



# Office of the District Attorney Stanislaus County

**Birgit Fladager**  
District Attorney

**Assistant District Attorney**  
David P. Harris

**Chief Deputies**  
Annette Rees  
Marlisa Ferreira  
Stephen R. Robinson  
Jeffrey M. Laugero  
Jeff Mangar

**Bureau of Investigation**  
Chief Terry L. Seese

## **PRESS RELEASE**

### **For Immediate Release**

Date: June 9, 2020  
Re: Kenneth Wayne Smith  
Parole Denied

### **For More Information Contact:**

John Goold, Public Information Liaison  
Phone: (209) 525-6909

**Modesto, California** - Stanislaus County District Attorney Birgit Fladager announced today that Kenneth Wayne Smith, age 41, of Modesto was found unsuitable for parole during a June 3, 2020 hearing of the State Board of Parole Hearings held at Solano State Prison in Vacaville, California. Deputy District Attorney Monroe Tyler appeared at the hearing on behalf of the People.

On June 9, 1997, 18-year-old Smith and two other teenagers met to drink alcohol before walking to Kewin Park in Modesto. Smith was armed with a loaded handgun that had been stolen during a residential burglary a few days prior. After they got to the park, one of Smith's friends got into an argument with another person there. Smith pulled out his handgun to scare the other person off and then began firing when the individual said Smith was only holding a BB gun. As people in the park began to scatter at the gunfire, bullets from Smith's handgun struck two children, aged five and six, and two adults. One of the adults was a woman who died from being shot in the back.

On March 12, 1998, Smith was convicted by a Stanislaus County jury of murder and four counts of assault with a deadly weapon along with an enhancement for using a firearm and personally causing great bodily injury. On June 22, 1998, a judge ordered him to serve a total term of 31 years to life in state prison.

While in prison, Smith has violated institutional rules since 2009 including fighting with other inmates, possessing inmate manufactured weapons, being in possession of heroin, refusing to drug test and testing positive for drug use. In 2018, he threatened another inmate with violence. Prison intelligence suggested that Smith was a member of the "Skinhead" prison gang. A prison psychologist examined Smith and gave the opinion that he posed a moderate risk of committing further violence in the community if released on parole.

During today's hearing, Deputy District Attorney Tyler argued that parole be denied for at least five years based upon Smith's demonstrated record of physical violence and rules violations while in prison custody over the last 22 years, the continuing risk that Smith poses to the community if

Office: 832 12th Street, Suite 300 Modesto, CA 95354 Mailing: PO BOX 442 Modesto, CA 95353  
Telephone: (209) 525-5550 Fax: (209) 558-4027 www.stanislaus-da.org



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released and his lack of any real insight into why or what caused him to commit the crimes for which he was convicted. The Board of Parole Hearings agreed and denied parole for five years.

This was Smith's second parole hearing. He will be eligible for another parole hearing in 2025, however that date may be accelerated earlier based upon recent changes in the law regarding youthful offenders.

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