

The San Francisco Examiner

The Examiner now covers the San Francisco Peninsula. Ch



Tuesday, January 13, 2004

ARCHIVES | CLASSIFIED ADS | CONTACT INFO | HELP/FAQ | SIT

Search...

GO

Archive Search
Browse by Date

HOME

NEWS

SPORTS

ARTS & CULTURE

S.F. EATS

OPINION

BEYOND THE BAY

OBITUARIES

WHEELS

COLUMNISTS

Bruce Bellingham
Warren Hinckle
Jerry Fuchs
The Body Politic
Scoop

ADVERTISEMENTS



News

Precious cargo: The crime of forgetting

By Justin Nyberg
Of The Examiner Staff
jnyberg@examiner.com
Published on Tuesday, November 25, 2003

[Printer-friendly version](#) | [E-mail this story](#)

SO. SAN FRANCISCO -- An infant is left alone in a car on a hot day. An absent-minded parent returns a short time later to find the child dead of heat exhaustion in the backseat.

It is a tragedy that occurs dozens of times each year throughout the nation. But what happens to parents who forget their child when they close the car door is anything but consistent.

Lonnie Sopko, 61, will be sentenced today on a felony manslaughter charge in San Mateo County Superior Court for leaving his 5-month-old granddaughter, Kiana, in the family's enclosed sport utility vehicle on June 5, 2002.

Sopko was supposed to drop the child off at daycare, but became distracted and drove home instead. The child died of heat exposure exhaustion, as the temperature inside the vehicle climbed to withering levels.

"He was simply a man, preoccupied with a diagnosis of Leukemia, who was in the midst of writing a document to his family about his situation," wrote defense attorney Frank Bell in a prepared statement, after Sopko pleaded no contest to a charge of involuntary manslaughter Oct 3. "It was a memory lapse common to the human condition." Sopko faces a maximum of four years in prison.

RECENT STORIES BY THIS AUTHOR

[Elder home patients suffer under budget ax](#)

[Saving San Bruno Mountain, again](#)

[The legacy and future of nation's first Habitat Conservation Plan](#)

[Saving San Bruno Mountain, again](#)

[Conservation plan underfunded](#)

[Saving San Bruno Mountain, again](#)

[The irony of the Callippe](#)

[Childcare initiative tops new laws of local interest](#)

[View list of all stories by this author](#)

[Geary s leaves i trail](#)

[Presid Candid: on war](#)

[Sunset Starbuc](#)

[Fishery against](#)

[City hit cuts](#)

[Eagles](#)

[Colts ki heels](#)

[Bob Fr A thorn](#)

[DeShau Carolina](#)

[No tear: in defea](#)

ARTS

['Big Fis 'Rings'](#)

[City Sp](#)

[Movie Chasir Fine an](#)

[Off the The top](#)

While some cases like Sopko's are prosecuted, others are dismissed as the unintentional act of an otherwise loving parent or guardian, who must live the rest of their lives with a terrible burden of remorse.

The case of Mark Warschauer, a professor at University of California, Irvine, who left his 10-month-old son Michael in a locked car on Aug. 8 mirrors the Sopko tragedy.

Warschauer, 49, told police he forgot to drop the boy off at daycare as usual that morning and drove to work at his campus office instead. He did not realize the child was with still him until he returned to his car at lunchtime, and found the child's lifeless body in the backseat.

Prosecutors decided not to file charges in that case, saying it was clear the act was unintentional and that Warschauer was, by all accounts, a good father.

A national child safety advocacy group, Kids and Cars, monitored 245 cases of unattended children left to die in hot vehicles in roughly the past five years. In 85 of the cases, parents or guardians were charged with manslaughter or neglect, while in 96, no charges were filed at all. In 34 cases, the charges were unknown, according to director Janette Fennell.

"It's actually quite rare that family members are charged," Fennell said.

San Mateo County Deputy District Attorney Steve Wagstaffe, who is prosecuting the Sopko case, said there is no doubt in his mind that the case, while tragic, warranted a criminal charge.

"In San Mateo County, they get prosecuted. We feel very strongly people need to be held accountable for their conduct. In this case, parents entrusted the grandfather to take care of their child. And he didn't. She died. It's a fairly simplistic way of saying it but it is that simple in our minds," Wagstaffe said.

Sopko had no history of child abuse or neglect and was, according to everyone involved in the case, a loving grandfather. In the weeks following the incident, the grandfather was remorseful to the point of concern that he would harm himself, and has been in continuous therapy for depression, according to attorneys in the case.

However, regret has no bearing on whether criminal charges should be filed, Wagstaffe said.

"You can be devastated with remorse over what you did to the other person, and that's an important factor, but in determining what sentence to impose, not in terms of whether society holds you accountable,"

**San Fra
newest
all wet**

BEYO

Waves

**Recover
attack**

**Second
suspect**

**Copter
Iraq, 9 c**

**Bush w
America**

MOR

Wagstaffe said.

The number of children dying in these cases is rising, according to a database maintained by the Department of Geosciences at San Francisco State University. In 1998, 25 children died nationwide after being left unattended in hot vehicles. There have been 42 already this year, the highest total on record.

Wagstaffe said he was surprised at the figures that showed a relatively low level of prosecutions nationwide. He said it was important to send a strong message to parents and caregivers that they will be held responsible even for unintentional neglect of their children.

"From our perspective, it's simply that criminal justice system has two purposes," first to punish, and second as a deterrent, Wagstaffe said. "This case serves both those functions."

Copyright 2003 San Francisco Examiner

[Home](#) | [News](#) | [Sports](#) | [Arts & Culture](#) | [S.F. Eats](#) | [Opinion](#) | [Columnists](#)
[Archives](#) | [Classified Ads](#) | [Contact Info](#) | [Help/FAQ](#)