Misinterpreted call stirs up Schmidt case

By MAY WONG
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SANTA CRUZ — The words "the governor's office wants to know" set off a tizzy of rumors and a special hearing Monday in a court case that already had its share of twists.
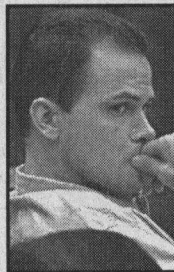
It turns out the governor's office really wasn't inquiring, but the talk was enough to add another court date to the Donald Schmidt trial. The convicted murderer and rapist is fighting a prosecution bid to extend his time in the California Youth Authority two more years.

Judge Tom Kelly declared a mistrial in the case last week after he concluded a CYA psychologist who treated Schmidt was an incompetent witness.

Then, according to the judge, he received a phone call late last Thursday from the County Jail, asking what authority the county had to keep Schmidt in custody since there has been a mistrial.

Attorneys on both sides said they received similar messages Friday from a court clerk saying the judge had a set a hearing on Schmidt's custody status because "the governor's office wants to know."

Already, the twisting case is a landmark. At age 27, Schmidt

Schmidt
In custody while awaiting new trial date.

would become the oldest CYA ward if he remains in custody two more years. In addition, the judge's ruling against the CYA psychologist has sparked statewide publicity and an internal agency investigation.

On top of that, the governor's office was calling?

Kelly indicated in court that he believes he was not violating any of Schmidt's rights by keeping him in custody until a new trial date is set. The matter will be revisited Thursday.

State officials attributed the matter to "miscommunication."

Media calls to the governor's office were referred to Lisa Beutler, a spokeswoman for the Youth and Adult Correctional Agency, which oversees the CYA.

"I just needed to know (Schmidt's) custody status." She said she never meant to question the judge's authority.

Beutler said people probably got mixed up because she is the agency's liaison to the governor's office.