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**The Denver Post****Trucker blisters DA, cops Idaho man vents anger after release from jail**

January 19, 1995

Section: News

Page: A-1

**Jim** Kirksey and Marilyn Robinson Denver Post Staff

Writers

**Caption:** PHOTOS: The Denver Post/Glen Martin NO LONGER SUSPECT:

Neil Schenk shortly before release from Denver County Jail yesterday.

FREE: Neil Schenk smiles as he is driven away from the Denver County

Jail yesterday. PHOTO: Tyson Blasing

Neil Schenk doesn't believe in the death penalty anymore.

His conversion from advocating death for capital criminals came during many long days sitting in a Denver jail as a suspect in the murder of a 4-year-old boy, and several long hours contemplating his future after being charged with first-degree murder. "The problem with the death penalty is we cannot undo it if we later find out that the DA made a mistake," Schenk said yesterday afternoon, standing in a stiff winter wind and reading a prepared statement that took aim at the Denver Police Department and the Denver district attorney's office.

Tuesday night, Denver District Attorney Bill Ritter admitted a mistake was made in charging Schenk, 25, with the murder of young traveling companion Tyson Blasing in the cab of Schenk's white Kenworth 18-wheeler on Jan. 9.

A 26-year-old Mexican drifter, Alfredo Diaz-Vega, made a last-minute confession that saved Schenk from a trial on the first-degree murder charges and a possible death penalty.

"Everyone should know what I know now, and that is that you should never trust or believe in the Denver Police Department," Schenk said, standing in front of the City and County Building as a bitter-cold wind snapped the flag of Denver flying nearby.

"The police told me that if I was innocent, then I did not need a lawyer. They told me if I was innocent, then they would not charge me and would release me. They told me that if I talked to them and told them the truth that they would allow me to go home.

"Well, I told them the truth without a lawyer present and they didn't believe me and they charged me," Schenk continued. "It was only through the grace of God that I stand here today as a free man and not through the graces of the Denver Police Department."

Denver homicide Detective Sgt. Gordon Reed responded to Schenk's remarks by saying, "We are always in search of the truth. The investigation is ongoing. It was because of the ongoing

investigation that he was released from jail.

"I can't comment further," the sergeant said.

Schenk and Blasing had picked up the hitchhiking Diaz-Vega in Albuquerque and brought him to Denver. The three spent the night of Jan. 8 together in the cab of the truck in the parking lot of a Commerce City truck stop.

The next morning, the little boy was discovered in the truck with his throat cut, nearly decapitated.

Schenk and Diaz-Vega were arrested as suspects, but Tuesday charges were filed against Schenk and Diaz-Vega was released from jail. He was taken to the Denver-area U.S. Immigration and Naturalization Service office.

There, while being questioned as a witness, Diaz-Vega broke down and made a confession to Denver detectives, police said.

The charge against Schenk was subsequently dismissed, and he was released from the Denver County Jail shortly after 10 a.m. yesterday.

Clad in a white shirt and dark pants and saying he wanted to take a shower, get into his own clothes and talk to his lawyer, the truck driver from Horseshoe Bend, Idaho, replied to a question: "Be imprisoned for 10 days (sic), innocent, and have your boy murdered, and see how you feel."

Later, in front of the City and County Building, Schenk complained about being held for 15 hours after Diaz-Vega gave his statement to police.

"I would also like to thank the DA and the police for making me wait 15 hours in jail while they went about getting my release, and I would also like to thank them for leaving me outside the jail upon release without any clothes, money or even a ride.

"It seems like they believe that their mistake is my problem, not theirs."

His attorney, **Jim Castle**, said he had no idea why it took 15 hours to secure Schenk's release from jail.

Assistant District Attorney Bonnie Benedetti attributed the delay to paperwork.

"Fortunately or unfortunately, there's a process that has to be gone through once we filed charges. ... That was done as quickly as we could this morning," she said.

She said she could understand Schenk's frustration at the delay.

"We feel badly," she said. "He had to be processed back out of the jail. That's how they return any personal items he took in with him, and frankly, we had some discussion this morning whether Mr. **Castle** would have clothing there for him.

"His clothing will remain in evidence in the case. At this point, we could not release his clothing back to him," she said.

**Castle** said his client's state was influenced by having "discovered the body of a child he loved, then being accused of the murder and missing the funeral."

Tyson - who was traveling with Schenk with his mother's permission - was buried in Boise, Idaho, Tuesday, the day Schenk was charged with his

murder.

"The horror of the last 10 days will never be forgotten by me, but that pales in comparison to the loss of Tyson," Schenk said in his statement. "The only thing that comforts me now is the knowledge that Tyson is now with God and is in peace.

"I ask all of you to now please leave me and my family alone so that we can grieve in peace."

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