



COUNTY OF FRESNO

Lisa A. Smittcamp
District Attorney

NEWS RELEASE

FOR IMMEDIATE RELEASE

June 9, 2021

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's decision on whether to revoke the Board of Parole Hearings grant of parole to this murderer could come at any time.

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.

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).

In a previous hearing, the Board of Parole Hearings 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.

Once again, in 2019, the Parole Board decided to grant parole to Inmate Weidert. District Attorney Smittcamp, yet again, joined with Mike Morganti's family in opposing Inmate Weidert's release. Governor Newsom rightfully revoked Inmate Weidert's grant of parole. In doing so, Governor Newsom based the revocation on Inmate Weidert's failure to accept full responsibility for the murder and an underdeveloped sense of remorse.

District Attorney Smittcamp is again 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.

Media may direct inquiries to FCDAMedia@fresnocountyca.gov.



COUNTY OF FRESNO

Lisa A. Smittcamp
District Attorney

June 8, 2021

Honorable Gavin Newsom
Governor of California
State Capitol
Sacramento, CA 95814

Re.: Inmate David Weidert
CDC # C34455

Dear Governor Newsom:

On April 8, 2021, the Board of Parole Hearings determined the above-named inmate to be a suitable candidate for release on parole. Due to Executive Order N-36-20, a representative from The Fresno County District Attorney's Office was unable to attend the hearing in person, but did participate in the hearing via Microsoft Teams and presented arguments in opposition to a finding of suitability for release on parole. Members of the murdered victim's family also participated in the hearing, as they have done for all prior hearings, and likewise presented arguments in opposition to a finding of suitability. Finally, Christine Ward, a representative of ICAN, also attended the hearing via Microsoft Teams.

Despite this finding of suitability, the Fresno County District Attorney's Office continues to oppose the release of inmate Weidert, as we believe he still poses an unreasonable risk of danger to whatever community he is ultimately released to. This case may be a familiar one, in that the inmate has been previously found suitable on three separate occasions and on each occasion, his grant has been revoked by the Office of the Governor; twice by the Honorable Jerry Brown and the last time by your Honor. I am respectfully urging you to exercise your discretion and once again revoke what we believe to be an improvident grant of parole.

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

This horrendous crime occurred on November 21, 1980, when inmate Weidert lured Michael out of his apartment and into the inmate's truck. Once in the truck, Weidert and a juvenile

accomplice tied Michael's hands behind his back and drove him to the foothills outside the City of Clovis where upon arrival, they made Michael dig his own grave.

Despite pleading for his life, 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. Once in the hole they struck Michael at least five times in the head with a baseball bat.

Inmate 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."

Ultimately, Michael did die, but not from the torture he endured. Rather, Michael died from suffocation. According to the autopsy report, 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. One can barely imagine a more heinous and cruel death.

As previously noted, your Honor revoked the inmate's 2019 grant of parole on January 9, 2020. The basis for the revocation was twofold; (1) a failure to accept full responsibility for the murder and (2) an underdeveloped sense of remorse. I wholeheartedly concur in your assessment and it is our belief that inmate Weidert continues to need significant work in developing insight into these areas to mitigate his dangerousness.

At his most recent hearing, inmate Weidert continued to demonstrate that he has not fully accepted "full responsibility for his leading role in this brutal murder of a vulnerable victim," as you highlighted in your letter dated January 9, 2020.

Again, this was on full display where he referred to his role in this torture murder as "bad behavior," or described his mindset as "childish thinking." He also downplayed his depravity by referring to how he committed the murder as "...basically, uh, we were dumb kids that did not know how to do this, did not, and we did it very sloppily and very ugly. And it's regrettable..." [BPH Transcript 4/8/21, p. 24, lns. 22-24]

Clearly 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 the level of insight that would protect the community against future violence in the event of his parole.

A critical examination of Weidert's consistent 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.

His responses at the April 8, 2021, hearing also show that his level of remorse is still wanting. His failure to internalize principles from the many programs available to him was on display again at his most recent hearing, when Deputy Commissioner Nancy Wong continued to attempt to draw this information out of him to address the area you highlighted as a concern in your letter dated January 8, 2020.

During this hearing, Deputy Commissioner Wong pointed out to the inmate your concern that he had an underdeveloped sense of remorse and asked "...what have you done about that?" [BPH Transcript 4/8/21, p. 32, lns 7-13]

She again asked "Can you elaborate more on how you are, um, making amends and dealing with this, uh, concern by the Governor of underdevelopment remorse..." [BPH Transcript 4/8/21, p. 33, lns 15-18]

She further questioned the inmate, "I'm trying to get down to what have you done to address the Governor's issues? The Governor's concerns about your issues?" [BPH Transcript 4/8/21, p. 34, lns 17-19]

Each time he was asked, inmate Weidert failed to squarely address the questions, instead he blamed COVID for a lack of programming opportunities or mentioned courses without being able to explain any nexus between the course materials and skills he was supposed to have developed.

It is apparent from the transcript that the reason Deputy Commissioner Wong had to continually ask inmate Weidert what he had done to address the concerns you raised is because he has done so little in the way of developing insight into his motivations for committing such an atrocious crime and has not made sufficient strides in the development of remorse.

Remorse is very different from regret, a point emphasized by the People's representative both at the inmate's initial parole hearing in 1995, and again at the inmate's most recent hearing on April 8, 2021. Sufficient development of remorse can serve to lessen one's potential for violence where underdevelopment of remorse, or worse, dwelling on regret, more often than not, has the opposite effect.

It appears that the inmate has plenty of regret. Remorse, as you rightfully noted, is still underdeveloped. (See BPH Transcript 4/8/21, "it's regrettable" at p. 18, ln. 12; "And it's regrettable..." at p. 24, ln. 24; "It had impacts beyond belief, uh, regrettably...." at p. 28, lns. 24-25; "It's regrettable. I wish I could undo it." at p. 29, lns. 11-12.)

Rather than examining and exploring through the myriad of self-help and therapy courses available to him who he was in 1980 and what character defects led him to torture and murder an innocent, developmentally disabled young man, he appears to have focused his time instead on learning through years of observation and practice at his many parole

hearings what to say to the commissioner and deputy commissioner before him based on what worked or didn't work at prior hearings.

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 for which he initially was sentenced to life without parole, should not be sustained by the executive responsible for the safety of the community when the sincerity of the inmate's statements, claims of insight, claims of remorse, and claims of rehabilitation are not only in genuine doubt, but are betrayed by the record.

Therefore, I respectfully request that you revoke what I believe the record supports to be an irresponsible grant of parole.

Very truly yours,



Lisa A. Smittcamp
Fresno County District Attorney