



County of Fresno
Lisa A. Smittcamp
District Attorney-Public Administrator

February 12, 2015

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

Re.: Inmate David Weidert- lifer parole grant
CDC #C39455

Dear Governor Brown:

On January 28, 2015, a parole date was granted for the above referenced inmate over objection of this office as well as attending family members of the murder victim. The Fresno County District Attorney's Office and the family of the victim, Michael Morganti, vehemently oppose a grant of parole. We respectfully request that you reverse the Board's decision granting parole to inmate David Weidert.

Our office is requesting you deny parole due to our belief that the inmate remains a current and unreasonable risk to the community if released. This conclusion is supported by the inmate's horrific crime, his unreliable version of events, and his lack of insight into causative factors.

On June 18, 1980, the office of Dr. David Edwards was burglarized. Subsequent investigation yielded information that the inmate in question had sought and acquired the assistance of murder victim Michael Morganti to act as a lookout. Michael was eventually contacted by police and relayed all facts of the burglary to the police. Upon learning that Michael had spoken to police, the inmate began to plan on how to keep Michael from ever testifying against him.

According to witnesses, the inmate had discussed breaking Michael's legs, hiring someone to cause him harm, and making statements that he was going to see to it that no one would believe that "idiot."

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On November 21, 1980, the inmate convinced another friend to assist him in locating and abducting Michael. Michael was eventually lured out of his apartment on a ruse. He was forcibly taken into the inmate's truck where his hands were bound with wire. A drive to nearby mountains was undertaken where this mentally challenged victim was repeatedly beaten with a bat, stabbed with a knife, strangled with the same cord which had earlier bound his hands, and also forced to dig his own grave. A forty five minute scene of torture and hideous cruelty had passed before Michael was left buried in a shallow grave. Subsequent examination revealed that Michael had in fact not died from wounds inflicted but from suffocation given that dirt clumps were found in his lungs.

The inmate was eventually found to be the killer and was convicted by a jury of murder and special circumstances which led to a sentence of life without parole. On appeal the special circumstances were reversed which resulted in the inmate's sentence being reduced to twenty five years to life.

The inmate has taken several classes over the years and apparently had no issues for over 25 years. He claims to have had no substance abuse issues at the time of the murder and none to date. There is no claim of physical or mental impairment, either at the time of the murder or to date. He states he does not consider himself a criminal and is now able to connect his actions with his feelings. He stated that he used to be controlling and that constant family relocation due to his father's job requirements led to loss of friends, loss of pets, and control over his life. The inmate claimed these factors all contributing towards his poor judgment in killing Michael.

These last factors of constant relocation and consistently dissolving relationships with friends and family pets, recently discovered by the inmate, appear to have been the insight necessary to understand why he committed the murder in the first place. Even the standing Commissioner had to comment that he had moved several times in his life with his family yet he'd never killed anyone. We believe this new information regarding insight into the crime on the part of the inmate was contrived. The inmate might have been more credible had he merely admitted that he fully intended to kill Michael to keep him from testifying against him instead of repeatedly stating that murder was in the realm of possibilities when he initially kidnapped him.

Recent records and transcripts since the inmate's first letter of apology to Michael's mother in January of 2009 all detail how the inmate has begun his quest for relief from incarceration. There is no summary that can do justice to actual reading of these documents. Of late the inmate has declared beyond certainty that the entire kidnapping, torture, and murder of Michael was an impulsive act, which is beyond comprehension to anyone of even average intelligence. Transcripts of the 2012 parole hearing and from the most recent parole hearing will attest to these representations.

The board noted that it felt bound by the law to grant parole although the lead commissioner expressed the following serious concerns:

- 1- The commissioner stated he was NOT confident in the inmate's insight into the life crime.
- 2- The commissioner stated he did not understand how the inmate could call the crime impulsive.
- 3- The inmate's description of how the murder and torture occurred did not make sense to the panel.
- 4- The commissioner stated that in over 1000 parole hearings he had participated in, he had never experienced one as horrible as the facts described in this case-- going on to say that the horror of the crime "goes beyond my conscience".

And yet, the board felt compelled by the current state of the law to give a grant of parole. It cited the inmate's lack of issues over the last 25 years, his accomplishments while incarcerated, and the distance in time from that day in relation to the time of the murder and torture.

Although California case law indicates the distance in time between a criminal act and a parole hearing is a factor to be considered, our office's position in this case is that the manner in which this crime was perpetrated is a major factor that lessens this degree of consideration to be given on the issue of parole. This inmate, who had no substance abuse issues, who had no issues of mental impairment, who had a job, a truck, an apartment, who had friends, who had a family, who did not kill out of jealousy or true emotional disability (as seen in relevant case law where sympathetic convicts were granted parole), but who

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killed purely to permanently silence a witness to a simple burglary, should not be entitled to parole consideration using the passage of time as a major factor to his benefit.

We respectfully request you to review this matter and come to the same conclusion that we have held since the inmate was first convicted. That is, he continues to present a current risk of unreasonable risk and dangerousness to public safety, and he still lacks true insight into his crime, and is more than unsuitable for parole.

Thank you for considering this request made on behalf of our office, the family of Michael Morganti, and our community.

Very truly yours,

A handwritten signature in black ink that reads "Lisa Smittcamp". The signature is written in a cursive, flowing style.

Lisa A. Smittcamp
Fresno County District Attorney

DALE A. BLICKENSTAFF

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March 2, 2015

The Honorable Jerry Brown
Office of the Governor
90 State Capital, Suite 1173
Sacramento, California 95814

Re: Inmate David Weidert--Lifer Parole Grant
CDC #C39455

Dear Governor Brown:

I am writing to oppose a grant of parole to the above-named individual. Apparently, Mr. Weidert was approved for parole by the Board and that decision is now before you for final review.

I was Fresno County District Attorney when the crime Mr. Weidert committed occurred. It was my office that decided to give immunity to Mr. Weidert's crime partner so we could locate the victim's body, as well as have his testimony at Mr. Weidert's trial. This proved to be a controversial decision because the facts of the victim's peaceful nature, his kidnapping and subsequent murder were hard to justify with giving anyone a pass who was in any way connected to this horrible crime. But because we felt we needed his cooperation, the decision was made. In addition, my office decided against seeking the death penalty for Mr. Weidert because of his youth and lack of criminal history. We were pleased the jury, which sat for Mr. Weidert's trial, returned a verdict which carried a sentence of life in prison without possibility of parole. His eligibility for parole comes as an unwelcome surprise.

I know nothing of Mr. Weidert's post sentence conduct or rehabilitation, but I recall the horrible, inhumane treatment of a harmless, mentally challenged young man by these two killers. This planned revenge killing and how they made the victim suffer will be forever etched in my mind.

I am not sure what criteria you use to reach a reasonable decision in a case such as this, but I think Mr. Weidert has received a few breaks along the way. We did not seek the death penalty for him and his sentence was changed to parole eligible. I urge you not to give him another break.

Very truly yours,

DALE A. BLICKENSTAFF

DAB/yz

California State Senate

SENATOR
ANDY VIDAK

FOURTEENTH SENATE DISTRICT



March 11, 2015

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

Dear Governor:

As members of the Fresno County legislative delegation we are calling on you to overturn the Board of Parole Hearings' incredulous decision to release murderer David Weidert (C-39455) from prison.

Weidert brutally beat, stabbed and strangled to death a vulnerable victim – Michael Morganti, a mentally challenged young man in the Fresno area.

Reviewing transcripts from Weidert's last two parole hearings will give you Governor more than enough reason to overturn the Board's decision to turn Wiedert loose in California:

- a) No real insight – Weidert has repeatedly given conflicting and contradicting reasons and most recently spewing several sound bite excuses for murdering Morganti – I felt peer pressure, my dad liked my brother better, I was mad, my self-esteem was low, we moved around a lot when I was a kid, bad television programs, etc., etc., etc.

The truth is Morganti was going to testify against Weidert regarding a burglary Weidert had master-minded so Weidert killed him. In fact there's testimony that Weidert, before killing Morganti, had also tried to hire someone to kill Morganti.

“I cannot help but conclude that he (Weidert) is someone who is trying to say what other people want to hear. In part, he has been manipulating this series of (parole) hearings that he has attended.” – *Fresno County Deputy District Attorney Douglas Treisman.*

- b) Heinous, premeditated torture and murder – Weidert, and an accomplice, lured Morganti from his apartment under false pretenses, tied him up in Weidert's truck and drove to a remote, mountainous area of Fresno County. Once there, they forced Morganti to dig his own grave, then beat him with a baseball bat and shovel, stabbed him and finally strangled him with a phone cord before burying him alive.

“That (forcing Morganti to dig his own grave) was part of the plot we had to scare him. That was one of the pieces in this game . . .” – *murderer David Weidert.*

Weidert had all of the tools he used to murder Morganti already in his truck before he kidnapped him. By Weidert’s own testimony, the torturing of Morganti lasted over 45 minutes.

“No question that I was willing to commit murder from the very start.” – *murderer David Weidert.*

“Everything about this offense looks planned and deliberate.” -- *Fresno County Deputy District Attorney Douglas Treisman.*

- c) Cold-blooded killer – Weidert came from a wealthy family and said he didn’t think the rules (of living in a free society) applied to him. By his own admission he didn’t need the money that he stole in the robbery and could not blame alcohol or drugs for killing Morganti.

“This inmate (Weidert), who had no substance abuse issues, who had no issues of mental impairment, who had a job, a truck, an apartment, who had friends, who had a family, who did not kill out of jealousy or true emotional disability (as seen in relevant case law where sympathetic convicts were granted parole), but who killed purely to permanently silence a witness to a simple burglary, should not be entitled to parole consideration using the passage of time as a major factor to his benefit.” – *Fresno County District Attorney Lisa Smittcamp.*

He killed Morganti in a cold, calculated way to prevent being found guilty of a robbery involving \$500. That’s the value Weidert places on a human life.

- d) Targeted a vulnerable person – By his own testimony Weidert admitted that he knew Morganti was mentally “slow,” and as such easy to lure out of his apartment into the truck.

Once on the loose again in California, Weidert will again undoubtedly meet up with vulnerable members of society – developmentally disabled, elderly, children. What happens when one of these vulnerable Californians slights or fails to do what Weidert wants?

“He (Weidert) is someone who took advantage of a mentally retarded young man and here he is someone who is seeking to take advantage of this (parole) Panel and this (hearing) process. It is very disturbing to me. My office without any hesitation concludes that he is currently and presently a very real danger to the community if released.” – *Fresno County Deputy District Attorney Douglas Treisman.*

- e) Unrealistic parole plans – Over the last two parole hearings Weidert’s parole plans have ranged from getting an alleged promised job with the Fresno IBEW, a Napa Auto Parts store, staying at halfway houses in North Highlands, Richmond or San Francisco, or living with relatives in Chowchilla – just north of Fresno County.

Weidert’s value to a free society is very limited but his dangerousness is high. Using feel-good buzzwords with prison counselors and repeating rote-like responses back to Parole Board members appears to have fooled them into saying Weidert should be released.

However, Weidert’s recent revelations don’t discount the fact that he has no real future outside of prison and is currently still young enough and in physical shape that when provoked in an uncontrolled environment (unlike prison), he could fly into a rage and easily over-power, hurt or kill a young child, a frail senior citizen or someone with a mental illness who might not be able to protect themselves.


“He (Weidert) continues to present a current risk of unreasonable risk and dangerousness to public safety, and he still lacks true insight into his crime, and is more than unsuitable for parole.” – *Fresno County District Attorney Lisa Smittcamp.*

Murderer David Weidert is a dangerous predator who should not be allowed out in free society.


Governor, only you have the power to ensure that never again will Weidert be able to attack and kill vulnerable Californians and ruin the lives and families of innocent Californians.

Thank you for your consideration.

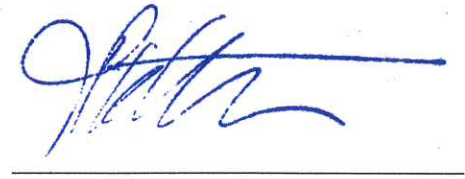
Sincerely,



Senator Andy Vidak



Senator Tom Berryhill



Assemblyman Jim Patterson

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California State Senate

SENATOR
CATHLEEN GALGIANI
FIFTH SENATE DISTRICT



STANDING COMMITTEES

AGRICULTURE
CHAIR

INVASIVE SPECIES
CHAIR

BANKING AND FINANCIAL
INSTITUTIONS

BUSINESS, PROFESSIONS &
ECONOMIC DEVELOPMENT

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JOINT LEGISLATIVE AUDIT
COMMITTEE

TRANSPORTATION &
HOUSING

February 24, 2015

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

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

Dear Governor Brown:

We are requesting that you intervene and REVERSE a recent decision by the parole authority granting parole to David Weidert, who was convicted of one of the most savage, torturous murders of which we have ever heard. The murder occurred over several hours, during which Weidert's victim begged for his life.

Weidert stabbed his victim numerous times. When that was not enough to kill him, Weidert beat him with a baseball bat. When that was not enough to kill him, Weidert viciously smashed his head in with a shovel. When smashing his head in was not enough to kill him, Weidert strangled him with a telephone wire. Barely clinging to life, Weidert's victim was forced to dig his own grave so that Weidert could bury him alive. As Weidert's victim lay in his own grave, Weidert could not just let him die – he continued to savagely stab his victim multiple more times in the stomach with the shovel.

Weidert's victim didn't die from his stab wounds, or the beatings to his head – his victim suffocated from being buried alive.

Governor, we know you are asked to consider the reversal of many parole releases. But we ask you to think about the **hours of torture** Weidert's victim had to endure. We ask you to think about how many times Weidert could have stopped before he proceeded to torture his victim again and again. What kind of human being could stand to see this kind of carnage and blood over a period of hours? What kind of human being could endure watching another suffer over such a long period of time? One would imagine that Weidert had to enjoy torturing, stabbing, beating, and strangling Mike Moranti while the man begged for his life.

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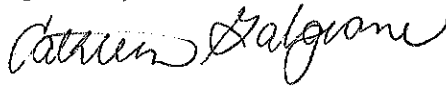
Weidert's actions shock the conscience. Weidert's victim, Mike Morganti, was only twenty years old and developmentally disabled. Developmentally disabled individuals are especially at risk and are one of the most victimized and vulnerable groups in our communities.

It is unimaginable that a human being could be capable of what Weidert did to this developmentally disabled and defenseless young man. The Parole Authority's decision in this case is upsetting beyond belief. **We request that a temporary restraining order be placed, prohibiting his release until you have had adequate time to review the decision by the Parole Authority.**

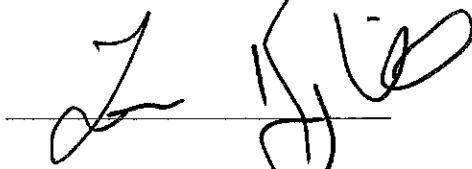
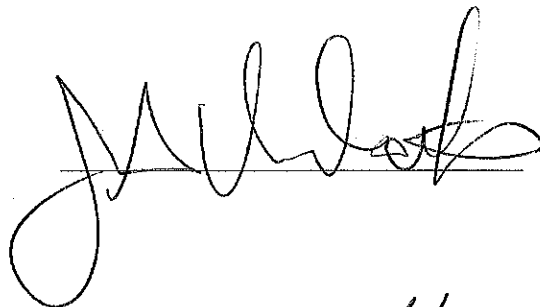
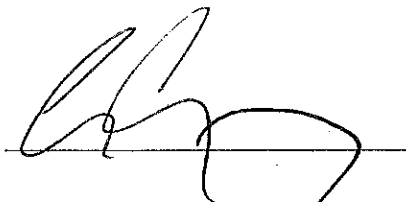
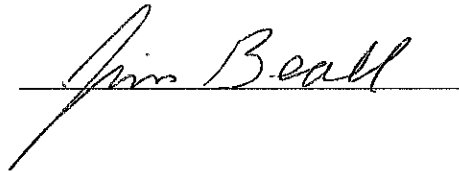
We can teach people to obey the rules within a confined facility, but we cannot teach someone how to have a soul. Weidert's parole would result in a complete miscarriage of justice for the victim's family, as well as for our communities. David Weidert is a danger to all communities, and it is seriously doubtful that any community would be willing to accept him.

For all the reasons stated above, we implore you to return some sanity to our justice system by REVERSING the decision to grant parole to David Weidert and enacting a restraining order to prohibit his release.

Respectfully,



Cathleen Galgiani
State Senator, District 5



CC: Jeffrey Beard, Director, Department of Corrections and Rehabilitation
Margaret Mims, Sheriff, Fresno County
Lisa Smittcamp, District Attorney, Fresno County

Mr. Nilsen

Paul Jorgensen

Maria Muel

Jan Muel

Jeff Stone

Kurt Stone

Lee Stone

Bob Stone

Jan Fuller
