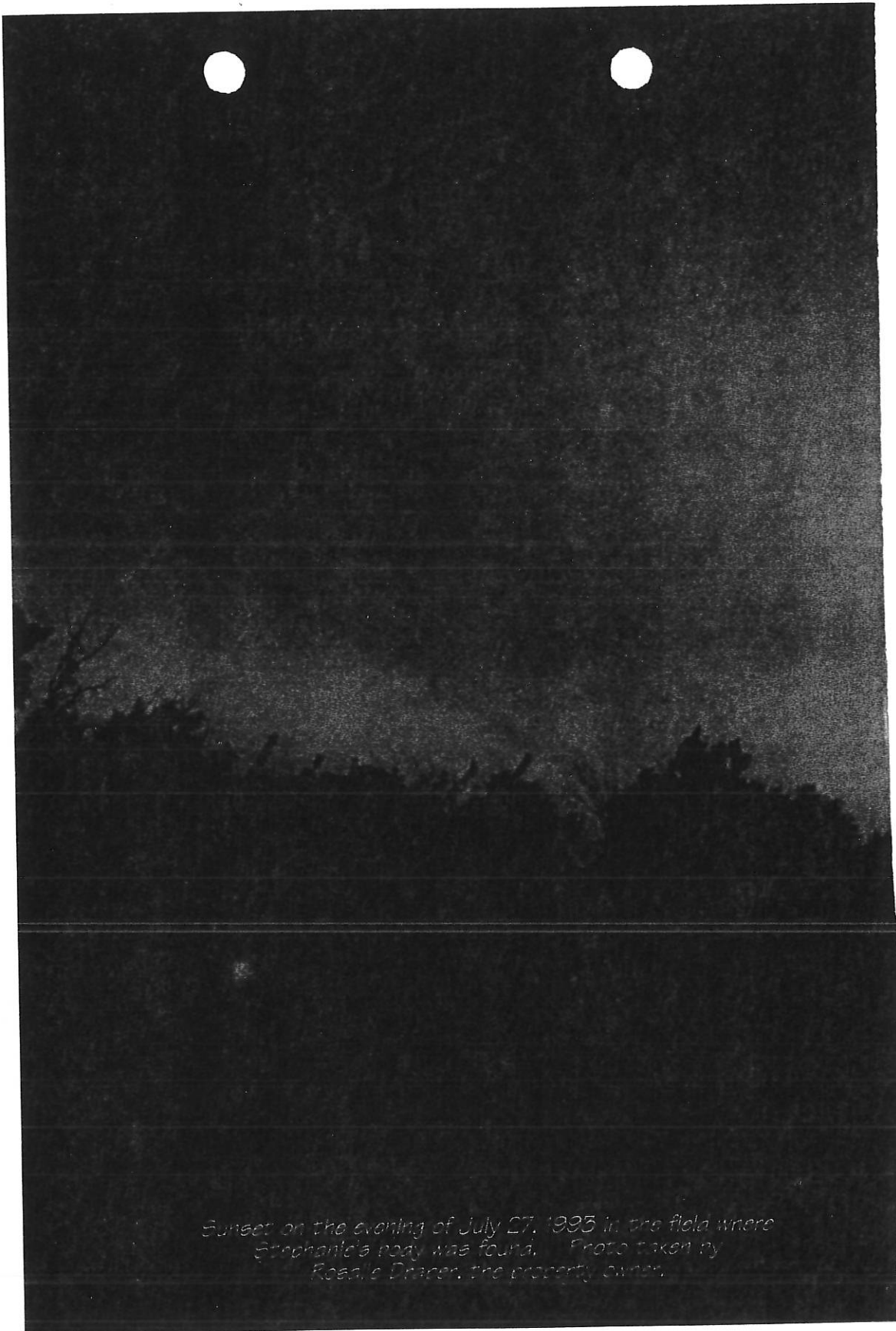
By Jeni Schmidt

But shopping was not only fun, it is the second rule of life! Never leave a mall without buying something— even if it is just a cookie! I will never forget how to shop, I learned from a pro.

And finally, the third and most important rule of life, be a good friend. If anyone knew how to be friend, it was Stephanie. Steph was the person who always tried to make you smile. She was the one who watched out for you. If anyone pushed you down, she was the one to pick you right back up.

Steph will always be my best friend. I can still count on her to make me smile, and I know she is watching out for me. I also know that when ever I am down, all I have to do is think of all the good times with Steph, and she will pick me right back up. I have many memories to cherish and I will never forget them. These memories will continue to live on because a sister never dies!

The first rule is to have fun; the second rule is, to shop ; and the third, and most important rule—always be a friend.



Sunset on the evening of July 27, 1995 in the field where
Stochanile's body was found. Photo taken by
Rosalie Draper, the property owner.

Something for
Stephanie

I came to lay a
flower at your tomb,
the place they found
your body, near my
home. As I stepped
into the wooded
chapel dome, I
smelled the sweet
aroma, of perfume.

I could almost see
your golden hair,
the color of the wheat
that grew nearby,
as sunshine pierced
the darkness of the
grove. I could
see the sparkle
of your eyes.

I could hear you
whisper through the
trees and as I
stood in wonder
at the sight, I
paused to say an
Ave' there for you
and somehow,
knew,
that you would be
all right.

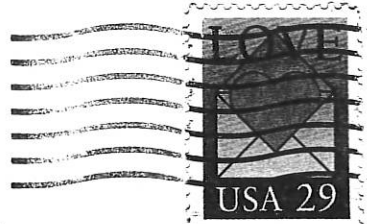
*Rosalie Draper
Weir, Kansas*

July 1, 1993

Dear Steph,

I had this really peculiar dream last night...both wonderful and disturbing. Ok...I can just hear you saying, "Kristi Fox is being off the wall again!" Anyway, I dreamed we had this big gathering...a party I suppose, at your parents' house in Leawood. I guess it's because your birthday is Sunday, ya think?

Kristi



Stephanie Schmdit
206 West Hudson,
Apartment E
Pittsburg, Kansas 66762

Anyway, you wouldn't believe how many people were there. I mean there were scads of 'em. All your friends from Pittsburg State were there at one time or another. I can't remember all the names, but I think some were: Amy...Alicia...

4-84

'Kara...Sarah...Ch... Lynn...Dana...Angie... do any of these names ring a bell? I think I also remember a Brian...Leslie...Kelli... Darron... Eric. And there was this one guy who was really sharp...Matt, I think. And there were a lot of our friends from back home, too. Shannon...Charles and Gertie... Richard...Michaela...Stephanie. Gosh, even a lot more than that. I just can't recall all the names.

Even many of your parents' friends were there. Connie...Debbie...Gloria...David... Carol. And some were neighbors..all of the neighbors it seemed. Kathy...Debbie... Sharmin...Mary... Connie...Sara... Ellen... Dee...Sheila. Geez, the whole neighborhood was there!

There were people there I didn't even know. Somebody said they were important people. Girl, if this dream means anything, then you've got a lot of friends...people who love you. A lot!

And if people didn't come by...they sent cards...bags full of 'em. You got 'em from little girls, senators and even the President of the United States.

Remember Chris Hill? Our boss at Hy-Vee? Yep, he showed up. Said he was the pizza-man now. Don't know what he meant. And a guy who said he was Santa Claus, but said he sold real estate during the off season. Jim Blafuss he said his name was. Paul Clark came up from down the street and was singing this really cool song in your honor.

You had lots of relatives come from all over the country. I really thought Bob and Glenda were great. And our folks seemed really close...always hugging. Gag me! Jeni was so grown up and a great hostess. And her boyfriend, Chad, was always pitching in. And believe it or not so was my brother Travis. Hard to believe, I know.

There was lots of food, lots of deserts and lots of drinks that all these people were nice enough to bring with them. There were people everywhere...eating...and chatting about how cool you are.

What I couldn't figure, though, is that you weren't even there...everybody wanted you there. Badly. Somebody said, though, you were going to meet us later...someplace even better than Leawood. Can there be any place better than Kansas? Maybe heaven, I told 'em. We all laughed, and although we didn't like it that you weren't there with us...we knew somehow that we'd see you later and that we'd end up having an even bigger and better celebration.

What was also kinda strange...is that this megabash went on all summer. What'd ya do, girl, to make so many love you? I guess because you're Steph...that girl with the Cheshire grin, that sneaky sense of humor, that loving concern for everyone and that steadfast loyalty. Steph, you're a real touchstone friend. Did I ever tell you that? I'm sure you know it, if I didn't.

Some dream, huh? Oh, well...guess it was silly. See you soon. If not in Kansas...then, like I said, in heaven!

Steph, I love you.
Your friend forever,

Kristi



Photos of Stephanie and Kristi Fox taken from a vacation trip to Dillon , Colorado. Far left photo taken prior to Hy-Vee Christmas Party 1990.

STEPHANIE SCHMIDT'S DISAPPEARANCE TIMELINE

JULY 1—Stephanie Schmidt is last seen alive leaving the Bootleggers Bar & Grill with a former co-worker from a Pittsburg restaurant.

JULY 2—Gene Schmidt, Stephanie's father reports her missing. A massive search by area law officers begins and is reinforced by hundreds of friends circulating flyers.

JULY 6—The former co-worker failed to show up for work, and it was discovered that he had been released from prison after serving 10 years of a 20 year sentence for rape and sodomy.

JULY 7—Stephanie's abductor phones his mother in Pittsburg from Crescent City, CA. He hangs up after his mother asks him if he killed "that Stephanie Schmidt girl."

JULY 15—The FBI joins in the search for Stephanie Schmidt and her alleged abductor.

JULY 16—Through the efforts of the Leawood Police Department and the Lost Child Network, Stephanie appears on John Walsh's *America's Most Wanted* show.

JULY 17—Afraid of being recognized, Stephanie's abductor turns himself in to Volusia County, FL authorities after seeing himself on the TV show.

JULY 27—FBI and KBI officials obtain a confession by the abductor to the killing of Stephanie Schmidt on the night she disappeared, and he leads authorities to her body.

OCTOBER 6—the **murderer** and rapist pleads guilty to all counts and waves his right to a jury trial.

NOVEMBER 18—after a lengthy and unnecessarily detailed accounting of events, Stephanie's murderer is sentenced to life in prison with no parole eligibility for 97 years.



*The Schmidts' beautiful daughter, Stephanie, was the victim of a senseless murder this summer at the hands of a convicted felon on an early release. In the midst of this holiday season, the Schmidts put a very personal face on what politicians like to call an "issue." Crime is not just an "issue" with the Schmidts; it is the reason their lives have been changed forever...**The Kansas criminal justice system is broken, or at the very least, full of holes...deadly holes.***

Gene Bicknell
Pittsburg, Kansas

The Schmidts are the type of people who make you instantly feel like one of the family. There is no limit with their friendship. I count my blessings to have them in my life.

When I heard of the tragic disappearance of their daughter, Stephanie, which ended in a violent, cruel death, I felt so sick.

When I heard of the tragic disappearance of their daughter, Stephanie, which ended in a violent, cruel death, I felt so sick. I thought to myself, this could not of happened, not to them. You are talking about a family that has very strong morals and values. People who will go that extra mile to help anyone. How could this be? But it was a reality, one that I'll never forget....

It is time that the courts protect the victims! It is obvious to me that Stephanie's murderer is a threat to each and everyone of us. He has had his chance, and when he was give another chance to "rehabilitate" he not only raped again, but this time killed. He has proven that he and other sex offenders like him, continue to be a threat to our society. How many more Stephanie's will have to be victims because our "department of corrections" keeps releasing violent career criminals thru an early release program?

Doug & Cindy Holcomb
Kansas City, Missouri



"I can not even show you a picture of Stephanie because it might create a potential technicality that would allow this criminal to continue to bob and weave his way thru our legal system. When are we going to stop! Wake up and smell the carnage! We have to stop trying people on technicalities instead of actualities.

Taken from Gene Schmidt's address to Judge Brewster after being notified he would not be allowed to show a video of pictures of Stephanie—because it might be interpreted as unfair to the confessed rapist and murderer.

Our criminal laws should be based on our experience and knowledge of past criminal activity. We cannot base them on the mistaken and naive belief that all people are good and those who aren't can be rehabilitated and sent back into society with no accountability or supervision. The time has come, in fact is long overdue, for us to rethink the way we treat sex offenders who are predators and who have shown little regard for other peoples's safety and happiness. We must protect those who need protecting, not those who take advantage of the criminal justice system to continue their mean and barbarous behavior against society.

I commend the efforts of Stephanie's parents, Gene and Peggy Schmidt, in becoming involved in a recently formed task force that is looking into proposed changes in the sex offender registration law and other laws that deal with sex offenders. I pledge my active support in seeing that these changes become law.

Excerpt from
Kansas Attorney General, Bob Stephan
published in the 8/15/93 edition of
the Topeka Capital-Journal

Jeni's Speech to Judge Brewster

Stephanie is not only my big sister, she is also my best friend. All my life Stephanie stood by my side. She has always been there for me: to protect me and do everything possible to help me out. I wish I could have been there that horrible night on July 1st. I wish I could have protected her somehow. So today I would like to take this opportunity in the courtroom to help my sister.

I have sat down many times trying to think about what I want to say today. But I kept denying everything. I did not want to believe that I would never see my sister again. I did not want to believe she is dead. Nor did I want to believe that our Justice System is also dead.

It was and still is difficult to say what I want, because I am very confused. I am

confused because I cannot understand why my sister was brutally murdered. I do not understand how any human being could hurt another in such a terrible way.

Most of all I do not understand why it

went by and Stephanie was still not home. I still kept reaching for a last string of hope, but I was let down, Stephanie was found - dead.

I was let down continuously. I no longer

Stephanie will not see me graduate from high-school, she won't be there to help me through college. I no longer have my sister to call in the middle of the night for advice, or just a laugh to make me feel better.

happened, knowing that our Justice System could have prevented it from the start. This monster was already behind bars. Why was he released knowing he was danger to society?

Ever since that night I found out Stephanie was missing, I kept reaching out for one last string of hope. The hope that she would be okay and home again. Time

have any dreams to reach out to. I always dreamt of the day I would be Steph's bridesmaid, or the aunt of her children. Stephanie will not see me graduate from high-school, she won't be there to help me through college. I no longer have my sister to call in the middle of the night for advice, or just a laugh to make me feel better.

This horrible creature

**Sentencing Hearing
November 18, 1993**

took Stephanie's life,
and mine! He de-
stroyed our futures
and our faith.

Stephanie and I were
both let down in faith
of God, and most of
all, our faith in the
Justice System!

My dad always told us
that the government
was there to protect
the innocent. Yet this
so called Justice
System was more
concerned for the
well-being of some
amoral creature like
the one who mur-
dered my sister!

Your Honor, I ask you
to give me one last
string of hope to hang
on to. Please help
restore my faith.
Please make it so this
coward never comes
in contact with an-
other Stephanie.
Please do not let me
down.

Jeni Schmidt, S.O.S.
Sister Of Stephanie

***"Our tears come in waves
daily: unknowingly, unan-
nounced, and without any
reason or stimulus...We
would be looking forward to
Thanksgiving and Christmas.
Instead our gatherings will be
tinted with the sadness and
emptiness. Although we can
not change the past, you
have the opportunity to
change the future. You can
save the lives of others by
keeping this man locked up
for as long as possible."***

***Peggy Schmidt from her
speech to Judge Brewster
11/18/93***

Once again, we ask:

Why should anyone be concerned by the death of Stephanie Schmidt, especially if they didn't even know her or her family? With all the violence people are exposed to in the '90s, why was her death any different than that of the other countless deaths in this country that splash across our television screens every night desensitizing us from this blatant lack of respect for human life?

"All those who have lost a loved one at the hands of another need to speak out. All those who have lost a friend to an act of violence need to speak out. Don't let this story become something on yellowed paper tucked away in an archives. It is too important for us to keep silent. 'Speak Out for Stephanie.' "

We in the Pittsburg, Kansas, area seem to think that because we live in what some would call a stereotypical small town existence, with the pastoral scenes of the wheat harvest, grandma and grandpa rocking on the porch swing, and picnic's in the park, that we are immune from things that could only happen in the "big" city.

What occurred on the night of July 1, 1993 has happened in this area before, but, somehow it became something that we **SHOULD** all be concerned about. It was what Stephanie's death represented that became so troubling to many of us, even more than her death itself.

For you see, even if you never met Stephanie, she was a friend of yours. If you never had children, she was still your daughter. If you were born an only child she was your sister. She was your next door neighbor, the girl that checked you out at the supermarket, the person walking across your path while you sat in your car at a red light, the girl your son asked to the senior prom, the one

“ ... Why? ”

that sold you the CD you've wanted for months, the pleasant looking girl that sat next to your family in church last Sunday.

Stephanie Schmidt was an embodiment of all the people that we have come to love about this “stereotypical” existence. Her death showed us that we are not invulnerable to the violence of the “big” places. Her murderer took away something from us that we have always taken for granted: our community's peace of mind that Pittsburg would always be a safe haven. So shocking was the fact that Stephanie was taken from our midst so easily, that many of us have pushed it out of our minds and pretend as that it didn't happen. That's where those that actually knew her can step in and speak out.

While watching those who mourned, especially at the candle-light vigil held in Stephanie's memory at the Pittsburg State University lake on July 29, 1993, it came to mind what the role must be for those she left behind. I think it begins with the words of

an un-attributed poem

Measure thy life by loss and not
by gain,
Not by the wine drunk,
but by the wine poured forth,
For love's strength
standeth in love's sacrifice,
And he who suffers most
has most to give

This could be defined as the guidelines for Stephanie's parents, sister, family, and friends. They can speak out and make their voices heard. Out of their sorrow can come the strength to inform and enlighten others about the immense wrong that was done to Stephanie, and how through the awareness of our citizens and lawmakers, this wrong may never happen to someone else. All those who have lost a loved one at the hands of another need to speak out. All those who have lost a friend to an act of violence need to speak out. Don't let this story become something on yellowed paper tucked away in an archives. It is too important for us to keep silent. You, or a loved one could have just as easily been found in that Cherokee county field. Speak out for Stephanie! She could have been speaking out for you.

That's WHY !

Gabe Nichols
Editor of '93 Kanza

Stephanie Schmidt was murdered in the early
hours of July 1, 1993

The man who confessed to raping and killing her
was released after serving half his sentence
for the rape of a college student in 1983

Only 2 percent of rapists are ever convicted
One in four women can expect to be the victim
of rape in her lifetime

The average rapist who is convicted serves only
3 years in prison

Every woman who is raped is sentenced to a life
term of dealing with that rape

Stephanie Schmidt was the light of her friends'
and parents' lives

That light must take on a new form

The cycle of violence continues
more than 1,500,000 rapes and attempted rapes
occur each year in the United States
Eighty-five percent know their attackers
less than ten percent report the attack

Thousands have died
Millions have been violated

The violence must stop

Someone must be the voice of the victims
Someone must cry for help in place of those who
cannot

Stephanie no longer has a voice of her own
Others must therefore speak out in her place
WE WILL NEVER STOP



#5

TESTIMONY
SENATE BILL 525

February 22, 1994

Mr. Chairman and Members of the Senate Judiciary Committee:

Thank you for the opportunity to speak before you. My name is Kelly McCaffrey, and I am speaking today as a student of the law, a woman of this community, and a citizen of this state. And I am speaking today of personal tragedy, public outrage, and unspeakable cruelty.

And I am speaking out for Stephanie in support of Senate Bill 525.

In anticipation of this legislation, I have spent the last few months extensively researching the implications of civilly committing sexually violent predators. My findings will be published this Spring in the University of Kansas Law Review. Ultimately, I believe that the Task Force has presented the legislature with a workable and constitutional solution. I will leave those arguments, however, for the experts to present. I would like to focus, instead, on an aspect of SB 525 that the Committee may not have heard. Specifically, I would like to address an argument that I anticipate opponents of SB 525 will present to this Committee, if past years serve as any indication.

Inevitably, several terms and definitions used in SB 525 will be a source of great consternation for some opponents of the bill, particularly those in the field of psychiatry. Such terms include "sexually violent predator," "mental abnormality," and "personality disorder." The argument is that such terms are merely legal, with no clinically significant meaning and no recognized diagnostic use.

First, it must be emphasized that such terms in identical statutes have been upheld as constitutional. I would like to move beyond the constitutionality of those terms, however. In doing so, I urge this Committee to look beyond the language of the law, to the story that gave rise to the bill in the first place. Here, the story is that of the brutal and senseless rape and murder of a 19-year-old girl. And it is the story of a man with a history of sexual offenses.

Senate Judiciary
2-22-94
attachment 5-1

It is a story told by her parents, her sister, her friends and her community, and it is filled with grief, anger and frustration. That tragic story is before you today as SB 525.

The problem lies in translating the language of life into the language of law. Inevitably, much is lost in that translation. We are forced to cast the story of Stephanie into another form, that of a statute. Unfortunately, the violence, the pain, and the outrage do not lend themselves very well to the generalized and categorized language of the rule. This difficulty emanates from that fact that "legal rules are a specialized form of language that must respond to the human experiences that gave rise to them in the first place. Yet legal rules must also structure that response in a way that allows them to be applied consistently and reliably."

(J. Christopher Rideout, *So What's in a Name? A Rhetorical Reading of Washington's Sexually Violent Predators Act*, 15 U. Puget Sound L. Rev. 781 (1992)).

In the real-life story of Stephanie's murder, the nature of a man like Don Gideon is defined by his actions, by his words, by his cruelty. His nature is defined by the tremendous loss that Gene, Peggy, and Jeni Schmidt have suffered at his hands. The voices of the people in this community can tell you that Don Gideon should not have been free to commit this heinous crime.

In a statute like SB 525, on the other hand, the nature of a man like Gideon must be ascertained through overt definitions and structured categories. The law requires it. So, faced with the arduous task of translating the passion and pain of Stephanie's death, the story underlying the statute, into the objective, voiceless language of the statute itself, the Task Force has used the phrase "sexually violent predator." In ordinary society, the type of person who would constitute a sexually violent predator is readily understood. Most would agree that Don Gideon is a sexually violent predator. But, statutes cannot rely on the collective beliefs of ordinary society. The overriding demands of the language of the rule have silenced the story behind that rule.

Stephanie has told her story. How many more stories need to be told before the legislature will listen?

Speaker: Mary Livermore Bush
Subject: Passage of Sexual Predator Act

Date: Feb. 22, 1994

I never knew Stephanie Schmidt, and from all reports, that was my loss. As a matter of fact, I didn't know Gene, Peggy, or Jeni Schmidt until I "met" them through the media as they walked through the nightmare of their daughter's brutal death.

Unlike the Schmidts, I have never been the victim of a terrible crime, nor has any member of my family. That is one of the reasons I am here today, urging passage of the Sexual Predator Act. I fear there is a tendency among lawmakers and legislators to think it is only the victims of horrible crime, like the Schmidts, who care about the passage of this bill. It simply isn't true. I believe that as citizens, my family and I have a basic right to protection. Currently that right is being shamefully violated because the justice system works against me, allowing monsters like Don Gideon, Stephanie's murderer, to roam the streets - when he was supposed to be locked away. Stephanie really had no chance, you know. Neither would my child or yours in the same situation. Not only was Stephanie not allowed to know about Gideon's hideous past as a convicted rapist, she expected that since he was walking the streets, he was safe. In fact, he was following the tendency of the typical sex offender; he was searching for another victim. Had the Sexual Predator Act been in effect a year ago, Gideon would have served his time, and before release, been required to spend

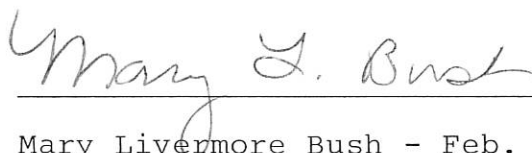
Senate Judiciary
2-22-94
attachment 6-1

time in a mental institution where chances are, his horrible tendencies would have been discovered. And Stephanie Schmidt would be alive today.

It has been said that perhaps the Schmidts are too close to this, too emotional to be objective. I believe that each and everyone of us must put ourselves in the Schmidt's shoes - and see our child's face where Stephanie's was. Only then can we even come close to realizing what these monsters take from us - and that we all MUST do something to stop them!

As a citizen and parent, my plea today is this: sentence these criminals harshly - and keep them locked up. When they have served their time, don't just open the prison door and watch as they search for another innocent victim, like Stephanie Schmidt.

Please help me protect my children by allowing my rights as a law-abiding citizen not to be overshadowed by leniency to social deviates.



Mary Livermore Bush - Feb. 22, 1994

11732 High Drive Leawood, KS. 66211

(913) 3399912

#7

TESTIMONY OF CARLA J. STOVALL
SENATE JUDICIARY COMMITTEE
SB 525
FEBRUARY 22, 1994

The sexually violent predator bill -- a bill that would keep still sexually violent inmates off the streets after their criminal sentence has been served. Not passing this bill would allow convicted rapists and child molesters to walk through prison gates and back into our communities to rape and molest again.

And rape and molest they will. One study of 126 rapists that I recently read indicated that they had an average of 7 victims each. An F.B.I. study of serial rapists showed an average of over 20 rapes each in their histories.

The statistics on child sexual abuse offenses is absolutely staggering. A study funded by the National Institute of Mental Health reported on 453 sexual offenders who had abused an average of 52 girls or 150 boys each. The same study indicated that the typical offender begins molesting children when he is 15 and molests an average of 117 children--most of whom do not report the molestation.

Because of the nature of sexually violent crimes and the psychological makeup of those who are prone to commit them, we must take extraordinary precautions to protect society from them. This means enacting this bill into law across the state of Kansas. We cannot open our prison doors and let these animals back into our communities. If we do -- we are accomplices to the atrocities which they will surely commit.

Let me share with you for a moment the utter frustration I experienced as a member of the Kansas Parole Board. I would routinely see sexual offenders and pass them as long as possible (which was usually one year). I would see them each year and deny release again and again. But when the inmates reached their conditional release date (which was one-half of their maximum sentence), they had to be set free.

The file would come to the Board only for the purpose of setting conditions for their release. We would establish requirements such as: Report to the parole officer. Maintain employment. Have no contact with the victim or victim's family. Attend sexual offender treatment.

As I would write out those conditions, a knot would always grow in my stomach. I knew the rapists or child molesters were being turned loose on an unsuspecting public to reoffend. I knew there was at least one woman or one child, but probably more, who were going to fall victim to this animal. It was as certain as the sun rising the next morning. And there was nothing I could do to

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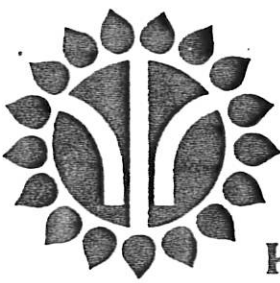
prevent it. That was the sickening thing. We were condoning the future victimization -- permitting it -- allowing it. Because we couldn't stop it.

Donald Gideon is the despicable individual who has caused the heightened awareness of the desperate need for this bill. Gideon was a convicted rapist and was in our Kansas prisons while I was on the Parole Board. I saw him 3 times and denied him release 3 times because of his prior rape conviction and because of his demeanor and behavior. And yet he was given his freedom after serving all of his sentence. He was not given his freedom one day early -- he served all the time the state had sentenced him to. But we gave him his freedom. The freedom he needed to rape a young woman in April and the freedom to then rape and murder Stephanie in July. Had a bill like this become law when it was first introduced a few years ago, I am certain Donald Gideon would never have been released. He would have been found to be sexually violent. You must do everything within your power to ensure this bill becomes law. Do not lose interest in it and let it languish like your predecessors.

The situation in Kansas now is no better with sentencing guidelines than under indeterminate sentencing. There are a total of 24 sexual crimes under current Kansas law and only 4 carry longer sentences under guidelines **when using the worst criminal history** (which most inmates do not have) and that is because all 4 were misdemeanors under the old system. In addition, 13 of the 21 child sexual abuse crimes carry presumed probation unless the inmate has a substantial criminal history.

The lesson is that under guidelines fewer child sexual abuse crimes will result in incarceration because of the high number which carry presumed probation. For those that do go to prison, the sentences are shorter than what could have resulted under the old system. For example, an inmate convicted of raping an adult woman or a child, who has no prior criminal history and earns all his good time, will only spend 4 years and 7 months behind bars. Those particular crimes carried a possible maximum of life imprisonment under the old system and the inmate did not ever have to be released. Our streets are much less safe now. The sexually violent predator bill is absolutely critical!!

This bill would allow us to stop the sure and certain victimization. It would allow us to keep the sexually violent offenders locked up indefinitely. This is our obligation to provide for public safety in this way.



KANSAS PSYCHOLOGICAL ASSOCIATION

February 3, 1994

Senator Marge Petty
State Capital Building, Room 523-S
Topeka, KS 66612

Dear Senator Petty:

Thank you for providing me with the opportunity to review SB 525, the proposed legislation regarding sexually violent predators (SVP). I am sorry that my response was not more immediate. I did want to consult with my other colleagues in KPA so that our response would represent a broader perspective than my own. I hope the information provided is still timely and useful.

Page 1, lines 25-29

Sexual offenders with antisocial personalities or antisocial traits are certainly problematic in terms of treatment and recidivism. My worry is that the statute over-focusses on those conditions, to the neglect of equally problematic conditions. Equally problematic are adults receiving the diagnosis of Pedophilia, Not Limited to Incest, Exclusive. These are adults who have an established sexual preference for prepubescent children and are unlikely to find adult sexual relations meaningful or satisfying. These adults tend to have many victims, are not likely to engage in physical violence, and have little appreciation for how their behavior damages children. They maintain well-entrenched cognitive distortions regarding their offending behavior that prevent them from considering new information and changing their behavior. These men are the sort of offenders the general public thinks of when asked to think of a typical pedophile. On the other hand, some offenders who have only one or two victims and whose crimes are incestuous in nature can also be seen as SVP because of the denial and distortions surrounding their behavior towards their own children or step-children. Many times their behavior is just as entrenched and aggressive as other types, even though confined to familial relationships. Finally, adults presenting with sexually sadistic behavior patterns would be likely candidates for SVP designation. It would not be productive for this legislation to focus too narrowly on antisocial offenders. At the same time, you can begin to appreciate the scope of the problematic behavior that would be addressed with such a bill. The costs of commitment and confinement should be considered in this regard especially in light of the refractory nature of these conditions.

Page 1, Line 29-30

This statement confuses the likelihood of re-offense for SVP with the likelihood of re-offense for sexual offenders in general. The probability of recidivism for the former group is likely to be much higher than for the latter group. It is important to note that the vast majority of sexual offenders, particularly sexual offenders against children, are convicted of sexually violent crimes as defined by this statute. These adults almost always

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present with a mental abnormality as defined by DSM-III-R. The majority of offenders would not need to be committed under this statute to ensure community safety. I am concerned about the public reaction that would result if all offenders convicted of these offenses are seen and treated by the public and the judicial/mental health system as SVP's. Clarity and specificity in our conceptualization and our language seems essential.

Page 1, line 39

Professionals in this area do not think of "curing" sexual offenders; the focus is on equipping the offenders with the skills to control their impulses toward deviant behavior. The efficacy of teaching these skills to most sexual offenders is well established, in spite of comments to the contrary made to your committee by individuals unable to discriminate among sexual offenders. Conversely, the difficulties involved in teaching these skills to SVP's is also well established.

Page 2, lines 5-8

I wonder if it is possible to expand the definition of SVP to include offenders convicted of one sexually violent offense who complete a reputable sex offender treatment program and then go on to commit a second sexually violent offense. That should stand as evidence that even with appropriate intervention, the offender is not able or willing to control sexually deviant behavior. In this case, the determination of SVP would be made after the second conviction but before incarceration. It is clear that the best predictor that incarceration/treatment will not function as a deterrent is an individual's past failure to benefit from those learning experiences.

Page 2, line 25-26

Criminal sodomy includes consensual, though illegal, homosexual behavior. If consensual gay/lesbian adult sexual behavior is defined as a sexually violent offense and that person has any sort of "mental abnormality," and that person enters a relationship with the purpose of being sexual with another adult, then it seems to me that the person is committing another sexually violent offense which is very predictable. Could that person be committed under this statute? Aggravated criminal sodomy (lines 27-28) could cover crimes of oral/anal assault against a child or those behaviors toward an adult who did not consent. Would it be possible to remove criminal sodomy from the list of sexually violent offenses without damaging the intent of the statute?

Page 2, lines 5-12

The text speaks to the prediction of violent behavior. The literature regarding the prediction of violent behavior is not conclusive; some would say it is not even promising. I suspect challenges will most likely occur at this point in the process with revolving "expert witnesses" testifying on both sides of the argument. Any evaluator will be ethically required to address

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the validity of his or her predictions. I wonder if it would be possible to have the court appoint an expert acceptable to all parties to evaluate the alleged SVP. Would that be more judicially and financially efficient? At any rate, it should be understood that any predictions of future behavior in this realm may have limited validity.

Page 3, lines 7-15

The statute addresses how the "agency with jurisdiction" will notify the county in which the offender was charged. That agency will typically be DOC. DOC will likely have information that the offender is a SVP because treaters working with the offender will have reached that conclusion. Presently, offender treatment is provided by a private contractor operating within DOC. Consequently, according to statute, valid and informed consent needs to be obtained from the offender in order to release treatment information to DOC. The offender can revoke his or her release at any time, and information provided to DOC would be significantly restricted at that point. The offender could leave the system after serving his or her maximum time, the treaters could see that offender as a SVP, but because the consent to release information about therapy had been revoked, DOC could not be alerted to set the necessary process in motion. I wonder about a provision in the statute to address that possible scenario.

Page 3, lines 30-32

The text addresses issues of immunity from liability for "agencies with jurisdiction, its employees, and officials." I would suggest that the immunity extend to employees of private contractors working within DOC, as well as to experts retained by the court to address pertinent issues within this process or to other practitioners who might be involved in the legal process around this statute.

Page 4, lines 1-4

If probable cause exists to believe that the offender is a SVP, the court appoints a person "professionally qualified" to examine the offender to confirm that finding. That professional must have access to all pertinent information, including that information that might be held by treaters working within but not employed by DOC. Many professionals are prohibited by statute from disclosing treatment information without the offender's consent; the client's right to privilege must be protected or the professional is guilty of unethical and illegal behavior. It is imperative that the evaluating professional have access to all information so that the determination of whether or not the offender is a SVP does not rest only on the professional's observations of and interview with the offender. I wonder if it would be possible to address access to information held by private contractors employed by DOC as well as other possible sources of information.

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Page 5, lines 33-38

I believe the probability that a professional would take a position that an individual once found to be a SVP is no longer dangerous is very low. Our ability to change an individual's sexual preference for children or eliminate the urge to express sexual and violent impulses together is limited. Lengthy periods of commitment with little likelihood of release are almost inevitable. Perhaps that is simply the goal of this statute. In my opinion, adequate facilities and treaters to address this pattern of deviant behavior does not exist within the Department of Social and Rehabilitation Services. Significant funding to establish and maintain such a state of the art treatment facility and monitoring program would be essential.

In regard to your question about mandating post-incarceration supervision, I believe that any individual who has committed a sexual crime could benefit from post-incarceration supervision and treatment. Perhaps the length of supervision/treatment could be arbitrarily set at five years for each of the sexually violent offenses identified in his bill. In many cases, it would be possible to relax that requirement once the parole officer and the therapist are able to assess the offender's reintegration into the community and the offender's ability to implement his or her relapse prevention plan.

Two points come to mind, following that. Firstly, to be most efficient, there would need to be very close coordination between those providing treatment to offenders during incarceration and those providing follow-up treatment. That coordination occurs in other states under the auspices of a statewide agency that coordinates all aspects of sexual offender treatment. Perhaps such an approach should be considered in Kansas.

Secondly, if community agencies are to be expected to provide quality treatment over the long term to individuals reintegrating into the community, resources must be made available to those agencies. Upon release from DOC with a conviction for a sexual offense, particularly a sexual offense against a child, offenders are often under-employed, if not unemployed, for extended periods of time. Consequently, their financial resources are inadequate to pay for the necessary treatment. In my opinion, the provision of quality treatment following incarceration will not be a viable financial possibility for agencies if the state does not allocate sufficient funding. The short-sighted solution of mandating post-release treatment but not providing funding will only result in the illusion that the problem has been effectively addressed.

I hope you find these thoughts useful. I know that SVP's and the heinous acts they commit command immediate attention in our society. I would hope that the legislature remembers, however, that the vast majority of victims of sexually assaultive crimes are not victimized by SVP's. I would hope that eventually attention and monetary resources are directed to this population of victims and offenders, as well. If every SVP in Kansas could be identified and committed under this proposed statute, hundreds of women and children would

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continue to be assaulted; I believe the damage those assaults produce and the impact on society of failing to effectively intervene with prevention and remediation strategies in these cases is profound and is, in certain ways, more damaging than the profound damage that results from the crimes committed by the SVP.

Thank-you again for the opportunity to respond. As a member of the KPA's legislative sub-committee on forensic issues, we would be more than happy to provide information and feedback on this and other bills related to the criminal justice system. Please feel free to contact myself, our sub-committee chair, Dr. Robert Reitz (913/782-2100), or our legislative chair, Dr. David Rodeheffer (913/234-4743).

Sincerely,

Tom Locke, Ph.D.

Tom Locke, Ph.D.

RS