

## Judge refuses to reduce child abuser's sentence

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A judge Friday refused to lower the 25-year sentence of a convicted child abuser, despite the convict's psychologist pleading with the judge while on his knees.

William Sobalvarro, 32, asked 4th Judicial District Judge David Miller to reconsider the sentence he imposed in 2006. Sobalvarro pleaded guilty to child abuse resulting in serious bodily injury for tossing his 4-month-old daughter "like a basketball" in 2003.

The girl suffered severe brain damage.

"The injuries in this case are grave, irreversible, and have left an innocent child in a permanently vegetative state," Miller wrote in denying the request.

He also made note of psychologist Mark Hoffman's "odd yet impassioned plea for mercy" Thursday.

Hoffman urged Miller to let Sobalvarro out of prison earlier because his parents, wife, mother and son are "victims" along with the girl he abused because they are deprived of Sobalvarro.

"I don't minimize the injuries to Elize, but in a way she has freedom," Hoffman said. "She has a spiritual freedom we don't understand."

Hoffman dropped to his knees in front of Miller and said "I implore you to be merciful."

The girl, now 5 years old and called Elizabeth, was adopted by Sobalvarro's mother-in-law, Brenda Webb.

She cries for so long at times, Webb is forced to wear earplugs, she told Miller on Thursday. The girl recently suffered "severe pain" for three months, Webb said.

But she also said she forgives Sobalvarro and asked Miller to let him out earlier because of the remorse he's shown.

When she takes the girl out in public in her wheelchair, she tells everyone who asks: "Her dad was not able to handle life, got upset at her crying and threw her on the bed.

"I tell them so this never happens to another child," said Webb, who lives in Arizona with Elizabeth.

Sobalvarro, who is serving his time in an Oklahoma prison, asked to be let out early so he could stand with Elizabeth and spread that same message. He said he wants to get a job to help support his family.

"It's not about me," he said. "It's for my little girl."

"I want to be able to tell everyone exactly what happened . . . until everyone knows this can happen to anyone who is selfish," Sobalvarro said.

Chief Deputy District Attorney Gail Warkentin reminded Miller that Sobalvarro had abused his son before he caused his daughter's brain damage.

"Elize was 4 months old when he hurt her," she said. "She relied on him to keep her safe. Instead of loving arms surrounding her, he grabbed her and threw her away."

Miller said Thursday he was impressed by the family supporting Sobalvarro, the level of remorse he's shown and the huge packet of letters of support from family and friends.

But, Miller said he's also still haunted by the image of Elizabeth as she appeared in his courtroom when he sentenced Sobalvarro.

"I can't ignore that vision," Miller said. "I see Elize sitting over there. I can still see her. It haunts me.

"No evidence was presented that the victim would in any way be better off physically or emotionally if the Defendant were physically present in her life," Miller wrote.

After learning of Miller's decision, Webb said she was not disappointed.

"It sounds strange, but I believe he's done his job," Webb said of the judge Friday. "He's doing what he believes is right.