



COUNTY OF FRESNO

Lisa A. Smittcamp
District Attorney

NEWS RELEASE

FOR IMMEDIATE RELEASE

January 10, 2020

GOVERNOR NEWSOM BLOCKS THE RELEASE OF CONVICTED MURDERER DAVID WEIDERT

At the urging of Fresno County District Attorney Lisa A. Smittcamp, the victim's family, and area legislators, Governor Gavin Newsom blocked the parole release of convicted murderer David Weidert.

The Governor's reversal follows an August 13, 2019 decision by the Board of Parole Hearings that ruled in favor of granting parole to the murderer. Governor Newsom had 150 days from the hearing to reverse that decision and did so with a written reversal dated January 9, 2020. The Governor's reversal was made available to the Fresno County District Attorney's Office on January 10, 2020. This marks the third time that a Governor has reversed the Board of Parole Hearings decision to release Weidert since 2015.

Inmate David Weidert was convicted for the 1980 murder of the developmentally disabled 20 year-old victim Mike Morganti. Weidert used Mike to serve as a look-out to commit a burglary, and when Mike spoke to law enforcement, 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. Weidert was convicted of first degree murder and was sentenced to life in prison.

"Today is a great day for justice in the State of California. Governor Newsom made the right choice in denying this inmate the opportunity to be paroled. However, change needs to be made to legislation that currently allows Weidert the opportunity to be considered for release again in one year. He was previously denied parole by Governor Brown on June 26, 2016 and again on August 3, 2018. Newsom's concurrence with Brown's prior reversals reaffirms the fact that Weidert deserves the sentence he received," said District Attorney Smittcamp.

District Attorney Smittcamp expresses her appreciation to Governor Newsom for considering the concerns expressed by the citizens of Fresno County, our local representatives and the family of Mike Morganti in making this very important decision.

Governor Newsom's written reversal is included with this news release.

The Media may email FCDAMedia@fresnocountyca.gov with any questions or requests for clarification.

INDETERMINATE SENTENCE PAROLE RELEASE REVIEW

(Penal Code Section 3041.2)

DAVID WEIDERT, C-39455

First Degree Murder

AFFIRM: _____

MODIFY: _____

REVERSE: _____ X _____

STATEMENT OF FACTS

In 1980, 17-year-old David Weidert asked his co-worker, the victim, to act as a lookout during a burglary. The victim had a developmental disability. After the victim later reported the burglary to law enforcement, Mr. Weidert devised a plan to kill him. Mr. Weidert and his two crime partners waited at the victim's apartment and then lured him to a parking lot where they bound him and forced him into a vehicle. They drove the victim to a remote a location and Mr. Weidert forced him to dig a shallow grave. The crime partners beat the victim with a baseball bat, Mr. Weidert stabbed him, and then Mr. Weidert buried him in the grave. When the victim, who was still alive, tried to crawl out, Mr. Weidert used his foot to push the victim into the ground, suffocating him.

DECISION

I acknowledge that Mr. Weidert committed this crime when he was 17 years old and that he has been incarcerated for 40 years. In making this decision, I carefully examined the record for evidence demonstrating Mr. Weidert's increased maturity and rehabilitation and gave great weight to all the factors relevant to his diminished culpability as a youthful offender including his rash decision-making, inability to cope with his emotions, and recklessness, as well as his other hallmark features of youth. I also acknowledge that Mr. Weidert has made efforts to improve himself in prison. He has not received a rules violation in more than three decades, he has participated in self-help programming, and earned a vocational certification. I have given great weight to his subsequent growth in prison during my consideration of his suitability for parole. However, these factors are outweighed by negative factors that demonstrate he remains unsuitable for parole at this time.

I do not believe that Mr. Weidert has accepted full responsibility for his leading role in this brutal murder of a vulnerable victim. The psychologist who evaluated

Mr. Weidert in 2016 noted Mr. Weidert's evasive and inconsistent statements regarding his motivation for committing the crime. At first, Mr. Weidert told the evaluator that he felt obligated to continue with the murder because his "crime partner was expecting [him] to," thereby minimizing his role as the primary planner and perpetrator of the murder. Mr. Weidert then backtracked, acknowledging his role in planning the crime, and admitted, "[B]y noon of the day of the life crime, I had decided to kill him." The evaluating psychologist concluded that although Mr. Weidert did ultimately say that he accepted personal responsibility for the crime, he seemed to only now report the crime as a premeditated act because he "made a bad answer to the Board last time." It is critically important for Mr. Weidert to fully confront and accept the impact of his past decisions and actions so that he can abstain from repeating them in the future. While it appears that Mr. Weidert is moving toward accepting full responsibility for the role he played in this crime, the inconsistencies in his statements make it difficult to assess their authenticity, and, accordingly, his fitness for parole.

I am also troubled that even 40 years after Mr. Weidert committed this offense, he continues to show an underdeveloped sense of remorse for the suffering he caused. The psychologist who evaluated Mr. Weidert noted that his statements regarding remorse "appeared to be insincere." I am concerned that this lack of remorse signals Mr. Weidert's inability to manage and control what the psychologist identified as "longstanding characterological features" and what Mr. Weidert himself identified at his 2019 parole hearing as "narcissistic characteristics."

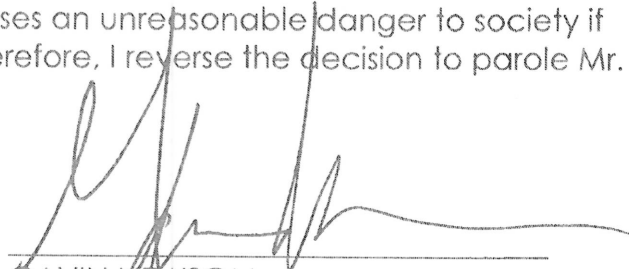
Mr. Weidert's statements at his parole 2019 hearing indicate that he has made some progress since his 2016 comprehensive risk assessment, and I encourage him to stay on this positive path. Before he can be safely released, however, Mr. Weidert must continue his work to recognize and control his anti-social character traits.

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CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. Weidert is currently dangerous. When considered as a whole, I find the evidence shows that he currently poses an unreasonable danger to society if released from prison at this time. Therefore, I reverse the decision to parole Mr. Weidert.

Decision Date:
January 9, 2020



GAVIN NEWSOM
Governor, State of California