

## Gym coach denied retrial in child molestation case

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FRANKLIN — A Williamson County judge denied convicted child molester Mark A. Schiefelbein's motion for a new trial yesterday.

Schiefelbein, 38, was sentenced to 96 years in prison for molesting an 11-year-old student at his gymnastics training center in Brentwood. His trial took place in July, 2003, with Judge Russ Heldman presiding. Heldman sentenced Schiefelbein on Sept. 30, 2003.

Yesterday, Schiefelbein's attorney, David Raybin, said Heldman made mistakes during the trial that didn't allow Schiefelbein a fair trial.

"He kept evidence from the public view," Raybin said. "There was a medical report (of the victim) that he wouldn't let in. I feel like the judge questioned the defendant and the victim very differently. What message does that send to the jury?"

During the trial, Heldman would not allow spectators to view video footage shown to the jury. He instructed the courtroom audience to move to one side of the room so they couldn't see a television positioned in front of jurors.

"First of all, that violates the right to a public trial," Raybin said. "What do you think the jury thought about it? It made them think that what they were about to see was terrible."

Heldman said the material on the video, which prosecutors said was taken by Schiefelbein, contained explicit images, and felt he was right in keeping it from public view. The video contained close-up images of the girl's unexposed private parts.

Heldman stood behind the decisions he made during the trial and said he followed the law.

Raybin said Schiefelbein will appeal Heldman's ruling and seek a new trial. It could take a year for the case to reach the state Court of Appeals, Raybin said.

Schiefelbein was convicted on eight counts of molestation. During his trial in July, prosecutors provided evidence that he videotaped the girl's private areas, inappropriately touched her and made her touch him in incidents during 2001 and 2002.

His victim, Rebecca Robinson, now 14, appeared last week on the ABC television news show *20/20*. She said Schiefelbein groomed her and conned her into letting him touch her.

Though *The Tennessean* does not normally identify the victims of sexual crimes, parents Jill and Ross Robinson said yesterday that their daughter said she felt empowered by going public with her story.

"At first she didn't want to have anything to do with (going on TV)," Jill Robinson said. "Then she thought it would be good to help other girls.

"It was a great opportunity for her to show how she feels. Maybe she can encourage other (victims) to come forward."

Schiefelbein's sister, Karen Schiefelbein, said her brother hasn't been portrayed fairly by the media. Karen Schiefelbein said her brother is innocent and wants him to get a new trial.

At sentencing, Heldman said he found Schiefelbein to be "incredibly dishonest and very deceptive. His conduct was laced in a pattern of deception, and he used the sport of gymnastics to gain the trust of his victim."