

# ATHLETES

Continued from Page 1

him from assaulting her, according to the police report.

Shortly after the incident, the victim notified police she wanted to drop the charges against Malepeal because she didn't "want the whole football team" after her.

Arguably, an element of fear does exist for students pushing forward with charges against athletes. But whether that fear translates into actual retribution remains unclear.

"I don't have any reason to believe there would be any repercussions for a student who signed a complaint [against an athlete]," said Dan Williams, the Oregon interim athletic director. "I can't keep people from thinking that, but that's not to say there aren't problems."

When Mark Bradley Schmidt hit two members of the Chi Psi fraternity on April 23, 1994, he was arrested and charged with fourth-degree assault and trespassing.

He told responding police officers he had a bad day on the practice field and was very upset when he struck the two students.

The altercation occurred when Schmidt and other football players were asked to leave a party at the fraternity.

"I told him he was going to have to go," said the 22-year-old then-president of the fraternity, who spoke on condition of anonymity. "As I was turning away, I got clocked in the face."

"He kind of typifies players who are assholes. You don't see that kind of behavior from basketball players or track athletes."

Schmidt then proceeded to hit another student and tried to hit a third, according to the police report.

"Any time an organization has students living in fear and its members have numerous run-ins with police, something needs to be done," said a Chi Psi member, who didn't want to be identified. "People are afraid of retribution. I know I'm afraid to testify because they can find me."

The charges against Schmidt were later dropped when the victims declined to sign a complaint.

"There was some laziness and apathy on my part," the former Chi Psi president said. "In retrospect, seeing what happened to those guys in December, I wish I had signed [a complaint]."

On December 3, 1994, seven months after the Chi Psi incident, Schmidt struck two additional students, according to a Eugene police report.

He was charged with fourth-degree assault and two counts of harassment after allegedly striking Chad Cruchley, 22, in the chest and hitting Robert Engalman in the face. Schmidt pleaded not guilty at a Dec. 15 arraignment and faces a jury trial on May 31.

Schmidt's hand was put in a cast after the incident, and he was not allowed to start in the Rose Bowl but did see considerable playing time in the granddaddy of all bowl games. He may face further disciplinary actions by the Athletic Department, pending the outcome of his trial.

"These incidents aren't ignored," said Steve Hellyer, University sports information director. "Deplorable conduct faces consequences, it is not swept under the carpet."

Hellyer said athletes guilty of misconduct face penalties ranging from suspension from one game to suspension for the season.

"These are young responsible men who know right from wrong," said head coach Mike Bellotti, who took over the program in February after these incidents took place.

Yet the intimidation theme carries through in another recent case.

On Jan. 22, 1995, Dante Shawn Lewis was arrested on felony criminal mischief and menacing charges after he ran his girlfriend's BMW over two curbs and kicked out two of the vehicle's windows.

Arrested at his apartment after the incident, he told police he was mad as hell at his girlfriend, a 19-year-old student, and wanted to get back at her.

Lewis' girlfriend told police she was "scared to death he was going to hurt me" and said Lewis had hit her before, but she didn't call police because she feared Lewis.

She later refused to prosecute and denied her statements to police, although her signature does appear on a police report asking that Lewis be arrested. Although Lewis admitted to police he did cause the damage to the vehicle, the case was dismissed.

"Those statements [made to police] would be admissible in court," Lane County District Attorney Doug Harclerod said.

"If we have a damage to property case and a victim who doesn't really want to go forward with it, then we're not going to be excited about going forward with it no matter who it is."

Harclerod cites a limited budget and an overwhelming case load as two of the primary reasons his office won't often pursue cases in which the victim decides not to file a complaint.

"We have an ethical duty to the citizens of Lane County to prosecute cases that are high priori-

ty," he said. "While we try not to triage as a practical matter, we do triage."

In some cases, plea negotiations in the regular scheme of the criminal justice system add fuel to rumors of preferential treatment.

When Herman O'Berry was arrested for driving while intoxicated and reckless driving on Nov. 14, 1993, he refused to take the Breathalyzer test. Such a refusal would normally result in a one-year revocation of a driver's license.

Because it was his first offense, Ken Morrow, O'Berry's lawyer and Mary Schnabel, the city prosecutor, worked out a deal where all the charges would be dropped if O'Berry successfully completed a diversion program in which he would seek counseling.

Morrow, a high-priced Eugene

criminal defense lawyer whose name appears as the attorney-of-record on nearly every case involving a football player, said he does not donate his time to student athletes.

"I will represent any student at a reduced rate," he said. Morrow declined to discuss specific fees relating to students.

Morrow has represented Oregon football players in at least eight cases over the past two years, according to court records. He is currently representing Mark Schmidt, who faces a May 31 trial on fourth-degree assault charges.

Last year, Morrow successfully negotiated a civil compromise with a Veneta woman who filed a criminal mischief complaint against Tasi Malepeal. The court accepted the compromise and the case was dismissed.

Let us fill your needs this Secretary's Week, be it 1 or 20 secretaries. We can meet your budget needs.

**Secretary's Balloon Bouquet**  
Express your appreciation for all things they do with this colorful mylar & latex balloon bouquet anchored with a basket of sweets.  
All for only \$9.99!

**Daisies Flowers & Gifts**  
607 E. 13th - Just two blocks from U of O Bookstore • 484-6888

**DIM SUM**  
Every Sun.  
11 am - 3 pm

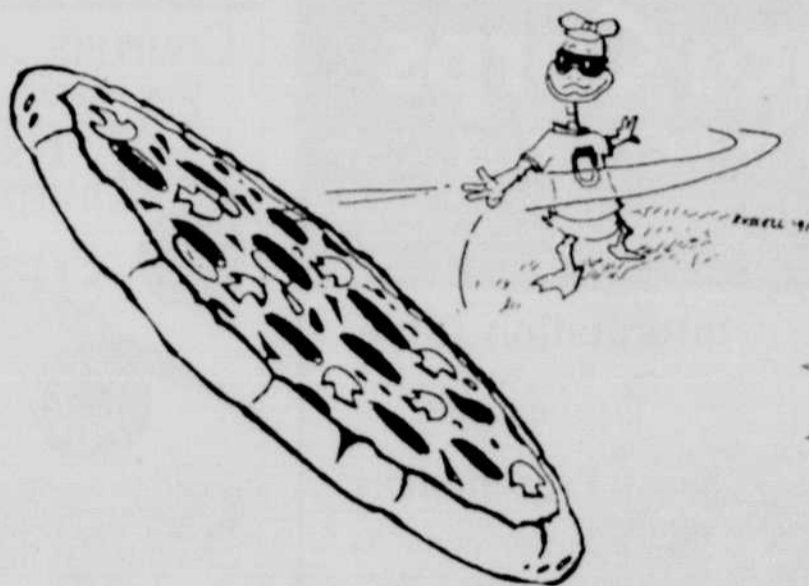
This Week's Luncheon Special

**Mee Siam**  
**\$4.75**

**CHINA BLUE RESTAURANT**  
Try our dinners, too!

879 E. 13th • Upstairs, Next to UO Bookstore • 343-2832 • Take out Available

## Catch Eugene's best pizza specials at TRACK TOWN!



**SUPER STUDENT SPECIAL!**  
Cheese or Pepperoni

MEDIUM  
**\$4.95**

LARGE  
**\$6.95**

**STUDENT I.D. REQUIRED**

Offer good Sunday through Thursday after 4:00pm only.  
Minimum \$7.00 for delivery & add 25¢ per box.

**TRACK TOWN PIZZA**  
**484-2799**

Two convenient locations to serve you:

**CAMPUS**  
1809 Franklin Blvd.

**WEST**  
2511 W. 11th & Wilson

