

MINUTES OF THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



9.12

During the oral communication section of the agenda for Tuesday, May 1, 2012, Julie Waltz spoke regarding Ordinance 884 and mentioned Thelma Grants Proclamation.

**ATTACHMENTS FILED WITH
CLERK OF THE BOARD**

**AGENDA NO.
9.12**

Donald Schmidt, convicted of murdering Lompico toddler, arrested in Southern California

By Cathy Kelly - Santa Cruz Sentinel Santa Cruz Sentinel
Posted:

SantaCruzSentinel.com

SANTA CRUZ - A man released last year after spending more than 20 years in the juvenile justice system for murdering a Lompico toddler - becoming the oldest juvenile inmate statewide - is back behind bars after a recent arrest in Southern California.

Donald Gerald Schmidt, 39, was arrested Jan. 20 by Long Beach police for allegedly violating the conditions of his release, a police spokesperson said. Officials with the state Division of Juvenile Justice declined to specify the alleged violation.

A hearing is set for Feb. 17, division spokesman Bill Sessa said.

Schmidt is being held at the N.A. Chaderjian Youth Correctional Facility in Stockton, where he was confined previously, Sessa said.

Patricia Gutierrez of Sacramento, who said she met Schmidt in a chat room while he was incarcerated in Stockton, said Schmidt was dating a woman with a young daughter and had violated a condition forbidding him to be around children.

Gutierrez said she alerted authorities to that, sparking his arrest last month.

Schmidt's prohibition surrounding children is based on his initial crime.

He was a 16-year-old runaway from Fremont when he visited a Lompico home with an acquaintance and drowned a 3-year-old girl in the bathtub while high on methamphetamine.

Schmidt was convicted of murder and sodomy in 1989, but the sodomy conviction was overturned after a judge ruled he should be charged with penetration with a foreign object, and not sodomy, and an appellate court later ruled he did not have sufficient notice of that change. That dismissal exempted him from having to register as a sex offender.

Schmidt became the oldest inmate ever in the state juvenile justice system, where most inmates are released at age 25.

He was paroled to Southern California on June 14, after two juries in recent years hung on the question of whether he should be released.

Gutierrez said he lied about why he was in custody and had lied to her and his parole officer, whom he checked in with daily, about several things. He had been living at a halfway house in Riverside before moving to Long Beach, where he was attending a community college, Gutierrez said.

Prosecutors have argued Schmidt has a mental disorder that makes him a continued danger to society. His attorney, public defender Bill Weigel, said earlier Schmidt was fit to be released and has undergone intensive therapy, earned his high school diploma and worked as a painter and heavy equipment operator.

Submitted by Julie White
5-1-12 Item ORAL
(date)

His release conditions also require he live in a halfway house, wear a GPS monitor, attend counseling for substance abuse and sexual abuse, and abstain from alcohol, drugs and pornography, according to court records.

Schmidt's case is unusual. He was released conditionally under court supervision, Sessa said. But he is still considered a juvenile under the law, "despite his age," he said.

Attorneys on both sides said that a higher court's interpretation of juvenile confinement changed during Schmidt's years in custody.

**Riverside County Board of Supervisors
Request to Speak**

Submit request to Clerk of Board (right of podium),
Speakers are entitled to three (3) minutes, subject
Board Rules listed on the reverse side of this form.

SPEAKER'S NAME: JULIE WALTZ

Address: _____
(only if follow-up mail response requested)

City: _____ **Zip:** _____

Phone #: _____

PUBLIC

Date: _____ **Agenda #** COMMENT

PLEASE STATE YOUR POSITION BELOW:

Position on "Regular" (non-appealed) Agenda Item:

_____ **Support** _____ **Oppose** _____ **Neutral**

Note: If you are here for an agenda item that is filed
for "Appeal", please state separately your position on
the appeal below:

_____ **Support** _____ **Oppose** _____ **Neutral**

I give my 3 minutes to: _____