



COUNTY OF FRESNO

Lisa A. Smittcamp
District Attorney

NEWS RELEASE

FOR IMMEDIATE RELEASE
November 25, 2019

DISTRICT ATTORNEY SMITTCAMP URGES GOVERNOR NEWSOM TO BLOCK THE PAROLE OF CONVICTED MURDERER DAVID WEIDERT

Fresno County District Attorney Lisa A. Smittcamp is urging Governor Gavin Newsom to block the parole release of convicted murderer David Weidert. The Governor will decide by early December whether or not to overturn the Board of Parole Hearings decision in August 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 month, District Attorney Smittcamp sent a letter to Governor Newsom urging him to overturn the Board's decision granting parole to Inmate Weidert (see attached letter).

The Board of Parole Hearings previously decided to grant parole to Inmate Weidert 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.

Subsequently, in March of 2018, the Parole Board decided to grant parole to Inmate Weidert. District Attorney Smittcamp again joined with Mike Morganti's family and area law enforcement in opposing Inmate Weidert's release. As he did in 2015, Governor Brown reversed the Parole Board's decision and blocked the 2018 release of Inmate Weidert.

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@fresnocountyca.gov with any questions or requests for clarification.



COUNTY OF FRESNO

Lisa A. Smittcamp
District Attorney

October 11, 2019

The Honorable Gavin Newsom
c/o Catherine E. Lhamon, Legal Affairs Secretary
State Capitol, Suite 1173
Sacramento, CA 95814

Re.: Inmate David Weidert
CDC # C34455

Dear Governor Newsom:

On August 13, 2019, the Board of Parole Hearings granted a parole date for the above named inmate. Members of the murdered victim's family: Cathy Groves, Connie Crockett, Collette Swaringen, and Vicki Van Duyne, attended the hearing, as they have done for all prior hearings, and presented arguments in opposition to a finding of suitability. A representative from The Fresno County District Attorney's Office also attended the hearing and likewise, opposed a finding of suitability for release on parole.

Despite a finding of suitability by a two-member panel, comprised of Commissioner Diane Dobbs and Deputy Commissioner Christine Nijjer, 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, we urge that the grant of parole to inmate Weidert be reversed with the desired outcome that he continues to serve his life sentence for the brutal murder of Michael Morganti.

Inmate Weidert's life crime occurred when he and his accomplice kidnapped, tortured, and ultimately brutally murdered, Michael Morganti. The motive for the kidnapping, torture, and murder was to keep Michael from 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 Morganti 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 not 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. During the autopsy, it was discovered that 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. As if the facts of the brutal murder could not get worse, the torture took place over an approximate 45 minute period of time.

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 social history 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 Governor Jerry Brown's Office reversed inmate Weidert's previous grant of parole. Quoting from the last page of that letter, Governor Brown observed, "[t]hese reasons are superficial and inadequate."

The primary reason Governor Brown's previously stated for the reversal of inmate 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 Governor Brown in 2016 and 2018, and it remains troubling in 2019.

After Governor Brown's 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 remained a significant issue at his hearing on August 13, 2019.

During his hearing on March 22, 2018, 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 parole suitability hearings.

Despite his recent adoption of it, the inmate quickly distanced himself from the "impulsivity insight theory," after Governor Brown's letter in 2015 highlighted the lack of credibility Weidert exhibited in claiming an impulsive killing. Specifically, in the second paragraph of page two of the June 26, 2015 letter, Governor Brown 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.

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 over such an extended duration. 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.

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 in 2015, as Commissioner Anderson and Deputy Commissioner Kleier clearly saw through his deception and chastised him for it.

In contrast, at his hearing in 2018, 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.]

He was challenged even less at the most recent hearing, as a casual reading of the transcript demonstrates. Of significant note is that neither the Commissioner or the Deputy Commissioner appeared to be aware before the hearing began that the CRA was

more than three years old and had already been relied upon in three prior suitability hearings. Evidence of this was noted by Commissioner Dobbs near the very end of the hearing when she stated, "I did note that it was a little dated. Um, to be honest I should've checked, but I forgot." [Subsequent Parole Suitability Hearing Transcript, August 13, 2019, at p. 43, ln 24 through p. 44, ln. 1]

This brings us to the hearing held on August 13, 2019, which was drenched in a sense of *déjà vu*. It was a near repeat of the prior hearing in 2018, that Governor Brown found wanting, only shorter in duration and significantly less probing in the most significant areas of concern. The specific areas of concern noted by Governor Brown in his letter dated August 3, 2018, and noted as very troubling by the People at the August 13, 2019 hearing was (1) the inmate's inadequate explanation for why he decided to murder the victim and (2) why was the attack so prolonged and callous. Again, the torture took place over an approximate 45-minute period.

More importantly, the most recent suitability hearing relied on a Comprehensive Risk Assessment (CRA) that had been utilized at three prior hearings and was more than three years old. This is the same CRA where Dr. T. M. George related multiple times in the report the inmate's evasiveness and contradictions as to his motivation for murdering the victim. One of those specific observations by Dr. George noted, "Per the current interview, there continues to be a question of Mr. Weidert's insight into his motivations for the life crime due to his inconsistent statements regarding remorse and his evasiveness as he was asked repeatedly by the undersigned as to his reasoning for committing the life crime." [2016 CRA, p. 13 of 15] Against this backdrop, the inmate was granted parole.

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. Given the gravity of his offense, his lack of credibility through past manipulation and perjury as recent as 2015, 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