

# Convicted child killer to be paroled

murder

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SANTA CRUZ — After two failed attempts to convince a jury that convicted child killer Donald Schmidt should not be released from the state juvenile justice system, the District Attorney's Office agreed Thursday to let Schmidt, the oldest state ward, be paroled next year.

"It's fantastic. All we've ever wanted is a chance for him to get

out on parole," Schmidt's attorney, William Weigel, said.

The decision, affirmed by a judge Thursday, means the 37-year-old will spend one additional year in the juvenile system, then be paroled if juvenile officials decide he is fit for release. His parole period will last three years and include numerous provisions aimed at keeping Schmidt out of trouble.

Schmidt, 37, was convicted of sodomizing and drowning a 3-

year-old girl in Lompico in 1988. He was 16 at the time and tried as a juvenile. Most juvenile inmates are released from the state system when they turn 25, but in Schmidt's case, the District Attorney's Office has relied on a little-used provision of state law to extend Schmidt's incarceration because they believe he has a mental disorder that makes him a danger to the public.

SEE SCHMIDT ON B14



CYA's oldest inmate Donald Schmidt appears in court for a parole hearing.

DAN COYRO/SENTINEL FILE

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## EXTRA

### SCHMIDT

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The District Attorney's Office and defense counsel reached the release agreement this month after two trials this spring resulted in hung juries. Both sides said they felt trying the case before a third jury would be too risky. District Attorney Bob Lee said the possibility that a jury could release Schmidt without any supervision was too much of a threat to public safety.

"It's our belief that we can't convince 12 jurors in this community," Lee said.

As part of the agreement reached Thursday, Lee will not file the case against Schmidt again. Prosecutors also could have continually retried the case to stall Schmidt's release,

something that concerned Weigel.

"Another hung jury could have very well resulted in another trial after that. Since he has never had any objection to being released on parole, this is a way to make that actually happen," Weigel said. "I think it's an excellent result for both sides."

Schmidt had been granted parole in 2005, but Lee successfully fought to keep him in state custody. However, a change in state law in 2006 made it more challenging to keep juvenile offenders behind bars past their confinement period and the District Attorney's Office struggled to prove the case to jurors this spring. Lee said jurors interviewed following both trials said they believed Schmidt was a danger, but that he didn't meet the legal requirement to remain incarcerated.

"We've exhausted or run out of all our options," Lee said. "This is very, very unfortunate. We'd rather see him in custody. We believe he represents a danger to the community."

When he is paroled in a year, Schmidt will have spent more than half his life in the state's juvenile justice system. At first, he will likely live in a halfway house somewhere in Los Angeles County, according to the Lee.

Schmidt will continue therapy programs he is already taking part in and also learn practical life and job skills in preparation for his release, his attorney said.

"Don and I are both just thrilled that there's finally some closure, some finality," said Weigel, who has been handling the case for eight years.