

murder

1988 LOMPICO MURDER

6-16-11

Convicted child killer set to be released on parole

Judge extends parole terms; location and date of Donald Schmidt's release remain unclear

By **STEPHEN BAXTER**

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SANTA CRUZ — A man convicted of molesting and drowning a 3-year-old girl in Lompico in 1988 will be released some

time between today and June 25, following a ruling by the state parole board.

Donald Gerald Schmidt, 39, was originally tried as a juvenile when he was 16 years old. He has been in youth lockups

since his conviction and is the oldest ward of the state.

The location and the date of his release remain unclear, Schmidt's attorney William Weigel said.

On Wednesday, Santa Cruz

County Judge Jeff Almquist ruled that the strict terms of Schmidt's parole will be extended to June 2013 — which include orders for Schmidt to live in a

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PAROLE

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halfway house, be monitored by a GPS device and stay away from children.

Prosecutor Rob Wade said outside court Wednesday that the District Attorney's Office tried for a long time to keep Schmidt incarcerated. Now, Wade said, "He's going to be extremely monitored."

Most juvenile offenders are released from the state system at age 25.

Santa Cruz County prosecutors have argued that Schmidt's incarceration should continue because he had a mental disorder that made him a danger to the public. Schmidt has had parole hearings about every two years since 1997.

Attorneys on both sides of the case said that a higher court's interpretation of juvenile confinement time changed in the course of Schmidt's incarceration.

"To detain someone in the youth authority beyond the maximum confinement time, there has to be evidence

RELEASE CONDITIONS

Donald Gerald Schmidt will have to abide by conditions when he is paroled. These are some of those requirements for his three-year parole period:

- Reside in an approved halfway house.
- Wear a GPS tracker.
- Tell his parole officer whom he is dating or intimate with — including name, phone number and address.
- Attend counseling for substance abuse and sexual abuse.
- Cannot possess alcohol or drugs.
- Submit to search and seizure for alcohol, drugs and pornography.
- Cannot go where minors congregate.
- Cannot use the Internet to communicate with minors or access pornography.

SOURCE: District Attorney's Office

of impaired ability to control one's behavior," Weigel said.

In 2009, the question of Schmidt's release was tried in Santa Cruz County court twice and resulted in two hung juries.

Later that year, Judge Robert Attack affirmed an agreement from attorneys on both sides that essentially allowed Schmidt's release in a few years under strict parole terms.

Both sides feared at the

time that a jury would allow Schmidt's unconditional release, so they ironed out terms of his parole.

Weigel said Schmidt's release should not come as a surprise because Schmidt was initially tried in juvenile court. When he was tried as a juvenile, "it was known that he would be released," Weigel said.

"It's about time," he said. "They've known for years that he's ready to be released, I'm sure he's looking forward to

the next phase. For the short term, a lot of his time will be used up complying with conditions that (State) Parole's given him.

Schmidt will continue his counseling, Weigel said.

Schmidt was housed in a locked juvenile facility in Chino for years until it closed and he was moved to the N.A. Chaderjian Youth Correctional Facility in Stockton, Weigel said.

Prosecutor Wade listed the terms of Schmidt's parole on Wednesday, and Judge Almquist asked Schmidt if he agreed to the terms.

"Yeah," Schmidt said.

Schmidt wore a white T-shirt and shackles in court.

Weigel said the parole board likely would decide this week where and when Schmidt would be released.

In 2010, state legislators in Santa Cruz County and Riverside County opposed Schmidt's release in their counties.

Schmidt originally ran away from his home in Fremont as a teen. He was a guest at a home in Lompico when he drowned a 3-year-old in a bathtub while high on meth, prosecutors said.