

Reluctant judge gives 12-time loser 40 years

'I'm truly sorry,' jurist tells tormented man

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The question before the judge Tuesday was straightforward enough: Does Steven Bird deserve another chance?

Perhaps a more important question is if Steven Bird ever had a chance.

Raped, beaten and molested by his uncle from ages 4 to 13, he eventually found himself in juvenile hall, then prison, then on the streets, with no family, no friends, no hope.

His last foray into society took place last summer, after he had served 10 years for robbing an Oxnard gas station.

With a whole two weeks of freedom under his belt, he held up the same gas station and the same clerk and was back in jail.

A jury convicted him earlier this year, giving him his 12th felony, most of them robberies. So Tuesday, the District Attorney's Office had had enough and asked Superior Court Judge Alan Steele to send Bird away for 40 years to life under the state's three-strikes law.

"Are you going to look out for the defendant or are you going to look out for

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'It's like I wasn't given a chance'

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society?" Deputy District Attorney Scott Hendrickson asked the judge.

"I think this is an individual who falls outside the three-strikes law," said Bird's attorney, Deputy Public Defender Jay Leiderman, noting that his client's life was taken from him at age 4. "... I don't think they wrote it for an emotional 4-year-old."

After hearing from Bird's parole officer, a prison administrator and the defendant himself, Steele clearly was empathetic.

"What I have before me is a man who has been abused in every way possible," he said.

The judge blamed government for failing to provide Bird with the support system he needed — counseling, medication, supervision — and for discarding him to the whims of his own mental illness, drug addiction and childhood nightmares.

He called Bird "in many ways a very smart man," noting his artwork. One drawing features a little boy carrying a fishing pole, looking at himself in the mirror, crying. Another shows a teddy bear sitting in a lonely corner, also shedding tears.

But Steele said he had no choice but to separate him from the rest of us and send him away for 40 to life, back to the isolated, concrete cell where he has spent much of his adult years.

His other option was to strike at least nine of the prior convictions from his

tion, which still would have meant at least 17 years in prison.

"The dilemma becomes impossible," Steele said.

By the time his final judgment came down, Bird, 39, was resigned to his fate, his eyes red from weeping behind large glasses just below the skull tattooed on his forehead.

"Thank you, Mr. Bird," the judge said. "I'm truly sorry."

"I'm gonna try real hard, your honor," Bird said, minutes after angrily testifying he would slit his throat if he went back to prison.

"I'm gonna kill myself, do you understand?" he had told Hendrickson from the witness stand, his thick, salt and pepper hair slicked back and wavy at the neckline, his arms dark from tattoo ink.

Earlier, he had yelled and sworn at his attorney and sheriff's deputies during a break, then apologized to the judge. During his testimony, he sometimes mumbled, sometimes cried, sometimes raised

his voice.

He had never fought any charges against him because he didn't want to waste taxpayer time and money, and because he was always guilty. But this time he wanted to tell the judge his life story, at least an abbreviated version, in a one-day hearing.

"It's inside and it's time to come out," he said, later adding, "I'm not blaming nobody. I'm asking you to understand me."

He spoke of his sixth birthday. His uncle, former California Highway Patrol Officer Charles Wood, who eventually served 13 years for molesting him, said he had a present for him. He made Bird give him oral sex, then handed him a \$5 bill.

"My birthdays since then weren't that good," he said.

He railed against the system, admitting he can't change if it doesn't, begged for the help he has wanted all his life, then said, "It's like I wasn't given a chance."