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COUNTY OF SOLANO**

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**PRESS RELEASE**

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Release Date: March 9, 2015

Today, On March 24, 2015, there will be a hearing in the Solano County Superior Court, Department 18, regarding the State Department of State Hospitals' recommendation for the release and placement of Petitioner Fraisure Smith. At this hearing, the court will decide where Smith will be placed.

In 2006, Fraisure Smith was sentenced to a prison term after he entered a no contest plea to a charge of assault with intent to commit rape. Before his initial parole date, the Board of Parole Hearings imposed a 45-day no bail hold in order to conduct a sexually violent predator evaluation and the Solano County District Attorney filed a petition alleging Smith was a sexually violent predator. In July 2010, a jury found the petition to be true, and the court committed Smith to the State Department of Mental Health for an indeterminate period of confinement and treatment in a secured facility. He was admitted to Coalinga State Hospital on August 24, 2010.

On or about April 12, 2012, Smith filed a petition for conditional release and unconditional discharge pursuant to Welfare and Institutions Code section 6608. While his petition was pending in court, the community program director designated by the State Department of State Hospitals filed a written recommendation to the court stating the petitioner should be released to and supervised by the forensic conditional release program. The law as it existed in 2013, provided that the recommendation of the Director of the State Hospital treating him would be considered by the court in determining the petitioner's release.

On November 18, 2013, the court ordered Smith released to the conditional release program (CONREP). Since that date, CONREP has been seeking a placement for Smith which complies with Welfare and Institutions Code section 6608.5 prohibiting placement within one-quarter mile of any public or private school providing instruction in kindergarten or grades 1-12, inclusive.

In the meantime, Smith remains at Coalinga State Hospital and has filed a petition requesting his release to be transient and without a fixed address. The District Attorney's Office opposes any such release because it will make it virtually impossible for him to be supervised in our community. The Legislature has made provisions for conditional release with appropriate supervision of those persons previously found to be sexually violent predators to ensure the safety of the community.

Due to efforts led by the California District Attorneys Association, the law changed in 2014 and now provides in Welfare and Institutions Code section 6608(g) that the attorney for the State may have the person committed evaluated by experts chosen by the State. This provides prosecutors across the state the opportunity to have additional opinions proffered to the court prior to any sexual violent predators' release.