

2 fathers receive different forms of justice in hot-car deaths

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(AP) — Two hot cars. Two dead infants. Two grieving fathers.

Two very different outcomes.

College professor Mark Warschauer says he simply forgot his 10-month-old son Mikey was in the car. Horse groom Antonio Balta claims he didn't know the car would get hot enough to harm his 9-month-old daughter, Veronika.

Neither man meant to harm his child. But that doesn't always matter in the eyes of the law.

A baby lay lifeless on a stretcher, a car window shattered nearby, paramedics swarming.

How sad, Mark Warschauer thought. Then he realized it was his car.

It was Mikey.

If there was ever a miracle baby, Michael Kai Warschauer was it.

For five years, Warschauer and his wife, Keiko Hirata, struggled with infertility. They had undergone in-vitro fertilization, only to see more than a dozen embryos fail.

Mikey's was the last survivor of 14, and the grateful parents reveled in their dark-haired boy, filling page after page with photos of them cuddling, playing and laughing together. Appreciating what a precious gift they'd received, the couple studied parenting books and even brought in a child-safety expert to inspect their home.

"Mikey was the most loved and adored baby on earth," says Warschauer.

Like many, the Warschauers were a two-career family. Mark Warschauer is a professor at the University of California, Irvine, a leading expert in the field of technology and learning. Hirata is an award-winning political-science professor specializing on Japan and East Asia.

The morning of Aug. 8, 2003, Mark Warschauer was tired and stressed out. His wife was trying to wean Mikey, and he'd gotten up at 3 a.m. trying to get the bright-eyed 10-month-old back to sleep.



When he drove to work that morning, he was "on automatic." Mikey had fallen asleep in the back, dozing quietly in his rear-facing car seat.

Instead of going to day care, Warschauer went straight to campus, parked his car and went up to the office. His "life of grief" began three hours later.

"At your greatest moment of need, I failed you horribly," Warschauer said in a eulogy for his son. "Worst of all, I have no explanation for what I have done. I cannot understand how I, who loved you more than the air I breathed, who would have gladly given my own life for you, could have done such a thing."

Authorities ruled Mikey's death an accident and decided not to prosecute. But Warschauer cannot let himself off quite so easily.

"I take full responsibility for Mikey's death," he said during a recent interview at a coffee shop across from campus.

Warschauer has said these words to groups, written them on a Web site dedicated to his son, recorded them in public service announcements. It is a story he is loath to share, but feels obligated to do so. He wants to spare other parents the grief he has experienced.

Since Mikey's death, the Warschauers have had three more children, including twins. Warschauer knows Mikey's death was a tragic fluke, but he knows he can never fully trust himself again.

Inside each of the two family cars is a leather briefcase strap. When Warschauer buckles a child in, he clips the strap to his belt loop, so he can't leave the car without being reminded that he's not alone.

"It's my cue," he said.

Nine-month-old Veronika Balta grew up around the ponies.

Her father, Antonio, was a thoroughbred horse groomer who followed the racing circuit from New York to Kentucky to Florida. Her mother, Michelle Bashford, waited tables at the various track clubhouses.



Antonio Balta points to photos of his daughter, Veronica, during an interview at the Florida Dept. of Corrections Desoto Annex May 23, 2007 in Arcadia, Fla. Balta left his daughter in his car while he gambled, and the little girl died from heat exhaustion.

The couple couldn't afford day care, so Balta would park Veronika's stroller in the stables while he worked on the horses. Balta would talk to his little "mami" — short for mami shula, Spanish for "pretty mommy" — while he washed and brushed the horses.

"I had to be at work at 4 in the morning to 11 or 12 in the afternoon," the 30-year-old Peruvian native says in soft-spoken, heavily accented English. "Basically it was me and her relationship, because the mother used to work all day, 9 in the morning to 7. So I got her by myself all these hours."

On March 14, 2004, the couple were packing up to return to upstate New York. Bashford was finishing up her last shift at Gulfstream Park north of Miami; Balta decided to try and pick up a little more spending money at the betting windows.

Veronika cried around large crowds, so Balta says he left her in the car. He cracked the windows just a hair, he says, because he was afraid someone might take her.

The first two times Balta left the air-conditioned betting parlor to check on Veronika, she was playing happily with a stuffed toy that he'd won for her in a Kentucky claw machine — a rabbit dressed in a striped prison uniform. But then he got caught up in the races, and before he knew it, about 45 minutes had gone by.

When he found Veronika, she was limp, her eyes rolled back into her head.

"I tried to wake her up but when I carry her like this," he says, gesturing as if holding a baby over his right shoulder, "... milk came out of her mouth."

The temperature was mild when Balta got to the track that day. He says he had no idea the car could heat up that quickly.

At trial, a psychologist testified that Balta's IQ was just 74. Balta's defense attorney called him "borderline retarded."

Balta pleaded guilty to aggravated manslaughter and threw himself on the mercy of the court. Circuit Judge Ilona Holmes had none.

She declared Balta's actions "totally callous" and sentenced him to 20 years. When he gets out, he will be deported.

Sitting at a break room table in the maximum-security Desoto Annex prison in Arcadia, Fla., Balta fingers through photos of the little girl who shortly before her death had spoken her first word — Daddy.

"It's like I lost my soul," he says, almost in a whisper. "When I lost her, it's like a big chunk of my heart came out."

Balta agrees that he deserves to be punished. But he wonders what good it will do to keep him locked up for 20 years.

"This place is not going to bring my daughter back," he says. "I have learned from my mistakes already. ... I'm not the same person. I never been a bad guy, never. I did a mistake."



Antonio Balta points to photos of his daughter, Veronica, during an interview at the Florida Dept. of Corrections Desoto Annex May 23, 2007 in Arcadia, Fla. Balta. The tattoo on his hand reads "Real Lyfe."