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PRESS RELEASE

For Immediate Release

Date: November 4, 2022
Re: Kenneth Dowe Smith
Three Strike Inmate Denied Parole

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Modesto, California - Stanislaus County District Attorney Birgit Fladager announced today that Kenneth Dowe Smith, age 64, formerly of Keyes was found unsuitable for parole during an October 11, 2022 hearing of the State Board of Parole Hearings held at the High Desert State Prison in Susanville. Deputy District Attorney Margot L. Roen appeared at the hearing on behalf of the People to argue against Smith's release on parole.

On June 11, 2000, authorities were preparing to check on the welfare of six children living at a woman's residence in Modesto when they learned that her boyfriend, Kenneth Smith, had an outstanding arrest warrant for violating parole. When officers arrived, Smith tried to flee but was taken into custody. He was found to be in possession of heroin, methamphetamine, syringes and other drug paraphernalia. Smith had a lengthy criminal history with a juvenile commitment to the California Youth Authority and several prison terms as an adult. He was convicted of sodomy in concert with force in 1979 and of robbery in 1987, both of which qualified as "strikes" under California's "Three Strikes" law making him eligible for a potential life sentence in state prison.

A Stanislaus County Superior Court jury convicted Smith of two counts of possession of a controlled substance and his prior violent felony convictions were found true. In 1993, he was sentenced to serve 25 years to life in state prison.

Smith continued his criminal behavior in state prison by repeatedly engaging in multiple rules violations, including possession of medication exceeding the authorized dosage and possession of alcohol. During the parole hearing, Smith admitted selling the drugs and alcohol to other inmates.

In 1979, Smith and a group of other inmates sexually assaulted a 24-year-old male hospital worker in a prison cell, a crime which Smith admitted to committing during the hearing but had denied during a June 2022 interview with a forensic psychologist. When Deputy District Attorney Roen questioned Smith about his denial just months prior, Smith told the Board that he had lied during the interview with the psychologist. Smith also told the Board that he found the victim he sexually assaulted "disgusting" and did not know why he raped him. In fact, when asked by the psychologist

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about this incident and his feelings toward gay men, Smith replied that “I just don’t care for those kinds of people.” Smith also expressed dislike for people of color, leading the psychologist to conclude that he represented a moderate risk of violence to the community if released on parole. Smith also participated in the Aryan Brotherhood prison gang during his incarceration, a fact noted by the Board during the hearing.

Prosecutor Roen argued against Smith’s release, noting to the Board that Smith’s racist and homophobic attitudes revealed both anger and hatred that increased his potential for future violence if he were to be released into the community.

At the conclusion of the hearing, the Board found that Smith was unsuitable for parole and denied release for five years. The Board cited his lack of empathy or remorse toward his victims, his lack of self-awareness as to why he committed his crimes and his lack of self-control which showed the Board that Smith was still engaged in criminal thinking. The Board also found that Smith had failed to adequately internalize the teachings of programs he had participated in during his time in prison. For instance, Smith stated that he routinely attended NA and AA meetings yet could not name even one of the 12 steps that are the bedrock of these programs.

Smith’s next parole hearing will be scheduled for a date in 2027 although he may petition for an earlier date if he can show a change in circumstances.

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