

Parole Possible for Child Murderer

by Linda Fridy

Donald Schmidt has spent more than half of his life imprisoned by juvenile detention since his conviction of the molestation and murder of a three-year-old Lompico girl. Part of the length of his incarnation has been the Santa Cruz County District Attorney's Office fight to keep him there for the last decade.

Following a change in the law and two hung juries earlier this year, Schmidt and the DA's Office reached an agreement making him eligible for parole in about a year. As part of the deal, Schmidt will be heavily monitored for the three years of his parole.

Schmidt, who was 16 when he committed the crime and is now 37, agreed to return to the youth authority for two more years. However, he becomes eligible for parole after one. Should the juvenile patrol board agree to release him, the remaining year would be added to two more years of severe restrictions laid out in the conditional release agreement. Local prosecutor Rob Wade handled the case.

Schmidt has been diagnosed as a sexual sadist with a polysubstance abuse disorder. Before 2006, that diagnosis was enough to convince a jury to keep him in custody, Wade explained. However, the law now requires a jury to determine that Schmidt cannot control his impulses even under treatment.

Schmidt's treatment team testified that he was ready for parole, resulting in the hung juries, said Wade. The DA then negotiated the terms of parole, requiring that Schmidt wear a GPS tracker, continue with anger management and sexual offender



Donald Schmidt

treatment, and avoid all contact with drugs, alcohol and minors. That is for three years. After that, unless otherwise decided, he will be free.

Headed South

Schmidt, who was a San Jose resident at the time of the crime, will be sent to a Los Angeles-area halfway house that specializes in sexual offenders should he be released on parole.

"He's not coming back here," said Wade.

The heinous nature of the crime — in 1988 Schmidt sodomized the child in the bathroom before drowning her to quiet her crying —

shocked the community and lent credence to the efforts to keep him incarcerated. Juvenile offenders are usually released when they reach age 25.

"The Santa Cruz District Attorney's Office has given significant effort [to keeping Schmidt in custody] which is reflected in the fact that Schmidt was held longer than any other juvenile," Wade said.

Without the agreement, Schmidt could have won unconditional release if another jury trial was held. This is a risk the District Attorney's Office said they would not take. Schmidt was 16 at the time of the killing and according to reports was a runaway.

"It caused us to look at it [the agreement] after two hung juries. He will be supervised within a community for a significant period of time and if there are problems, we'll know about it," said Wade.

He added that Schmidt indicated he has maintained contact with family and will have that support. ■