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FOR IMMEDIATE RELEASE
Approved by JAK

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Re: Homicide Plea: People v. Sandra Bonertz: Kern County Superior Court Case BF186294A

Kern County District Attorney Cynthia Zimmer announced the resolution of a significant homicide case today. Defendant Sandra Bonertz accepted an offer to resolve the case by entering pleas of no contest to a charge of voluntary manslaughter with use of a firearm for the January 11, 2021 unlawful killing of her 84 year-old life-long friend, Winnie Smith. A condition of the plea includes that Bonertz will be sentenced to a ten years in prison for the homicide. With the plea to the reduced homicide charge, the charge of murder was dismissed.

On January 11, 2021, Winnie Smith was found deceased in her room at the Glen Senior Retirement Community in Bakersfield, having suffered three gunshot wounds to the chest. Bonertz, who as 76 years-old at the time, was also in the room with the victim, and officers found her in possession of a .357 revolver that was used in the unlawful killing of Winnie Smith. The investigation revealed that Bonertz and Smith had been friends for more than fifty years, and that a recent car accident had left Smith in severe pain. During interviews with Bakersfield Police detectives, Bonertz acknowledged that she had killed Smith and that she had done so at Smith's request.

Interviews in the immediate aftermath of the shooting and during the pendency of the trial proceedings revealed evidence that corroborated Bonertz's description Smith's condition, including that Smith had become depressed due to her injuries from the previous car accident. Evidence also revealed, consistent with Bonertz's account, that Smith had decided that she no longer wished to live and had reached out to at least one other person who declined to assist Smith with life-ending measures before coming to Bonertz.

The lifelong friendship of Bonertz and Smith, Bonertz's lack of criminal history, and the request of Smith to end her life were considerations in reaching the negotiated disposition, which was a plea to voluntary manslaughter for a ten-year sentence.

California law does not allow so-called “mercy killings” to be conducted by close friends or family, even in situations where there is evidence that a victim was seeking life-ending care. California has “right to die” legislation that provides an avenue for end-of-life care medications to be prescribed by a doctor and self-administered by the patient. Passed by the state legislature initially in 2015, the “End of Life Option Act” has safeguards to ensure that end-of-life options are delivered by qualified doctors and mental health specialists and requires documented oral and written requests be made directly to a physician, referrals for mental health concerns, checks against undue influence, assurances that the person seeking end-of-life care is fit to make such a decision and alternatives that may assist the patient aside from end-of-life medication.

Under no circumstances does California law permit end-of-life care be administered by gunshot, or by friends of the decedent. Though there was evidence developed that was consistent with Bonertz’s stated motive of complying with Smith’s request, Bonertz’s actions are criminal and resulted in the death of another who did not have the benefit of the checks and balances that the End Of Life Option Act demands.

District Attorney Cynthia Zimmer commented on the resolution: “Intentionally killing a human being, including one who may be suffering from depression and physical pain, is an act that the law does not entrust to even our closest friends and family. To prevent abuses, the law provides for end-of-life care only in very specific, narrow circumstances, under the care of a doctor, and only with safeguards in place that must be diligently followed. A friend or family member who takes the life of another, even if out of a belief that it is a merciful act, does so in direct violation of criminal homicide laws.”

Sandra Bonertz is expected to be sentenced in April on the conviction.