



COUNTY OF FRESNO

Lisa A. Smittcamp
District Attorney

NEWS RELEASE

FOR IMMEDIATE RELEASE

May 21, 2018

DISTRICT ATTORNEY SMITTCAMP AND OTHER LAW ENFORCEMENT OFFICIALS URGE GOVERNOR BROWN TO BLOCK THE PAROLE OF CONVICTED MURDERER DAVID WEIDERT

Fresno County District Attorney Lisa A. Smittcamp, Fresno County Sheriff-Coroner Margaret Mims, and Fresno Police Chief Jerry Dyer have joined in urging California's Governor Jerry Brown to block the parole release of convicted murderer David Weidert. The Governor will decide by August whether or not to overturn the Board of Parole Hearings decision in March granting parole to the murderer.

Inmate David Weidert was convicted for the 1980 murder of the developmentally disabled 20 year-old victim Mike Morganti. Inmate Weidert used Mike to serve as a look-out to commit a burglary, and when Mike spoke to law enforcement, Inmate Weidert silenced him by luring him into a car and taking him to an isolated location. Mike was then beaten with a baseball bat and a shovel, stabbed with a knife, and forced to dig his own grave before being buried alive. Inmate Weidert was convicted of first degree murder and was sentenced to life in prison.

Last week, District Attorney Smittcamp sent a letter to Governor Brown urging him to overturn the Board's decision granting parole to Inmate Weidert. Fresno County Sheriff-Coroner Margaret Mims, as well as Fresno Police Chief Jerry Dyer, also sent letters to the Governor voicing their objections to his release. (See attached letters.)

The Board of Parole Hearings previously decided to grant parole to Inmate Weidert three years ago in January 2015. Following that decision, District Attorney Smittcamp joined the family of Mike Morganti, Legislators, and Disability Rights Advocates at a News Conference on the steps of the State Capitol in April of that year and urged Governor Brown to block the parole release. Governor Brown reversed that 2015 Parole Board Decision, blocking the release of Inmate Weidert at that time.

District Attorney Smittcamp is urging all concerned citizens to contact the Governor's Office and ask him to stop the parole release of convicted murderer David Weidert by calling (916) 445-2841.

The Media may email FCDAMedia@co.fresno.ca.us or contact Administrative Assistant Leslie Gillespie at (559) 600-4442 with questions.



COUNTY OF FRESNO

Lisa A. Smittcamp
District Attorney

May 15, 2018

The Honorable Jerry Brown
c/o Jonathan Renner, Legal Affairs Secretary
State Capitol, Suite 1173
Sacramento, CA 95814

Re.: Inmate David Weidert CDC # C34455

Dear Governor Brown:

On March 22, 2018, the Board of Parole Hearings granted a parole date for the above named inmate. A representative from The Fresno County District Attorney's Office attended the hearing and presented arguments in opposition to a finding of suitability for release on parole. Members of the murdered victim's family also attended the hearing, as they have done for all prior hearings, and likewise presented arguments in opposition to a finding of suitability.

Despite a finding of suitability by a two-member panel, the Fresno County District Attorney's Office and those we represent continue to oppose the release of inmate Weidert and continue to believe he poses an unreasonable risk of danger to the safety of the community. Therefore, it is our request that the grant of parole to inmate Weidert be reversed by you with the desired outcome that he continue to serve his life sentence for the brutal murder of Michael Morganti.

Inmate Weidert's life crime occurred when he and an accomplice kidnapped, tortured, and ultimately murdered, Michael Morganti. The motive for the kidnapping, torture, and murder was to keep Michael from telling the truth and testifying against inmate Weidert for a burglary he committed; a burglary in which he recruited the victim, a developmentally disabled young man, to serve as a lookout.

Specifically, on November 21, 1980, with the help of a juvenile accomplice he recruited to assist in the murder, inmate Weidert lured Michael out of his apartment and into the inmate's truck. Once in the truck, Weidert and his accomplice tied Michael's hands behind his back and drove him to the foothills outside the City of Clovis. Once they arrived at a secluded location, Weidert and his accomplice led Michael to the spot where they would make him dig his own grave.

Despite being developmentally disabled, Michael suspected that inmate Weidert and his juvenile accomplice intended to kill him. Michael began to beg and plead for his life, promising not to testify against Weidert. His pleas fell on heartless, deaf ears.

When the hole Michael was forced to dig was large enough for Michael's body, inmate Weidert and his accomplice forced Michael to lie down in the hole, as they struck him at least five times in the head with a baseball bat. Weidert next stabbed Michael in the back near his spine, before he and his accomplice covered Michael with dirt. Barely clinging to life, Michael reached his hand from beneath the dirt covering his grave and grabbed Weidert's leg. Michael pulled his head and upper torso above the dirt, but Weidert forced his head back down. Then Weidert and his accomplice tried to strangle Michael with the wire they had used to bind his hands behind his back. As Michael hopelessly tried to resist, inmate Weidert said, "You son of a bitch, die, die. This son of a bitch won't die."

Weidert and his accomplice waited until they believed Michael to be dead and re-covered him with dirt, forming a shallow grave. Ultimately, Michael did die; but neither from the beating from the bat, nor from the stabbing from the knife, nor from the strangulation with the wire. According to the autopsy report, Michael died from suffocation. He had earth and organic material in his mouth and lungs. Inmate Weidert and his accomplice had stabbed, beaten, strangled, and then buried a vulnerable, defenseless Michael, alive.

Inmate Weidert's prior social history deserves special comment, as it played a major role in creating the person he was and remains to this day. Weidert was raised in a family of privilege. His father was involved in politics at a national level, serving at one time as the Assistant Secretary of Agriculture. According to the inmate, his father was grooming him to become a politician. Indicative of this privileged lifestyle was a letter sent by Congressman Tony Cohello, seeking leniency for the inmate at his original sentencing, after the inmate had tortured and murdered a 20 year-old developmentally disabled young man, just to hide his burglary of a medical office.

It is this background of a privileged upbringing that inmate Weidert has acknowledged led to his feelings of entitlement. This area of concern was noted in the 2011, 2014, and 2016 Comprehensive Risk Assessments (CRAs). Weidert's entitlement issues were of noted concern in the letter dated June 26, 2015, in which your Office reversed inmate Weidert's previous grant of parole. Quoting from the last page of that letter, your Honor observed, "[t]hese reasons are superficial and inadequate."

The primary reason your Honor stated for the reversal of Weidert's 2015 grant of parole, however, was set out as his failure to demonstrate "a more substantial understanding of his reasons for committing this crime." This lack of insight troubled you in 2016, and it remains troubling in 2018.

After your reversal of the 2015 grant of parole by the Board, the inmate was found unsuitable at his next hearing on July 26, 2016, presided over by Commissioner Arthur Anderson and Deputy Commissioner Loren Kleier. In denying parole, Commissioner Anderson bluntly pointed out that inmate Weidert still struggles with credibility and insight when he stated to inmate Weidert in his decision, "You tried to mislead this board."

You tried to mislead the psychologists.” [Subsequent Parole Suitability Hearing Transcript, July 26, 2016, at p. 121, lines 9-10.] Deputy Commissioner Kleier was even more direct, stating in his decision, “I’ll say that you’re a poor historian at best. At worst, you’re lying to this Board and prior Boards.” [Id. at p. 129, lines 3-5.] Although Weidert has learned from past hearings what to say, as evidenced by the criticisms above, his credibility and sincerity is still a significant issue today.

During his last hearing, when the inmate was confronted with facts unresponsive of a finding of suitability from prior hearings or CRAs, he feigned a lack of memory or had an entirely new explanation for them. A troubling example of this occurred when he was confronted by a statement he made to Dr. George, the author of the 2016 CRA.

Dr. George noted that when he would question inmate Weidert on the veracity of certain statements, the inmate accused the clinician of having come to negatively judge him. When asked by Commissioner Randolph Grounds about this statement during the last hearing, the inmate responded, “I’m trying to remember the conversation.” [Subsequent Parole Suitability Hearing Transcript, March 22, 2018, at p. 108, lines 10-16.]

This was clearly a dishonest response, as he had no problem remembering everything else in the assessment. Additionally, it was this same CRA that inmate Weidert had been questioned extensively about at the prior parole suitability hearing in 2016. Not only was he aware of the areas of concern of the Board at the 2016 hearing, but he had the opportunity to prepare and coach himself for the most recent hearing. This time he relied upon a feigned failure of recollection rather than explain his disturbing responses.

This also evidenced a consistent pattern exhibited by inmate Weidert to “demonstrate” his insight by following the theory *de jour*. After SB 261 was signed into law on October 3, 2015, inmate Weidert immediately began to talk about his insight into the life crime, describing it as “impulsive.” Not surprisingly, SB 261 requires the Board to give due consideration to the hallmark features of youth, including, among other things, impulsivity. Commissioners quickly picked up on inmate Weidert’s professed epiphany, that the murder of Michael Morganti was impulsive, as was discussed by Commissioners Peck and Anderson, at the respective 2015 and 2016 parole suitability hearings.

Despite his recent adoption of it, the inmate quickly distanced himself from the “impulsivity insight theory,” after your letter highlighted the lack of credibility Weidert exhibited in claiming an impulsive killing. Specifically, in the second paragraph of page two of your June 26, 2015 letter you observed, “[i]t is shocking that Mr. Weidert, even after all these years, still insists that he did not set out to kill Mr. Morganti. He told the Board at his recent hearing that he knew the killing of Mr. Morganti “could be the result” that day, but “the act of killing him was the impulsive act.”

Inmate Weidert, shifted immediately thereafter and dropped the impulsivity theory, going so far as to agree with the stated reason of the rescission of his grant of parole. [Subsequent Parole Suitability Hearing Transcript, March 22, 2018, at p. 108, lines 10-16.] This was a 180° reversal of his insight into his motivation for a heinous and premeditated murder to silence a would be witness to his own criminal conduct. The reversal occurred within a

thirteen month period of time, without explanation, and after a period of well over thirty years of maintaining otherwise.

After he was denied parole on July 26, 2016, inmate Weidert was now “all in” with the “I intended to kill him all along insight theory.” Not lost on the close observer is the fact that this theory is exactly the opposite of the insight he had professed after SB 261 had been enacted into law.

A clarifying question asked at the last suitability hearing powerfully demonstrated that inmate Weidert once again told the Board what he thought they wanted to hear as opposed to the truth. The specific question sought from the inmate information about which self-help group session he had attended since the last hearing in 2016 that had changed how he thought about his life crime. His response was no answer at all: He paused for a moment, then replied “I’d have to say every class I’ve taken has caused a change in my thinking.” [Subsequent Parole Suitability Hearing Transcript, March 22, 2018, at p. 120, lines 2-10.]

The most recent parole hearing was advanced administratively, so a mere 20 months have passed between his last hearing and denial, and the present hearing. The inmate’s narrative of the life crime and his understanding of it between these two hearings demonstrates that inmate Weidert’s newfound insight and awareness concerning his motivation for the murder cannot possibly be described as well-developed or internalized, if for no other reason than it changes at every hearing.

Although Weidert has learned through years of practice and observation what to say, he has not demonstrated genuine insight into his motivation for the life crime, his sense of superiority that allowed him to think so little of Michael, or how he could so brutally and without concern for Michael’s suffering plan and execute such a horrific act. Nothing he has communicated to the Board to date demonstrates a modicum of insight that would protect the community against future violence in the event of his parole.

Inmate Weidert begrudgingly revealed on July 26, 2016, that significant portions of his prior testimony during the 2015 suitability hearing while under oath, were misleading. This revelation, in combination with his sudden and complete acceptance of the “I intended to kill all along” theory of insight, must cause his current professed level of insight to be critically examined and viewed with a high degree of skepticism, as was done previously when his grant was reversed.

A grant of parole for such an egregious offense that was motivated by a desire to stop a developmentally disabled young man from providing testimony, an offense that initially warranted a sentence of life without parole, should not be sustained by the executive overseeing the safety of the community when the sincerity of the inmate’s statements, claims of remorse, claims of rehabilitation, and claims of insight are in genuine doubt.

A critical examination of Weidert’s consistent and constant minimization of his role in the murder, his ever changing statements concerning his relationship with Michael and his feelings toward Michael, and his vacillating expressions of motivation for the murder all

lead to the conclusion that Weidert perceives himself as a bright and privileged man that still needs to deflect blame for the horrific murder of Michael Morganti.

The recent willingness of the inmate to commit perjury in order to both minimize his own culpability in the offense and to present himself in a more positive light to the panel earned Weidert nothing at his previous hearing, as Commissioner Anderson and Deputy Commissioner Kleier clearly saw through his deception and chastised him for it.

In contrast, at his most recent hearing, his statements went largely unchallenged and he was spoon fed answers that were more appealing. An example occurred when he was asked what he would do differently, and he responded that he would attend church. Commissioner Grounds then followed up with "So, when I hear you say attend church, I think I hear you saying you'd get different friends." Weidert of course responded, "Yes. Yes...". [Subsequent Parole Suitability Hearing Transcript, March 22, 2018, at p. 69, lines 14-17.]

Changes in his version of events when made solely to obtain a grant of parole as opposed to expressions that demonstrate genuine understanding and appreciation of the causative factors of the terrible life offense demand such close scrutiny. In that light, the Fresno County District Attorney has profound concerns regarding inmate Weidert's level of threat to the community. He has evidenced recent efforts to minimize and deceive the Board of Parole Hearings regarding his motivation for the life crime, as shown by the statements made during his 2016 hearing. He has further demonstrated poor insight by his willingness to change 180° his statements to a particular author of a CRA and his eagerness to change his testimony under oath to the Board, to adjust to his understanding of prevailing expectations.

Given the gravity of his offense, his lack of credibility through past manipulation and recent perjury, his willingness to offer a completely different and inconsistent theory into his insight at each subsequent hearing, and a lack of any genuine support as to the manner and means by which he has gained his insight, I respectfully request that inmate Weidert's grant of parole be reversed, and he remain in prison. Moreover, I implore that, when dealing with a known manipulator, that you insist that the Board look genuinely and more in depth into Weidert's understanding, rather than at the conclusory statements he is capable of making, to determine whether his are genuine or feigned expressions of insight into the brutal and senseless killing of Michael Morganti. Safety depends on it.

Very truly yours,



Lisa A. Smittcamp
Fresno County District Attorney



Margaret Mims
Sheriff-Coroner
Fresno County Sheriff's Office

May 15, 2018

The Honorable Jerry Brown
Governor of California
State Capitol, First Floor
Sacramento, CA 95814

RE: Parole of David Weidert - CDC #C-39455

Dear Governor Brown:

As Sheriff of Fresno County, I am requesting that you intervene and reverse a decision to grant parole to inmate David Weidert, CDC #C-39455. Inmate Weidert committed one of the most heinous crimes I have ever heard of in my 38 year law enforcement career. Although you may have already read a similar letter, I feel the need to explain just how barbaric this crime was.

Inmate Weidert kidnapped and murdered a mentally disabled young man named Michael Morganti, in order to prevent him from testifying against Weidert in a burglary case. The victim was lured into a vehicle, tied up, and driven to a remote area in the foothills. Once there, the victim was ordered to dig his own grave. After that was complete, the suspect began beating the victim with an aluminum baseball bat. A witness described the terrible sound the bat made when it contacted the victims head. The witness, who immediately walked away from the scene, further described the screaming noises he heard from the victim as he was being beaten. Ultimately, the victim was beaten with a bat, stabbed with a knife, strangled, and also stabbed with the shovel. The victim was buried alive and stomped into the ground. Dirt clods were found in the victims lungs during the autopsy.

Governor, I cannot imagine how someone so barbaric can be paroled to pray amongst our citizens again. Inmate Weidert has proven that he does not value human life, and, as such, he should remain incarcerated for life. We cannot afford to have this man walking free among us. I cannot even begin to think about how the victim's family must feel. Their only peace of mind comes from the fact that the killer of their son/sibling is incarcerated, where he belongs.

I implore you to reconsider the decision to grant parole for Inmate Weidert. We cannot fail to protect the public. We cannot fail to stand up for crime victims such as Michael Morganti's family. On behalf of the men and women of the Fresno County Sheriff's Office, as well as the public we serve, I thank you for your time and consideration in this urgent matter.

Sincerely,

Margaret Mims, Sheriff-Coroner

Dedicated to Protect & Serve

May 16, 2018

The Honorable Jerry Brown
Governor of California
State Capitol, First Floor
Sacramento, CA 95814

Regarding: David Weidert CDC# C39455

Dear Governor Brown,

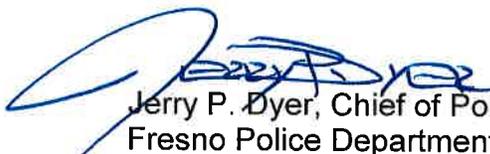
As the Chief of Police for the City of Fresno, I know too well the impact that crime has on a community and how devastating it can be to a family who has had a loved one brutally murdered.

I cannot image the pain and suffering the Morganti family has had to endure over the murder of their mentally challenged son Michael. There is no doubt that Michael's family has agonized over the thought of David Weidert being released from prison. The disturbing nature of Weidert's torturous murder included his premeditated kidnapping, brutal beating, strangulation, and stabbing of Michael Morganti. During his horrific and vicious treatment of Michael, Weidert forced him to dig his own grave where he was buried alive, suffocated and died. Despite his callous criminal act, Weidert received a reduced sentence of twenty-five years to life and is now being paroled.

It is with the deepest concern for the Morganti family and for the citizens of Fresno that I have written this letter protesting David Weidert's release from prison. Weidert's cold blooded merciless act has caused him to be a continuing threat to public safety. It is my belief along with our Sheriff and District Attorney that Weidert's release would make our community less safe. It is for this reason that I am requesting your intervention in reversing the decision to grant David Weidert parole.

Thank you for your consideration in this matter on behalf of Morganti family and the citizens of Fresno.

Sincerely,


Jerry P. Dyer, Chief of Police,
Fresno Police Department