

SUBSEQUENT PAROLE CONSIDERATION HEARING

STATE OF CALIFORNIA

BOARD OF PAROLE HEARINGS

In the matter of the Life) CDC Number: K-55407
Term Parole Consideration)
Hearing of:)
)
THOMAS JEROME DUNAWAY)
_____)

MULE CREEK STATE PRISON

IONE, CALIFORNIA

NOVEMBER 28, 2018

8:41 A.M.

PANEL PRESENT:

MICHELE MINOR, Presiding Commissioner
DAVID HURD, Deputy Commissioner

OTHERS PRESENT:

THOMAS DUNAWAY, Inmate
TRACY LUM, Attorney for Inmate
MAGGIE FLEMING, District Attorney
WES KEAT, Deputy District Attorney
MARYBETH BEIAN, DA Victim Witness
FRANCINE SCHULMAN, Victim's Mother
ELAINE SCHULMAN, Victim's Grandmother
JOSEPH HALE, Victim's Mother's Husband
CORRECTIONAL OFFICER(S), Unidentified

CORRECTIONS TO THE DECISION HAVE BEEN MADE

_____ No See Review of Hearing
_____ Yes Transcript Memorandum

PAULA HARDEN, Transcriber, PH

I N D E X

	<u>Page</u>
Proceedings.....	3
Case Factors.....	43
Pre-Commitment Factors.....	13
Post-Commitment Factors.....	73
Parole Plans.....	96
Closing Statements.....	102
Recess.....	97, 112
Decision.....	113
Adjournment.....	123
Transcript Certification.....	124

P R O C E E D I N G S

1
2
3 **DEPUTY COMMISSIONER:** We're on.

4 **PRESIDING COMMISSIONER MINOR:** Thank you.

5 Today's date is November 28th, 2018. The time is
6 approximately 8:41 a.m. this is the second subsequent
7 parole suitability hearing for Mr. Dunaway who is
8 present in the BPH Hearing Room at Mule Creek State
9 Prison. Mr. Dunaway was received on June 13th, 1997
10 from the county of Humboldt. The controlling offense in
11 this case, first-degree murder. This is arising from a
12 conviction in case number 94CR0073. This resulted in a
13 sentence of 25 years to life. There were also
14 enhancements for assault with force likely to produce
15 GBI and assault with a deadly weapon, uh, four and one
16 years' respectively. The California Department of
17 Corrections and Rehabilitation has calculated the
18 minimum eligible parole date in this case to be January
19 23rd, 2015. CDCR has also calculated the Youth Parole
20 Eligibility Date to be January 27th, 2018. Mr. Dunaway
21 qualifies as a youth offender pursuant to Penal Code
22 Section 3051 which states in part the Board shall give
23 great weight to the diminished culpability of juveniles
24 as compared to adults, the hallmark features of youth
25 and any subsequent growth and maturity of the prisoner

1 in reviewing a prisoner's suitability for parole
2 pursuant to Penal Code Section 3041.5. Mr. Dunaway was
3 17 years old when he committed this offense. This
4 hearing is being audio-recorded so for the purpose of
5 voice identification everyone present is asked to state
6 their full name and spell their last name. I'll go
7 first and continue to my left, and then we will go to
8 the phone. Michele Minor, M-I-N-O-R, commissioner.

9 **DEPUTY COMMISSIONER HURD:** David Hurd, H-U-R-D,
10 deputy commissioner.

11 **DEPUTY DISTRICT ATTORNEY KEAT:** Wes Keat, K-E-A-
12 T, deputy DA, county of Humboldt.

13 **ATTORNEY LUM:** Tracy Lum, L-U-M, counsel for Mr.
14 Dunaway.

15 **INMATE DUNAWAY:** Thomas Dunaway, D-U-N-A-W-A-Y,
16 K-55407.

17 **PRESIDING COMMISSIONER MINOR:** And on the phone.

18 **FRANCINE SCHULMAN:** Mother of Amber.

19 **PRESIDING COMMISSIONER MINOR:** Spell your last
20 name for me, please ma'am.

21 **FRANCINE SCHULMAN:** S-C-H-U-L-M-A-N.

22 **ELAINE SCHULMAN:** Elaine Schulman, S-C-H-U-L-M-A-
23 N, grandmother.

24 **JOSEPH HALE:** Joseph H-A-L-E, uh, Francine
25 Shulman's husband.

1 **MARYBETH BEIAN:** MaryBeth Beian, B-E-I-A-N, DA
2 Victim Witness.

3 **DISTRICT ATTORNEY FLEMING:** Maggie Fleming,
4 district attorney, Humboldt County.

5 **PRESIDING COMMISSIONER MINOR:** And Ms. Fleming,
6 can you spell your last name, please?

7 **DISTRICT ATTORNEY FLEMING:** Yes, F-L-E-M-I-N-G.

8 **PRESIDING COMMISSIONER MINOR:** Thank you. All
9 right. We're going to ask you on the phone to put your
10 side on mute. Um, we'll ask you for your statements at
11 the very end of the hearing. We also have two
12 correctional peace officers in the room. We have one
13 correctional peace officer in the room who is here for
14 security purposes. So the first thing we're going to do
15 today, sir, is we're going to conduct your ADA Review.
16 That's to see if there's any assistance you need at this
17 hearing today. I have reviewed the DECS database in
18 your case, and I have reviewed the notice and request
19 for assistance at parole proceedings. So that document,
20 um, it's --it's a pre-interview that's completed, and,
21 uh, are you okay?

22 **INMATE DUNAWAY:** I'm all right.

23 **PRESIDING COMMISSIONER MINOR:** Okay. Are you
24 sure?

25 **INMATE DUNAWAY:** Yes ma'am. I'm all right.

1 **PRESIDING COMMISSIONER MINOR:** Okay. So we're
2 going to go through the document. It does indicate that
3 you participate in the CCCMS program. Is that correct?

4 **INMATE DUNAWAY:** Yes ma'am.

5 **PRESIDING COMMISSIONER MINOR:** Okay. No
6 identified disabilities. You have a 12.9. I do note
7 you have a GED and college. Is that correct?

8 **INMATE DUNAWAY:** Yes ma'am.

9 **PRESIDING COMMISSIONER MINOR:** Okay. Here's an
10 indication on the document that you don't need any
11 accommodations for the hearing. I'm going to go through
12 some information to make sure we cover everything. Um,
13 the DECS database indicates that you have a brace that
14 you use.

15 **INMATE DUNAWAY:** No, no, not anymore.

16 **PRESIDING COMMISSIONER MINOR:** No more, you don't
17 have the brace. Indicates you have eye glasses which
18 you have on. Are they working okay?

19 **INMATE DUNAWAY:** Yes.

20 **PRESIDING COMMISSIONER MINOR:** Okay. There's a
21 lifting restriction on here. What -- what's the issue?

22 **INMATE DUNAWAY:** I have rheumatoid arthritis.

23 **PRESIDING COMMISSIONER MINOR:** Okay. Can you sit
24 for long periods of time?

25 **INMATE DUNAWAY:** Yeah. I'm all right.

1 **PRESIDING COMMISSIONER MINOR:** Okay. No
2 problems. You don't need to have breaks periodically or
3 anything like that?

4 **INMATE DUNAWAY:** No.

5 **PRESIDING COMMISSIONER MINOR:** Okay. Do you have
6 any problems with your mobility? Any problems getting
7 around?

8 **INMATE DUNAWAY:** No ma'am.

9 **PRESIDING COMMISSIONER MINOR:** Any problems with
10 your hearing?

11 **INMATE DUNAWAY:** No ma'am.

12 **PRESIDING COMMISSIONER MINOR:** How long have you
13 participated in the CCCMS program.

14 **INMATE DUNAWAY:** Uh, nine years now.

15 **PRESIDING COMMISSIONER MINOR:** Nine years?

16 **INMATE DUNAWAY:** Yeah.

17 **PRESIDING COMMISSIONER MINOR:** Okay. Good. Do
18 you take any medication that may affect you?

19 **INMATE DUNAWAY:** No ma'am.

20 **PRESIDING COMMISSIONER MINOR:** None that affects
21 -- do you take any medication?

22 **INMATE DUNAWAY:** I do, for my arthritis I do.

23 **PRESIDING COMMISSIONER MINOR:** Okay. Does it
24 affect any -- the way you think or process information?

25 **INMATE DUNAWAY:** No ma'am.

1 **PRESIDING COMMISSIONER MINOR:** No. Okay. All
2 right. We have glasses. Okay. So in terms of
3 accommodations, Ms. Lum, it looks like it's glasses are
4 all we have on the -- as we went through the
5 information. Do you have any other areas you wanted me
6 to cover for your client? Anything I may have missed?

7 **ATTORNEY LUM:** No. Thank you.

8 **PRESIDING COMMISSIONER MINOR:** Okay. All right.
9 So, sir, there's also a document that you signed when
10 you were preparing for this hearing. It's a document
11 that, um, your correctional counselor would have
12 provided to you. It looks like you signed that document
13 on June 11, 2018. It's the Notice of Hearing Rights.
14 It went over your rights for this hearing. Do you
15 remember going through that?

16 **INMATE DUNAWAY:** Yes ma'am.

17 **PRESIDING COMMISSIONER MINOR:** Okay. Did you
18 have an opportunity to review your Central File?

19 **INMATE DUNAWAY:** I did.

20 **PRESIDING COMMISSIONER MINOR:** Okay. Good. Ms.
21 Lum, at this point has your client's rights been met?

22 **ATTORNEY LUM:** Yes. Thank you.

23 **PRESIDING COMMISSIONER MINOR:** I want to double-
24 check with both attorneys. I want to make sure you
25 received the Master File and the 10-Day Watch Doc packet

1 from the Board of Parole Hearings.

2 **DEPUTY DISTRICT ATTORNEY KEAT:** Yes, we have
3 those materials.

4 **PRESIDING COMMISSIONER MINOR:** Thank you.

5 **ATTORNEY LUM:** And I received all of the
6 materials, as well.

7 **PRESIDING COMMISSIONER MINOR:** Thank you. And we
8 did receive additional documents that we will accept as
9 exhibits. Um, and we have a -- did the district
10 attorney have an opportunity to review the documents?

11 **DEPUTY DISTRICT ATTORNEY KEAT:** There were --

12 **PRESIDING COMMISSIONER MINOR:** We gotta
13 HealthRIGHT -- we have a HealthRIGHT 360 letter. We
14 have, uh, there's a -- looks like a laudatory chrono
15 that indicates that Mr. -- from, uh, a clinical
16 psychologist Robert Landry, that indicates Mr. Dunaway
17 completed a 96 page self-study manual.

18 **DEPUTY DISTRICT ATTORNEY KEAT:** Yes, I have
19 those.

20 **PRESIDING COMMISSIONER MINOR:** Okay. All right.
21 And, uh, Ms. Lum did provide us a copy of that manual
22 that we will return but certainly sir if you want to
23 take a look at it, we'll provide that to -- to -- to
24 review.

25 **DEPUTY DISTRICT ATTORNEY KEAT:** Thank you.

1 **PRESIDING COMMISSIONER MINOR:** It's pretty think,
2 and I'm sure you're not going to get through it, but I
3 just wanted to make sure you knew we had that, also.
4 We're gonna -- we're gonna return that. Ms. Lum, any
5 preliminary objections to these proceedings?

6 **ATTORNEY LUM:** No objections.

7 **PRESIDING COMMISSIONER MINOR:** All right. So,
8 uh, Mr. Dunaway, this is your second subsequent parole
9 suitability hearing, so we've gone through a lot of
10 information as we prepared for this hearing today.
11 We've gone through your Central File. The computers you
12 see in front of us contain your Central File; so, as we
13 talk to you today, we're going to be relying on the
14 information contained in the Central File. We have a
15 Comprehensive Risk Assessment, um, Dr. -- I think you
16 said Cirimele, um, or Cirimele?

17 **INMATE DUNAWAY:** Cirimele?

18 **PRESIDING COMMISSIONER MINOR:** Cirimele. C-I-R-I-
19 M-E-L-E, completed the -- the document, January 26th,
20 2017 is the date that you were interviewed by that
21 evaluator. We have a 15-page report. That report we
22 will be, uh, reviewing, and it'll be part of our
23 evidence as we talk to you today. As we go through this
24 hearing, we do encourage you to correct or clarify any
25 information on the record that may be incorrect. I also

1 want to make sure you understand that, we do review the
2 confidential portion of your Central File. If there's
3 ever anything in that section of the Central File that
4 we're going to make, uh, use in making our decision,
5 we'll advise you in accordance with Title 15.

6 **INMATE DUNAWAY:** Yes ma'am.

7 **PRESIDING COMMISSIONER MINOR:** All right. I want
8 to make sure you understand that we're not here to
9 reconsider the findings of the courts. We are not here
10 to retry your case. We are going to go through the
11 case. We are going to ask you questions about the case,
12 but the purpose is not to retry the case. The purpose
13 is to consider your suitability for parole. So we're
14 going to go through factors of suitability and
15 unsuitability as we go through this hearing today and
16 also you are a youth offender so we'll talk about those
17 youth factors that are important as we go through this
18 hearing. Okay?

19 **INMATE DUNAWAY:** Yes ma'am.

20 **PRESIDING COMMISSIONER MINOR:** Okay. The
21 expectation as we talk today is that you're completely
22 honest with us. You understand that?

23 **INMATE DUNAWAY:** Yes ma'am.

24 **PRESIDING COMMISSIONER MINOR:** Okay. Raise your
25 right arm. I'm going to swear you in. Do you solemnly

1 swear or affirm that the testimony you give at this
2 hearing will be the truth, the whole truth, and nothing
3 but the truth?

4 **INMATE DUNAWAY:** I do.

5 **PRESIDING COMMISSIONER MINOR:** All right. So I
6 know that you were at a hearing, uh, you were at a
7 hearing in -- last hearing April 14, 2017, and at that
8 time you received a grant of parole. Um, your case went
9 to the governor's office, and the governor reversed that
10 grant, and so we're gonna - this is a new hearing.
11 We're going to go back through all the factors and we
12 will, uh, look at the -- the governor's concerns. Okay?

13 **INMATE DUNAWAY:** Yes.

14 **PRESIDING COMMISSIONER MINOR:** So we're -- we're
15 going to go through all the factors. We're gonna go
16 through all the information. And so, we're going to
17 start at the beginning, and we're going to move forward
18 from there. Okay?

19 **INMATE DUNAWAY:** Okay.

20 **PRESIDING COMMISSIONER MINOR:** Any questions
21 before we start?

22 **INMATE DUNAWAY:** No ma'am.

23 **PRESIDING COMMISSIONER MINOR:** Okay. So we look
24 at the youth factors. We look at those things that, uh,
25 in your youth and your childhood certainly have

1 influenced some of your thinking and your -- some of
2 your behavior, so looking at your history, I just kind
3 of wrote some notes, and there was quite a bit of
4 information about your upbringing and your childhood.
5 You suffered physical violence, sexual violence. There
6 was sexual violence in your home. Uh, domestic
7 violence. And both of your parents -- your mom and
8 stepfather used alcohol and maybe abused alcohol.

9 **INMATE DUNAWAY:** Yes, they did.

10 **PRESIDING COMMISSIONER MINOR:** Okay. So you were
11 raised by your mother and stepfather. You lived in a
12 low income neighborhood where there was violence, gangs,
13 and drugs.

14 **INMATE DUNAWAY:** Yes ma'am.

15 **PRESIDING COMMISSIONER MINOR:** And what
16 neighborhood was that?

17 **INMATE DUNAWAY:** I lived in Marysville,
18 California.

19 **PRESIDING COMMISSIONER MINOR:** Okay. In
20 Marysville. What -- what part of that area did you live
21 in? Did you live in a house or an apartment?

22 **INMATE DUNAWAY:** I lived in a small town in Linda
23 and I lived in multiple locations. I lived in, um, we
24 lived in low-income housing, low-income apartments, um,
25 we lived in areas where poor people live.

1 **PRESIDING COMMISSIONER MINOR:** Okay. Did your
2 mom work?

3 **INMATE DUNAWAY:** Uh, not -- not initially, but
4 later on in life she got a job, yes.

5 **PRESIDING COMMISSIONER MINOR:** In -- in your
6 childhood did your mother work?

7 **INMATE DUNAWAY:** Uh, off-and-on. We were on --

8 **PRESIDING COMMISSIONER MINOR:** What did she do?

9 **INMATE DUNAWAY:** Uh, she, uh, she worked at a
10 repair shop for cars.

11 **PRESIDING COMMISSIONER MINOR:** What about your
12 father?

13 **DEPUTY COMMISSIONER HURD:** Excuse me, sir, just
14 put the mike up a bit, please. Thank you.

15 **PRESIDING COMMISSIONER MINOR:** What -- what about
16 your stepfather?

17 **INMATE DUNAWAY:** Yeah, he worked. He worked, um,
18 at a car dealership, as well.

19 **PRESIDING COMMISSIONER MINOR:** Okay. And you had
20 interaction with your grandfather, and it notes that
21 your grandfather -- he's the one that abused you.

22 **INMATE DUNAWAY:** Yeah.

23 **PRESIDING COMMISSIONER MINOR:** He took you to the
24 park, had you fight. So your grandfather -- how much
25 interaction did you have with him?

1 **INMATE DUNAWAY:** Daily.

2 **PRESIDING COMMISSIONER MINOR:** Did he live with
3 you?

4 **INMATE DUNAWAY:** No, we lived with him off-and-on
5 and when my mom wasn't home that's when we would go to
6 my grandparent's house and stay with them.

7 **PRESIDING COMMISSIONER MINOR:** Grandmother and
8 grandfather in the home?

9 **INMATE DUNAWAY:** Yeah, for -- until my grandma
10 died, yes.

11 **PRESIDING COMMISSIONER MINOR:** Okay. Your
12 grandfather would beat you with his fists if you didn't
13 fight in the park. Did he ever say why he wanted you to
14 fight in the park?

15 **INMATE DUNAWAY:** He wanted me to be a man.
16 That's what he would tell me.

17 **PRESIDING COMMISSIONER MINOR:** How --

18 **INMATE DUNAWAY:** He was teaching me how to, uh,
19 how to be a man and earn respect.

20 **PRESIDING COMMISSIONER MINOR:** So what would he -
21 - take you to the park and you just choose random
22 children to attack?

23 **INMATE DUNAWAY:** He would tell me -- he would
24 point some kids out sometimes or he'd go out there and
25 tell me to go get into a fight. Let me see what you

1 got. And, uh, if I tried not to, he would beat me up in
2 the car until I got out and went and fought, and, um,
3 when I came from the car, if I did get in the fight --
4 if I won, then it was like we were friends and he was
5 proud of me and he would reward me with like ice cream
6 or McDonald's afterwards, and, uh, if I didn't do good,
7 he would smack me around a little bit and belittle me
8 and talk down to me, and --

9 **PRESIDING COMMISSIONER MINOR:** Did your -- did
10 your grandfather -- did you see him get into fights?

11 **INMATE DUNAWAY:** Yeah, I seen him -- I seen him
12 beat my stepdad up.

13 **PRESIDING COMMISSIONER MINOR:** Oh, so he would
14 fight your stepdad, so you saw --

15 **INMATE DUNAWAY:** One -- just one time he beat my
16 stepdad up, yeah.

17 **PRESIDING COMMISSIONER MINOR:** Okay. Did you see
18 him get into fights with others in the community?

19 **INMATE DUNAWAY:** No.

20 **PRESIDING COMMISSIONER MINOR:** No?

21 **INMATE DUNAWAY:** No.

22 **PRESIDING COMMISSIONER MINOR:** How -- how many
23 brothers and sisters did you have?

24 **INMATE DUNAWAY:** Uh, growing up in the house, I
25 had one sister in the house with us.

1 **PRESIDING COMMISSIONER MINOR:** And your
2 grandfather molested your sister?

3 **INMATE DUNAWAY:** Yes, he did.

4 **PRESIDING COMMISSIONER MINOR:** Did you see that
5 or did you hear about that --

6 **INMATE DUNAWAY:** No.

7 **PRESIDING COMMISSIONER MINOR:** -- or how do you
8 know that?

9 **INMATE DUNAWAY:** Because I was told later on
10 after my sister told my mom and the cops were called. I
11 was told about what had happened, and, uh, when, uh, he
12 would take me to a park to fight, my sister would be
13 with us a lot of the times and that was his excuse for
14 getting me out of the car was to go fight so he could
15 stay in the car and molest my sister, and I didn't know
16 that at the time -- that that was going on. I learned it
17 later on, a few years later after my sister informed my
18 mom was when I found out.

19 **PRESIDING COMMISSIONER MINOR:** Did your
20 grandfather -- was he arrested, and --

21 **INMATE DUNAWAY:** Yeah.

22 **PRESIDING COMMISSIONER MINOR:** So he did some
23 time for that?

24 **INMATE DUNAWAY:** I don't know the details. My
25 mom didn't --

1 **PRESIDING COMMISSIONER MINOR:** But there was an
2 arrest?

3 **INMATE DUNAWAY:** Yes.

4 **PRESIDING COMMISSIONER MINOR:** So he was -- the
5 police had been called.

6 **INMATE DUNAWAY:** Yeah.

7 **PRESIDING COMMISSIONER MINOR:** Okay. You were
8 also a victim of sexual abuse?

9 **INMATE DUNAWAY:** Yes ma'am.

10 **PRESIDING COMMISSIONER MINOR:** Your neighbor?

11 **INMATE DUNAWAY:** Yes ma'am.

12 **PRESIDING COMMISSIONER MINOR:** Did you tell
13 anyone about this?

14 **INMATE DUNAWAY:** No, I did not.

15 **PRESIDING COMMISSIONER MINOR:** How old were you
16 when this happened?

17 **INMATE DUNAWAY:** It was the day after I turned
18 nine years old.

19 **PRESIDING COMMISSIONER MINOR:** Nine years old.

20 **INMATE DUNAWAY:** Yeah.

21 **PRESIDING COMMISSIONER MINOR:** And did you ever
22 encounter that neighbor again or --

23 **INMATE DUNAWAY:** Yeah. He still -- he lived
24 there for a short time until my mom -- we came home from
25 the store one time, and my mom caught him in our house

1 and she freaked out and, um, when she went and told his
2 family that he was living with, they made him move at
3 that time.

4 **PRESIDING COMMISSIONER MINOR:** Okay. So, that
5 was pretty -- that's a pretty traumatic thing to happen.
6 Um, so you witnessed domestic violence in your house.
7 Um, you say your mother's boyfriend beat her up. Uh,
8 you said that both your -- mom, stepdad, had significant
9 problems with addictions to alcohol and reported that
10 they drank themselves to death after the crime.

11 **INMATE DUNAWAY:** Yes.

12 **PRESIDING COMMISSIONER MINOR:** Your biological
13 father? Did you know him?

14 **INMATE DUNAWAY:** I did, yes.

15 **PRESIDING COMMISSIONER MINOR:** And did you have
16 interactions with him?

17 **INMATE DUNAWAY:** I did, yeah. I would stay with
18 him periodically. I would go spend time with him. When
19 I got a little bit older, he finally let me be a part of
20 his life, and, uh, he was -- he was abusive, and --

21 **PRESIDING COMMISSIONER MINOR:** Was he abusive to
22 you?

23 **INMATE DUNAWAY:** Yeah, absolutely. He would
24 terrorize me.

25 **PRESIDING COMMISSIONER MINOR:** So you, your

1 gramps -- so it was your grandfather, your step -- your
2 father --

3 **INMATE DUNAWAY:** Yeah.

4 **PRESIDING COMMISSIONER MINOR:** And who else
5 abused you physically.

6 **INMATE DUNAWAY:** Just -- basically, the two of
7 them, my father and my grandfather.

8 **PRESIDING COMMISSIONER MINOR:** Now, your
9 grandfather's on your mother's side.

10 **INMATE DUNAWAY:** Yes.

11 **PRESIDING COMMISSIONER MINOR:** And your father --
12 what about -- did you have any interaction with the
13 parents -- grandparents?

14 **INMATE DUNAWAY:** No, his family -- his -- my
15 grandma and grandfather both died before I was born.

16 **PRESIDING COMMISSIONER MINOR:** Okay. So, you
17 didn't know them.

18 **INMATE DUNAWAY:** Yeah.

19 **PRESIDING COMMISSIONER MINOR:** So, your
20 neighborhood was pretty tough.

21 **INMATE DUNAWAY:** Yeah.

22 **PRESIDING COMMISSIONER MINOR:** Violence, gangs.
23 And you joined a gang?

24 **INMATE DUNAWAY:** Yeah, when I moved to Eureka,
25 when I was a little bit older I eventually joined a gang

1 in Eureka, yes.

2 **PRESIDING COMMISSIONER MINOR:** So at 15 you
3 joined the -- what is it? Eureka Crips?

4 **INMATE DUNAWAY:** Yes.

5 **PRESIDING COMMISSIONER MINOR:** But prior to that
6 when you were in Marysville you did not join a gang?

7 **PRESIDING COMMISSIONER MINOR:** You left
8 Marysville at what age?

9 **INMATE DUNAWAY:** Um, 12 years old?

10 **PRESIDING COMMISSIONER MINOR:** At 12, and why'd
11 you -- why'd your parents -- why did you guys move?

12 **INMATE DUNAWAY:** Uh, my parents got a promotion.

13 **PRESIDING COMMISSIONER MINOR:** So there was a
14 job.

15 **INMATE DUNAWAY:** Yeah, better jobs, yes.

16 **PRESIDING COMMISSIONER MINOR:** Okay. Did life
17 get better for you after 12? After they'd gotten jobs?

18 **INMATE DUNAWAY:** No, it was -- it was better that
19 I didn't have to be around my grandfather, but it wasn't
20 better that, um, when it moved, it was -- I had hard
21 times when I moved. I didn't know how to deal with
22 being the new kid.

23 **PRESIDING COMMISSIONER MINOR:** Okay. Because
24 you'd been in Marysville pretty much all your life.

25 **INMATE DUNAWAY:** Yeah, my entire life, yeah.

1 **PRESIDING COMMISSIONER MINOR:** Did you get into a
2 lot of fights in school?

3 **INMATE DUNAWAY:** I did. In junior high and high
4 school, I did, yes.

5 **PRESIDING COMMISSIONER MINOR:** So, junior high
6 you're in Marysville still --

7 **INMATE DUNAWAY:** No, so when I --

8 **PRESIDING COMMISSIONER MINOR:** Twelve years old
9 you leave, so --

10 **INMATE DUNAWAY:** -- when I was -- the summer
11 between fifth and sixth grade, we moved to a town called
12 Mojave in Southern California, and we lived there for
13 two years and then when I was 14 we moved to Eureka.
14 That's when we moved to Eureka, at 14 years old.

15 **PRESIDING COMMISSIONER MINOR:** Okay. So you're -
16 - you're a fighter. High school didn't go well. You --
17 you didn't have a good time high school, huh?

18 **INMATE DUNAWAY:** No ma'am.

19 **PRESIDING COMMISSIONER MINOR:** Okay. So we're
20 going to talk about your criminal history. So, you
21 know, you look at your -- your life as a young person,
22 and, you know, at -- you're 17 when this crime happens,
23 and so before we talk about your criminal history, can
24 you just give me, you know, you go back and you look at
25 the -- the person you were --

1 **INMATE DUNAWAY:** Uh-huh.

2 **PRESIDING COMMISSIONER MINOR:** -- and so from the
3 -- from the childhood abuse all the way through the day
4 that this crime was committed, tell me who you were.
5 Tell me what, you know, if you -- you look back and you
6 say I was --

7 **INMATE DUNAWAY:** I was angry and insecure. I was
8 self-conscious. I was impulsive and immature, selfish,
9 uh, I was lazy. Uh, I developed a substance abuse
10 problem, and I didn't value my education. Those --
11 that's basically me, and I was, you know, I had a lot of
12 dysfunctional problems in my life because of the way I
13 saw myself and the way I saw my family.

14 **PRESIDING COMMISSIONER MINOR:** Were you violent?

15 **INMATE DUNAWAY:** I was --

16 **PRESIDING COMMISSIONER MINOR:** That was the first
17 thing I thought about.

18 **INMATE DUNAWAY:** I was definitely --

19 **PRESIDING COMMISSIONER MINOR:** You were a violent
20 guy.

21 **INMATE DUNAWAY:** I absolutely was and that's --

22 **PRESIDING COMMISSIONER MINOR:** What else?
23 Anything else? So you're angry, you're insecure, you're
24 impulsive, selfish, um, you didn't value your education.
25 You said you were lazy. I mean, look at that guy. Who

1 was -- really, cause that's who committed this crime.

2 **INMATE DUNAWAY:** Yeah.

3 **PRESIDING COMMISSIONER MINOR:** You were violent.

4 **INMATE DUNAWAY:** Yeah, absolutely I was violent.

5 I -- that was --

6 **PRESIDING COMMISSIONER MINOR:** What else?

7 Anything else that I should put on your list here?

8 **INMATE DUNAWAY:** Uh, there's a lot of things. I
9 was, um, self-conscious. I lacked self-esteem, self-
10 worth. I lacked self-confidence. I didn't have an
11 identity that was based on anything other than being
12 violent and being of worth to my friends that were also
13 violent.

14 **PRESIDING COMMISSIONER MINOR:** Uh-huh.

15 **INMATE DUNAWAY:** So I didn't have any sense of
16 who I was or where I was going in life. I didn't have
17 goals. I didn't have any values that allowed me to set
18 goals and achieve them. So I had a lot of problems. I -
19 - I started drinking a lot because I was trying to run
20 from being raped. I was trying to run from my dad
21 rejecting me and every time I saw him he would be
22 abusive and -- and volatile towards me so it would make
23 me think he hated me, and I didn't think I had any worth
24 in the world because my dad -- I felt like my dad didn't
25 love me. I felt like because he didn't love me there

1 was something wrong with me, and I felt like that for
2 most of my life.

3 **PRESIDING COMMISSIONER MINOR:** Uh-huh.

4 **INMATE DUNAWAY:** And when I got older, I got
5 tired of feeling like that. I got tired of feeling like
6 I was unimportant and not having no value, so --

7 **PRESIDING COMMISSIONER MINOR:** How'd you fill
8 those gaps?

9 **PRESIDING COMMISSIONER MINOR:** By becoming
10 violent and joining a gang. By getting acceptance from
11 these people that also felt that way and we became a
12 family so to speak. As dysfunctional and as ignorant as
13 that sounds, we just -- we formed something to where we
14 felt we belonged, and we felt like we were a part of
15 something, and we weren't alone in the world no more.

16 **PRESIDING COMMISSIONER MINOR:** Why do you think
17 you had no empathy for others?

18 **INMATE DUNAWAY:** Because I was --

19 **PRESIDING COMMISSIONER MINOR:** Because I -- I
20 just -- you know, kind of looking of the crime that
21 showed a lack of empathy --

22 **INMATE DUNAWAY:** I had no compassion. I had no
23 empathy.

24 **PRESIDING COMMISSIONER MINOR:** Why do you think
25 that was, you know, part of you?

1 **INMATE DUNAWAY:** I think that was developed over
2 time from being abused, from being mistreated, from
3 being neglected, from being rejected by my dad, from
4 being told constantly that I'm not good enough, that I'm
5 never gonna be nobody, and I just felt like that if
6 nobody cares about me, nobody's worried about me, why am
7 I gonna worry about them?

8 **PRESIDING COMMISSIONER MINOR:** Uh-huh.

9 **INMATE DUNAWAY:** If nobody's worrying about me, I
10 gotta worry about me, because nobody else is doing it,
11 and I felt completely alone in the world. Even though
12 my mom loved me every day and she told me, I just didn't
13 feel worthy of that love because it wasn't coming from
14 my dad.

15 **PRESIDING COMMISSIONER MINOR:** Okay. You wanted
16 it from your dad, not your mom.

17 **INMATE DUNAWAY:** I did.

18 **PRESIDING COMMISSIONER MINOR:** Was your mother
19 ever abusive?

20 **INMATE DUNAWAY:** No.

21 **PRESIDING COMMISSIONER MINOR:** No. Your mother
22 had an alcohol problem?

23 **INMATE DUNAWAY:** Yeah. I seen her drunk one time
24 in my life, and then after I got arrested she became --

25 **PRESIDING COMMISSIONER MINOR:** Oh, later on.

1 **INMATE DUNAWAY:** Yeah, she became --

2 **PRESIDING COMMISSIONER MINOR:** So, in your
3 childhood your mom was not -- so she -- did she take
4 care of you?

5 **INMATE DUNAWAY:** Yeah, she was a good mom. She
6 was the best mom she knew how to be. She had her
7 faults, but she was a loving mom that didn't know how to
8 set boundaries and discipline me. She didn't hold me
9 accountable. There was no accountability in my life.
10 There was no -- I never had responsibility. All these
11 things that -- that I needed -- the guidance I needed, I
12 didn't get at home. I -- my mom tried loving my
13 problems out of me, and every time she would love me and
14 want to give me affection, it would make me
15 uncomfortable because I didn't feel deserving or worthy
16 of it because it wasn't coming from my dad.

17 **PRESIDING COMMISSIONER MINOR:** Why do you think
18 it was so important that you got it from your dad.

19 **INMATE DUNAWAY:** Because everybody idealized him.
20 Everybody looked up to my dad in the neighborhood.
21 Everybody knew who my dad was.

22 **PRESIDING COMMISSIONER MINOR:** What -- what --
23 why -- why did they know him?

24 **INMATE DUNAWAY:** Because he was a gang member, --

25 **PRESIDING COMMISSIONER MINOR:** Oh.

1 **INMATE DUNAWAY:** -- and he was a criminal, and he
2 had -- he carried weight, and because everybody knew he
3 was, and I didn't know who he was, I felt like I was
4 missing out on something.

5 **PRESIDING COMMISSIONER MINOR:** I see.

6 **INMATE DUNAWAY:** I felt like if all these people
7 know him, but I don't, how is that fair? Like, why do
8 you know him, and I don't?

9 **PRESIDING COMMISSIONER MINOR:** Uh-huh.

10 **INMATE DUNAWAY:** And --

11 **PRESIDING COMMISSIONER MINOR:** Did you ever just
12 even -- just kind of feel a sense of pride that he was
13 your dad even though maybe you didn't know him? That
14 everybody in the street knew him.

15 **INMATE DUNAWAY:** I did, I did. But that didn't
16 make me feel good. That didn't make me feel loved.
17 That didn't make me feel like I had value to him.

18 **PRESIDING COMMISSIONER MINOR:** Okay.

19 **INMATE DUNAWAY:** I felt like he didn't want
20 something to do with me because of me. Because there
21 was something wrong with me. I didn't understand that
22 he was the problem at that time.

23 **PRESIDING COMMISSIONER MINOR:** Okay.

24 **INMATE DUNAWAY:** When I was a child.

25 **PRESIDING COMMISSIONER MINOR:** So you had

1 multiple arrests, convictions sustained. Fourteen years
2 old, arrested for assault. Uh, sixteen years old,
3 malicious mischief, you became a ward of the court. You
4 were throwing rocks at a foreman -- at a former football
5 coach. And then you, so you -- you had some -- most of
6 your arrests were violent.

7 **INMATE DUNAWAY:** Yes ma'am.

8 **PRESIDING COMMISSIONER MINOR:** Because -- I mean
9 -- so, the theme is you were a violent guy.

10 **INMATE DUNAWAY:** Yes ma'am.

11 **PRESIDING COMMISSIONER MINOR:** You were a violent
12 young man.

13 **INMATE DUNAWAY:** I was.

14 **PRESIDING COMMISSIONER MINOR:** That started when
15 you were very, very young.

16 **INMATE DUNAWAY:** It did.

17 **PRESIDING COMMISSIONER MINOR:** Your -- your --
18 your grandfather started taking you to fight when?

19 **INMATE DUNAWAY:** When I was six years old.

20 **PRESIDING COMMISSIONER MINOR:** When you were six.

21 **INMATE DUNAWAY:** Yeah.

22 **PRESIDING COMMISSIONER MINOR:** And that continued
23 up until you actually left the area?

24 **INMATE DUNAWAY:** No it continued until my mom
25 called the cops when I was nine years old.

1 **PRESIDING COMMISSIONER MINOR:** Okay. About nine.
2 And then at nine, you're -- you're abused?

3 **INMATE DUNAWAY:** Yeah.

4 **PRESIDING COMMISSIONER MINOR:** Okay. So, I've
5 read in the risk assessment that -- I read the term
6 rageaholic --

7 **INMATE DUNAWAY:** Oh, I was.

8 **PRESIDING COMMISSIONER MINOR:** How did that play
9 out? Tell me how that played out?

10 **INMATE DUNAWAY:** Every time I wouldn't get my
11 way. Every time some -- somebody would be, uh,
12 aggressive towards me or I would feel threatened or
13 vulnerable, I would just go into a rage because that
14 made me feel safe. That made me feel --

15 **PRESIDING COMMISSIONER MINOR:** What did it look
16 like?

17 **INMATE DUNAWAY:** Uh, yelling --

18 **PRESIDING COMMISSIONER MINOR:** Tell me.

19 **INMATE DUNAWAY:** -- really yelling and screaming.
20 Threats.

21 **PRESIDING COMMISSIONER MINOR:** Did you hit walls?
22 Did you throw things?

23 **INMATE DUNAWAY:** Um, I -- I hit walls a couple of
24 times. I would slam doors, but mostly I would get --
25 that's when I -- I would get in fights. I would -- when

1 I didn't know how to communicate or deal with intense
2 emotion that I was feeling, I would just go into a rage
3 and get angry. That way people would leave me alone and
4 back up and give me my space and if that didn't work I
5 would become violent. I would get into a fight.

6 **PRESIDING COMMISSIONER MINOR:** Okay. In those
7 fights, did you injure anybody significantly?

8 **INMATE DUNAWAY:** Yeah, absolutely.

9 **PRESIDING COMMISSIONER MINOR:** Yeah. What kind
10 of injuries -- what type of injuries did you cause?

11 **INMATE DUNAWAY:** Um, uh, we beat up a kid named
12 Jason. We beat him up pretty bad, and he wound up in
13 the hospital. We beat him up with his crutch. We beat
14 a guy up with a golf club, and he -- I don't know what
15 kind of medical attention he got exactly, but I know he
16 went to the -- to get medical attention. Me and my
17 friends beat a kid up with a bat. Um, we caused all
18 kinds of injuries, and not just physical but the
19 emotional injuries that -- that resulted of this
20 ignorance is -- is also evident. Like, people's lives
21 were changed because of my -- my impulsive ignorancies
22 (sic).

23 **PRESIDING COMMISSIONER MINOR:** Do you think the
24 people on the streets were afraid of you?

25 **INMATE DUNAWAY:** Yeah, I do.

1 **PRESIDING COMMISSIONER MINOR:** Were the kids in
2 high school afraid of you?

3 **INMATE DUNAWAY:** Yeah, I think so. Most of them.

4 **PRESIDING COMMISSIONER MINOR:** How do you know
5 that? I mean, what would make you believe that?

6 **INMATE DUNAWAY:** Um, because people would talk
7 about don't disrespect me because I was volatile and
8 violent and I was willing to fight, and most kids aren't
9 willing to fight, but I was.

10 **PRESIDING COMMISSIONER MINOR:** And what did that
11 -- how did that make you feel?

12 **INMATE DUNAWAY:** Uh, a sense of pride. I felt --
13 I felt like --

14 **PRESIDING COMMISSIONER MINOR:** You liked that
15 feeling.

16 **INMATE DUNAWAY:** When I was younger, I did, yeah.

17 **PRESIDING COMMISSIONER MINOR:** Yeah. Okay. All
18 right. So, you have, um, quite a, you know, you're --
19 you're -- it seems like your -- even sometimes maybe
20 your perceptions were off.

21 **INMATE DUNAWAY:** Absolutely they were.

22 **PRESIDING COMMISSIONER MINOR:** In -- in -- in the
23 case of the -- throwing the rock at your -- your coach,
24 uh, at that time, you thought you were the whipping boy
25 -- you words -- whipping boy on the team.

1 **INMATE DUNAWAY:** Yes.

2 **PRESIDING COMMISSIONER MINOR:** And so you assault
3 -- did you assault him? Do you -- what do you do?

4 **INMATE DUNAWAY:** I just picked up a rock and
5 threw it as his car as he drove away.

6 **PRESIDING COMMISSIONER MINOR:** Okay.

7 **INMATE DUNAWAY:** And, uh, there was a lot of
8 resentments towards him because he -- he was only a
9 couple of years older than me. He was in high school
10 still, and he was the assistant coach, and, um, I was
11 the one that -- I felt like I was the one that got
12 picked on at practice a lot. I was the one that he to be
13 the tackling dummy. I was the one that had to run all
14 the drills. I had to run laps.

15 **PRESIDING COMMISSIONER MINOR:** Do you think that
16 was misguided at this point as you look back?

17 **INMATE DUNAWAY:** Oh, absolutely. I think I was a
18 distraction at -- at practice because I was one of those
19 kids that always had a comment --

20 **PRESIDING COMMISSIONER MINOR:** Yeah.

21 **INMATE DUNAWAY:** -- always had a question. I was
22 the one that was like keeping our tasks from getting
23 done that needed to be done.

24 **PRESIDING COMMISSIONER MINOR:** You were probably
25 more of the problem. So they --

1 **INMATE DUNAWAY:** Oh, absolutely.

2 **PRESIDING COMMISSIONER MINOR:** -- they kind of
3 said do this, do that, right?

4 **INMATE DUNAWAY:** Yeah.

5 **PRESIDING COMMISSIONER MINOR:** Okay. You have,
6 you engage in numerous fights and assaults that did not
7 result in arrests or convictions. You told the doctor
8 that you estimated at least 15 fights and used weapons
9 against five, six or seven. Uh, seven different times.
10 You did carry a gun, um, and you carried a gun, so,
11 you're -- you're fighting, and I'm assuming many times
12 you're winning. Why were you carrying a gun?

13 **INMATE DUNAWAY:** Uh, because I wanted that --
14 that, um, respect and that -- I wanted to be like the
15 older guys around the neighborhood that carried guns and
16 people respected. I was doing everything I could to
17 emulate them and --

18 **PRESIDING COMMISSIONER MINOR:** Uh-huh.

19 **INMATE DUNAWAY:** -- I wanted their acceptance and
20 their approval, like when they would come around and
21 they would accept me and I would be, you know, five,
22 six, seven years younger than them, and they would be --
23 they would act like I was part of their group or part of
24 their crew. It made me feel like I was respected and I
25 had value, so I was doing everything I could to earn

1 their respect and earn their approval. And not just
2 that. I just wanted their attention. I wanted them to
3 notice me and, you know, acknowledge that I was doing a
4 good job in the neighborhood.

5 **PRESIDING COMMISSIONER MINOR:** Assault with a
6 deadly weapon. What was the assault with a deadly
7 weapon incident in '93.

8 **INMATE DUNAWAY:** Uh, there was multiple that
9 year.

10 **PRESIDING COMMISSIONER MINOR:** Yeah.

11 **INMATE DUNAWAY:** There were several of --

12 **PRESIDING COMMISSIONER MINOR:** So there's one --
13 you were arrested on two counts of assault with a deadly
14 weapon is when you were in a store with a couple of
15 friends, two males made a comment about gangsters
16 because in the statements you say -- you chased them out
17 of the store, hit one in the face with a soda bottle,
18 stabbed the other one in the arm when he was sitting in
19 the truck.

20 **INMATE DUNAWAY:** That was an injury.

21 **PRESIDING COMMISSIONER MINOR:** Absolutely it was.
22 And, um, I did it for -- I -- I that -- was impulsive. I
23 just -- I didn't even think about what I was doing.
24 They made the comment. Somebody told me what they said,
25 and I ran out of the store after them and I assaulted

1 the one that was outside the truck and then the other
2 one in the truck was saying something and I -- I just
3 stabbed him. I didn't even think about it I just -- I
4 just responded.

5 **PRESIDING COMMISSIONER MINOR:** Have you ever
6 thought about -- I mean, have you ever made a list of
7 all these people, even if you don't know their names,
8 like did you ever make a list like people in the store,
9 people -- I see you're reaching for something.

10 **INMATE DUNAWAY:** Yes ma'am. I have -- I have -
11 their names are actually Robert Mann and Richard
12 Arborville from that store that day,

13 **PRESIDING COMMISSIONER MINOR:** Okay. So you have
14 made a list and you can apply all -- you're flipping
15 through a page, I'm just for the purpose of the people
16 that are on the phone with us.

17 **INMATE DUNAWAY:** Yes ma'am. I have a step eight
18 in my -- I have primary victims, secondary victims, and
19 tertiary victims.

20 **PRESIDING COMMISSIONER MINOR:** I would like to
21 see that list.

22 **INMATE DUNAWAY:** I think you have a copy of that.

23 **PRESIDING COMMISSIONER MINOR:** Is it in my --

24 **ATTORNEY LUM:** These two pages right here.

25 **INMATE DUNAWAY:** Yes ma'am.

1 **ATTORNEY LUM:** Okay.

2 **PRESIDING COMMISSIONER MINOR:** Are they in the --
3 are they in the ten day?

4 **ATTORNEY LUM:** Uh, I'll look.

5 **PRESIDING COMMISSIONER MINOR:** I'll -- I'll -- if
6 I have them, I don't need you to show them to me, but I
7 didn't think I saw that. That's usually one of the
8 things I look for, so -- it probably, there was a lot of
9 paperwork, so, um, okay. Just give me one second. Um,
10 okay. Oh, you have it. Okay, thank you. I have it.
11 What about alcohol , drugs, anything like that?

12 **INMATE DUNAWAY:** Yeah, I -- I -- I -- became a
13 heavy drinker by the time I was arrested. I smoked
14 marijuana regularly. I, um, tried mushrooms one time,
15 which I didn't enjoy, so I didn't do it again. Um, but
16 I -- I was a heavy drinker, and I smoked marijuana, yes.

17 **PRESIDING COMMISSIONER MINOR:** So marijuana.

18 **INMATE DUNAWAY:** Yes.

19 **PRESIDING COMMISSIONER MINOR:** And alcohol.

20 **INMATE DUNAWAY:** Yes.

21 **PRESIDING COMMISSIONER MINOR:** What was your drug
22 of choice?

23 **INMATE DUNAWAY:** Alcohol.

24 **PRESIDING COMMISSIONER MINOR:** So would you get -
25 - would you drink alcohol to the point where you were

1 like falling down?

2 **INMATE DUNAWAY:** A couple of times, yeah.

3 **PRESIDING COMMISSIONER MINOR:** Did alcohol
4 increase that rage in you? Or anger? Or --

5 **INMATE DUNAWAY:** It -- it increased my ability to
6 -- to be violent and volatile. I, um, I would start out
7 drinking and having a good time but once it got to a
8 certain point or something was triggered or resentment
9 came up or something, I became angry, and I would get in
10 fights. Most of my crimes happened while I was
11 drinking.

12 **PRESIDING COMMISSIONER MINOR:** Uh-huh.

13 **INMATE DUNAWAY:** And, yeah I -- it -- it really
14 inhibited my ability to make good decisions.

15 **PRESIDING COMMISSIONER MINOR:** Okay. So the
16 doctor makes a diagnosis of alcohol use disorder and
17 cannabis use disorder, severe, in sustained remission in
18 a controlled environment. So, in -- at the time of this
19 crime, where are you living?

20 **INMATE DUNAWAY:** I was living with my mom.

21 **PRESIDING COMMISSIONER MINOR:** Where?

22 **INMATE DUNAWAY:** In Eureka.

23 **PRESIDING COMMISSIONER MINOR:** So you're living
24 in Eureka.

25 **INMATE DUNAWAY:** Yes.

1 **PRESIDING COMMISSIONER MINOR:** And -- and you had
2 joined this -- this Crip gang, and they --

3 **INMATE DUNAWAY:** Yes.

4 **PRESIDING COMMISSIONER MINOR:** And they -- did
5 you jump -- were they -- were you jumped in?

6 **INMATE DUNAWAY:** Uh, no, I just kind of earned my
7 way in through getting into fights and being around and,
8 you know, doing things for -- that needed to be done for
9 the people that I was hanging out with, and we kind of
10 just started it ourselves basically. It was --

11 **PRESIDING COMMISSIONER MINOR:** It was kind of a
12 new thing?

13 **INMATE DUNAWAY:** Yeah, and, um, we, none of us really
14 got jumped in, we just kind of decided, hey, we need to
15 label ourselves because these other groups are labeling
16 themselves.

17 **PRESIDING COMMISSIONER MINOR:** Yeah.

18 **INMATE DUNAWAY:** And we couldn't think of nothing
19 better, so we started calling ourselves by that -- by
20 that title.

21 **PRESIDING COMMISSIONER MINOR:** EurekaVille --

22 **INMATE DUNAWAY:** The EurekaVille Crips.

23 **PRESIDING COMMISSIONER MINOR:** EurekaVille Crips.

24 **INMATE DUNAWAY:** Yeah.

25 **PRESIDING COMMISSIONER MINOR:** Crips of all

1 things.

2 **INMATE DUNAWAY:** Yeah.

3 **PRESIDING COMMISSIONER MINOR:** A white gang?

4 **INMATE DUNAWAY:** Uh, it was mixed race. Yeah.

5 **PRESIDING COMMISSIONER MINOR:** Oh, it was mixed

6 race. So there were different races in the gang?

7 Because Crips usually are -- are an African-American or
8 black gang, right?

9 **INMATE DUNAWAY:** Yes ma'am.

10 **PRESIDING COMMISSIONER MINOR:** So, but you guys
11 adopted the name Crip because Crip -- what?

12 **INMATE DUNAWAY:** It represented a gang. It was
13 just something that we could -- identify us.

14 **PRESIDING COMMISSIONER MINOR:** You just made it
15 up.

16 **INMATE DUNAWAY:** Because a different gang across
17 town was calling themselves Bloods so we just naturally
18 came up with hey, let's call ourselves Crips then.

19 **PRESIDING COMMISSIONER MINOR:** Okay.

20 **INMATE DUNAWAY:** Because it's the opposite of
21 what they're doing.

22 **PRESIDING COMMISSIONER MINOR:** Yeah.

23 **INMATE DUNAWAY:** And that was basically --

24 **PRESIDING COMMISSIONER MINOR:** How many -- how
25 many members?

1 **INMATE DUNAWAY:** Originally there were eight or
2 ten of us, probably a small number, and then there was
3 people that hung out that weren't actually a part of it
4 but were trying to become a part of it and I don't know
5 if they ever became after I got arrested or not but it
6 was a small number initially.

7 **PRESIDING COMMISSIONER MINOR:** Do you know if
8 they still exist?

9 **INMATE DUNAWAY:** I have no idea.

10 **PRESIDING COMMISSIONER MINOR:** Okay. Because
11 that would be terrible if you started a gang and they
12 are out there --

13 **INMATE DUNAWAY:** It's a terrible --

14 **PRESIDING COMMISSIONER MINOR:** -- terrorizing
15 people on the street.

16 **INMATE DUNAWAY:** It's a terrible legacy.
17 Absolutely. I agree. I'm disgusted and horrified by
18 that -- that I did -- that somebody out there is doing
19 something that I started in a negative way instead of a
20 positive way.

21 **PRESIDING COMMISSIONER MINOR:** All right. So how
22 did you know Thomas Winger?

23 **INMATE DUNAWAY:** Uh, we met the first day of
24 ninth grade in class.

25 **PRESIDING COMMISSIONER MINOR:** And you -- did you

1 hit it off like right away?

2 **INMATE DUNAWAY:** Yeah, we did.

3 **PRESIDING COMMISSIONER MINOR:** Why?

4 **INMATE DUNAWAY:** Uh, I don't know. We just got
5 along. We were both into sports. We were both lazy and
6 didn't want no responsibility.

7 **PRESIDING COMMISSIONER MINOR:** Did he like to
8 fight?

9 **INMATE DUNAWAY:** Not so much.

10 **PRESIDING COMMISSIONER MINOR:** No?

11 **INMATE DUNAWAY:** No.

12 **PRESIDING COMMISSIONER MINOR:** How did you know
13 Mr. Gervin?

14 **INMATE DUNAWAY:** Um, I met him through some
15 friends that, um, I started hanging out with when I got
16 kicked out of Eureka High School for fighting, when I
17 went to continuation I started hanging out with another
18 groups of friends, and he was a part of that group, and
19 I met him through them.

20 **PRESIDING COMMISSIONER MINOR:** You were kicked
21 out a lot of schools, huh?

22 **INMATE DUNAWAY:** Yes ma'am. Yes ma'am.

23 **PRESIDING COMMISSIONER MINOR:** Suspended and
24 expelled.

25 **INMATE DUNAWAY:** Yes ma'am.

1 **PRESIDING COMMISSIONER MINOR:** So you're at --
2 are you at the time of the crime are you going to high
3 school? Are you in continuation school?

4 **INMATE DUNAWAY:** Uh, no.

5 **PRESIDING COMMISSIONER MINOR:** Are you not going
6 to school?

7 **INMATE DUNAWAY:** I was going to, uh, weekly
8 studies at the continuation school.

9 **PRESIDING COMMISSIONER MINOR:** Okay.

10 **INMATE DUNAWAY:** Yeah.

11 **PRESIDING COMMISSIONER MINOR:** And how do you
12 know Amber Slater (phonetic)?

13 **INMATE DUNAWAY:** I met her through Jesse Sherman
14 (phonetic).

15 **PRESIDING COMMISSIONER MINOR:** How do you know
16 Jesse?

17 **INMATE DUNAWAY:** He was part of the gang.

18 **PRESIDING COMMISSIONER MINOR:** So this is -- so,
19 gang. And so, you met Amber at a party of what? At
20 school?

21 **INMATE DUNAWAY:** No.

22 **PRESIDING COMMISSIONER MINOR:** Or -- well, she
23 was much younger.

24 **INMATE DUNAWAY:** No, no. Jesse -- Jesse had went
25 and picked her up and brought her to Abe's house. And

1 the first time I met her was at Mr. Gervin's house.

2 **PRESIDING COMMISSIONER MINOR:** Okay. And was --
3 what was your interaction with her that first time?

4 **INMATE DUNAWAY:** Uh, just hanging out and
5 partying and, uh, --

6 **PRESIDING COMMISSIONER MINOR:** Partying means
7 what?

8 **INMATE DUNAWAY:** Uh, drinking and listening to
9 music and, you know, playing cards, and that kind of
10 stuff.

11 **PRESIDING COMMISSIONER MINOR:** Was she drinking?

12 **INMATE DUNAWAY:** I don't remember her ever
13 drinking. No. I don't remember ever seeing her drink.

14 **PRESIDING COMMISSIONER MINOR:** And so, I read at
15 a point you and Mr. Winger (phonetic) and Mr. Gervin
16 would go and pick Amber up or someone would pick her up.

17 **INMATE DUNAWAY:** So --

18 **PRESIDING COMMISSIONER MINOR:** You'd end up in a
19 place.

20 **INMATE DUNAWAY:** Yeah, and Jesse Sherman would,
21 uh, pick her up, and the first time he picked her up and
22 brought her to Abe's house, and we all had sex with her.
23 We all took turns having sex with her.

24 **PRESIDING COMMISSIONER MINOR:** So how did that
25 work? I mean, how did that happen? So you would bring

1 her -- she's -- do you know she's 14?

2 **INMATE DUNAWAY:** I found out, yeah.

3 **PRESIDING COMMISSIONER MINOR:** No, at the time,
4 did you know she was 14?

5 **INMATE DUNAWAY:** Yeah, I believe I did.

6 **PRESIDING COMMISSIONER MINOR:** So -- and you're
7 17, 16, 17? How old are you the first time?

8 **INMATE DUNAWAY:** I think I was 17. So I only
9 knew her for a short time. I think I was already 17.

10 **PRESIDING COMMISSIONER MINOR:** Okay. So, you
11 would pick her up or someone would pick her up and bring
12 her over, and you said Jesse would pick her up, right?

13 **INMATE DUNAWAY:** The first time, yeah. The first
14 time Jesse picked her up.

15 **PRESIDING COMMISSIONER MINOR:** So, and you --
16 you're told to just have sex with -- I -- I don't
17 understand how this happened.

18 **INMATE DUNAWAY:** Uh, Jesse said she was willing
19 to come over and have sex just because he had done it
20 with her before and that, um, she would come out and she
21 was willing to have sex with all of us.

22 **PRESIDING COMMISSIONER MINOR:** And so how -- and
23 so what would happen? She would be -- was it all
24 together or --

25 **INMATE DUNAWAY:** No. It was one at a time. We

1 would take turns.

2 **PRESIDING COMMISSIONER MINOR:** So one would go
3 where she was -- where would she be?

4 **INMATE DUNAWAY:** In the bedroom.

5 **PRESIDING COMMISSIONER MINOR:** And have sex with
6 her and then what?

7 **INMATE DUNAWAY:** That person would come out and
8 the next person would go in the room and have sex with
9 her.

10 **PRESIDING COMMISSIONER MINOR:** Oh. Did you use
11 condoms?

12 **INMATE DUNAWAY:** Yes.

13 **PRESIDING COMMISSIONER MINOR:** Okay. So, and so
14 you -- was this a consensual -- was it -- did --

15 **INMATE DUNAWAY:** It was consensual.

16 **PRESIDING COMMISSIONER MINOR:** She didn't say no.
17 She didn't fight back or anything like that?

18 **INMATE DUNAWAY:** No.

19 **PRESIDING COMMISSIONER MINOR:** She gained --

20 **INMATE DUNAWAY:** It was consensual.

21 **PRESIDING COMMISSIONER MINOR:** Did you talk to
22 her?

23 **INMATE DUNAWAY:** Yeah. We would hang out and
24 like, um, like we were just hanging out like we were all
25 friends, and it was just part of -- to us, it seemed

1 normal at the time.

2 **PRESIDING COMMISSIONER MINOR:** Were there other
3 young girls, er, young ladies that you would go and pick
4 up or anybody would go up and pick up and bring back to
5 a home and have sex with them?

6 **INMATE DUNAWAY:** There was -- there was one other
7 girl that, I hadn't done it with but the guys I hung out
8 with had done it with, yes.

9 **PRESIDING COMMISSIONER MINOR:** That they would
10 bring --

11 **INMATE DUNAWAY:** Yes.

12 **PRESIDING COMMISSIONER MINOR:** -- her back to a
13 home -- is this -- is this someone's house that has
14 parents?

15 **INMATE DUNAWAY:** It was Mr. Gervin's house, and
16 his mom stayed at her boyfriend's house who lived down
17 the hill, on the same hill that they lived on.

18 **PRESIDING COMMISSIONER MINOR:** Oh, so mom wasn't
19 home.

20 **INMATE DUNAWAY:** No. Nobody. There were no
21 adults.

22 **PRESIDING COMMISSIONER MINOR:** And so did she
23 ever seem distressed by this -- I mean, did she ever
24 like --

25 **INMATE DUNAWAY:** No ma'am.

1 **PRESIDING COMMISSIONER MINOR:** Okay. And this
2 happened how many times?

3 **INMATE DUNAWAY:** Three times.

4 **PRESIDING COMMISSIONER MINOR:** Three times. That
5 you were involved.

6 **INMATE DUNAWAY:** Yeah.

7 **PRESIDING COMMISSIONER MINOR:** And had you heard
8 it happened any other time?

9 **INMATE DUNAWAY:** Yeah. Jesse -- Jesse was, uh, a
10 more regular participant in it, I guess, before we had
11 met her, and that is how he had introduced us to her was
12 he had been introduced to her somehow -- I don't know
13 how.

14 **PRESIDING COMMISSIONER MINOR:** Okay. So you and,
15 um, your friends would go to Abe's house -- mom's down
16 the hill, and party. Would you drink and smoke
17 marijuana?

18 **INMATE DUNAWAY:** Sometimes, yeah.

19 **PRESIDING COMMISSIONER MINOR:** Okay. And so I
20 read that at a point, um, somewhere along the way, um,
21 somebody had a boy -- uh, a girlfriend. Which one was
22 it?

23 **INMATE DUNAWAY:** Uh, Mr. Winger.

24 **PRESIDING COMMISSIONER MINOR:** So, Mr. Winger.
25 He was the youngest, right?

1 **INMATE DUNAWAY:** Yes ma'am.

2 **PRESIDING COMMISSIONER MINOR:** So, he has a
3 girlfriend and there was some conversation that Amber,
4 um, was telling people that you were having -- that the
5 group was having sex with her. Is that right?

6 **INMATE DUNAWAY:** Yes ma'am. It is.

7 **PRESIDING COMMISSIONER MINOR:** Okay. So what? I
8 mean, who cares if that's what's she's saying. Why does
9 that matter?

10 **INMATE DUNAWAY:** Tommy was scared. Mr. Winger
11 was scared to lose his girlfriend. He was scared that
12 she would find out and leave him and he didn't want to
13 lose his girlfriend, and he became angry and volatile
14 that night. Initially, he wasn't angry. He was just
15 making suggestions on what to do and how to deal with it
16 and then he said he wanted to kill her, and, uh, Abe's
17 initial response was no, man, that's crazy, like, we're
18 not doing that and Tommy kept talking and they went back
19 and forth for a few minutes, and I didn't really say
20 nothing at first. I didn't even get involved, and then,
21 uh, when he called Abe -- when Mr. Winger called Mr.
22 Gervin a punk, that just like triggered this whole thing
23 in me to where I told Mr. Gervin yeah, don't be a punk,
24 like I didn't want to be a punk, too. I didn't want to
25 be labeled a punk because I'd grown up as a punk being a

1 really bad word because of my dad, like the last thing
2 you want to be is a punk. Like you can't be a punk.
3 You can be anything but a punk. And as soon as that
4 word --

5 **PRESIDING COMMISSIONER MINOR:** Yeah, but you had
6 proven that you weren't that. I mean, you had proven
7 over and over and over with all of these assaults and
8 beating up people and stabbing people and chasing them
9 down and throwing rocks at cars and being violent 25
10 plus times --

11 **INMATE DUNAWAY:** One of the --

12 **PRESIDING COMMISSIONER MINOR:** You had proven
13 that you were not whatever your definition of, as I
14 understand it, a punk -- you had proven you weren't
15 that.

16 **INMATE DUNAWAY:** At the time, I didn't think so.
17 At the time, I didn't see it that way. I thought it was
18 something that I had to continue to prove. If I stopped
19 proving it then people would see me as weak and start to
20 take advantage of me or not want to be around me or
21 ostracize me. I didn't view it as oh I've already done
22 this. I'm not a punk. I viewed it as this is something
23 I have to continue to do so that people see I'm not a
24 punk. Like it was just this ignorant belief I had.

25 **PRESIDING COMMISSIONER MINOR:** Yeah, but your

1 thing was beating people up. So why didn't you just say
2 we're not going to kill her, you know, let's do
3 something different, not kill her. Kill her is final.
4 That's a final thing. Why did you agree to that?

5 **INMATE DUNAWAY:** I didn't even think about it. I
6 really did not think about it.

7 **PRESIDING COMMISSIONER MINOR:** You'd not killed
8 before had you or maybe did you?

9 **INMATE DUNAWAY:** No, absolutely not, ma'am.

10 **PRESIDING COMMISSIONER MINOR:** So to go along
11 with killing a 14 year old girl to not make you a punk,
12 that -- that just sounds --

13 **INMATE DUNAWAY:** Disgusting. I'm ashamed of it.
14 It sounds horrible, and when he said it, and him and Abe
15 were going back and forth, I didn't think there was any,
16 like, it didn't even cross my mind that this was gonna
17 happen, and then when he called Abe a punk, I just
18 responded. I didn't know. Like, I didn't even think
19 about it. It wasn't -- I didn't give it no thought at
20 all. I just jumped in and said don't be a punk, Abe.

21 **PRESIDING COMMISSIONER MINOR:** Okay, so what
22 happened?

23 **INMATE DUNAWAY:** Uh, finally they agreed that no
24 we're not going to do this, and we went out to the front
25 room, and while we were sitting out there I guess him

1 and Tommy kept looking at each other or something, I
2 don't know what was going on, I wasn't paying attention,
3 and finally Abe stood up and said fuck it, let's go do
4 it, then, and it just happened that quick. Like there
5 was no conversation beforehand. We were just sitting
6 there drinking, watching TV, and Abe just stood up and
7 said that, and there was like --

8 **PRESIDING COMMISSIONER MINOR:** How -- how much
9 had you drunk at this point?

10 **INMATE DUNAWAY:** I -- I had drank a 40 ounce of,
11 um, of alcohol, 40 ounces.

12 **PRESIDING COMMISSIONER MINOR:** Okay so you had
13 drank 40 ounces of beer. Abe says let's do it. So
14 what's the plan?

15 **INMATE DUNAWAY:** Uh, we got in the car and that's
16 when we started talking about what to do when, uh, we
17 started making a plan about picking her up and --

18 **PRESIDING COMMISSIONER MINOR:** Now, what time is
19 it?

20 **INMATE DUNAWAY:** It's around midnight.

21 **PRESIDING COMMISSIONER MINOR:** So it's midnight,
22 and you're going to go pick up a 14 year old child? Had
23 you been picking her up?

24 **INMATE DUNAWAY:** Yeah.

25 **PRESIDING COMMISSIONER MINOR:** At that late?

1 **INMATE DUNAWAY:** Yeah.

2 **PRESIDING COMMISSIONER MINOR:** Okay. So you kind
3 of had a plan --

4 **INMATE DUNAWAY:** That was the normal time.

5 **PRESIDING COMMISSIONER MINOR:** -- of how to do
6 it. So I read that somebody went to her window and
7 knocked on it, and she came out. Uh, Mr. Gervin and
8 myself went to her window and I knocked on the window
9 and she opened the curtain and said hold on a minute,
10 and a couple of minutes later she came to the window and
11 opened it and, uh, with Abe's help -- Mr. Gervin's help,
12 she crawled out the window.

13 **PRESIDING COMMISSIONER MINOR:** Okay.

14 **INMATE DUNAWAY:** And we walked to the car, and,
15 uh, --

16 **PRESIDING COMMISSIONER MINOR:** What did she have
17 on?

18 **INMATE DUNAWAY:** She had a parka on. She had a
19 nightgown on. She had boots on.

20 **PRESIDING COMMISSIONER MINOR:** Uh-huh.

21 **INMATE DUNAWAY:** It was the normal stuff she
22 would wear when she would come out.

23 **PRESIDING COMMISSIONER MINOR:** Did -- did you --
24 did you think, uh, -- did -- did she interact like a
25 normal 14 year old? Did she have any --

1 **INMATE DUNAWAY:** She acted like all of our other
2 friends. She acted like --

3 **PRESIDING COMMISSIONER MINOR:** No delays or
4 anything like that?

5 **INMATE DUNAWAY:** No. It was just like a normal
6 night.

7 **PRESIDING COMMISSIONER MINOR:** Okay.

8 **INMATE DUNAWAY:** It was -- in her mind, it was a
9 normal night, like there was nothing --

10 **PRESIDING COMMISSIONER MINOR:** Well, we don't
11 know what's in her mind, but she comes out of the house
12 --

13 **INMATE DUNAWAY:** She acted. She acted as if it
14 was just normal.

15 **PRESIDING COMMISSIONER MINOR:** She comes -- she
16 comes through a window?

17 **INMATE DUNAWAY:** Yeah.

18 **PRESIDING COMMISSIONER MINOR:** And gets into the
19 vehicle, and you -- your plan is -- you guys are going
20 to shoot her.

21 **INMATE DUNAWAY:** We're going to take her out to
22 the jetty.

23 **PRESIDING COMMISSIONER MINOR:** What's the jetty?

24 **INMATE DUNAWAY:** Uh, it's the beach. It's what
25 it's called. It's called the jetty. I don't know why.

1 We're going to take her out to the -- to the beach, and,
2 uh, we're going to shoot her.

3 **PRESIDING COMMISSIONER MINOR:** So tell me what
4 happened.

5 **INMATE DUNAWAY:** We got in the car and drove out
6 there, and we found a spot to pull over, and we pulled
7 over, and we turned around and pulled over, and we told
8 Amber we were getting out to go to a trailer that was
9 just over in the dunes.

10 **PRESIDING COMMISSIONER MINOR:** And so, you --
11 when she gets out of the car, your instructions to her
12 is that you're going over to a building and -- to have
13 sex. That's what she -- that's what she is being told
14 that's going to happen?

15 **INMATE DUNAWAY:** Yes ma'am.

16 **PRESIDING COMMISSIONER MINOR:** Okay. And so,
17 everybody gets out of the car?

18 **INMATE DUNAWAY:** Yes.

19 **PRESIDING COMMISSIONER MINOR:** Who has the gun?

20 **INMATE DUNAWAY:** Uh, Mr. Winger had the gun the
21 whole time.

22 **PRESIDING COMMISSIONER MINOR:** Okay. Well, he
23 didn't have the gun the whole time.

24 **INMATE DUNAWAY:** From the time that we picked up
25 the gun at Mr. Gervin's house, Mr. Winger had the gun

1 from that point on.

2 **PRESIDING COMMISSIONER MINOR:** Okay. But later
3 on, you had the gun, right, though.

4 **INMATE DUNAWAY:** Yes.

5 **PRESIDING COMMISSIONER MINOR:** So, okay. So at
6 that point, he had the gun.

7 **INMATE DUNAWAY:** Yes.

8 **PRESIDING COMMISSIONER MINOR:** You guys get out.
9 You're starting to walk and what happens?

10 **INMATE DUNAWAY:** Uh, we had a word we were going
11 to yell out. It was a code to do it, and I yelled the
12 word out. I yelled the word Crip, and at that time --

13 **PRESIDING COMMISSIONER MINOR:** Crip?

14 **INMATE DUNAWAY:** Yeah. At that time, Tommy
15 pulled the -- Mr. Winger pulled the gun out, and, uh,
16 cocked it and it didn't fire and then he re-cocked it
17 again and, um, and he goes three times. On the third
18 cock and pulling the trigger, the gun fired.

19 **PRESIDING COMMISSIONER MINOR:** And she -- at that
20 point, did she go down?

21 **INMATE DUNAWAY:** Yes ma'am.

22 **PRESIDING COMMISSIONER MINOR:** Do you know if she
23 was injured at that point? Well, she was shot once.
24 Right?

25 **INMATE DUNAWAY:** Yes.

1 **PRESIDING COMMISSIONER MINOR:** In the -- in the
2 head.

3 **INMATE DUNAWAY:** Yes.

4 **PRESIDING COMMISSIONER MINOR:** So, I'm wondering,
5 when she went down did you -- do you know whether or not
6 she went down because she was injured or she -- or --
7 you don't -- did you see any blood? Did you see
8 anything at that point?

9 **INMATE DUNAWAY:** I seen her fall, ma'am. I seen
10 her hit the ground like -- it was like all of the
11 muscles in her body gave out and she hit the ground.

12 **PRESIDING COMMISSIONER MINOR:** She didn't cover
13 her head or anything?

14 **INMATE DUNAWAY:** She just fell.

15 **PRESIDING COMMISSIONER MINOR:** And then -- so,
16 she's down, why do you get the gun to shoot her -- well,
17 so Thomas is the shoot -- the first shooter and then who
18 picks up the gun next? Who has the gun next?

19 **INMATE DUNAWAY:** Mr. -- Mr. Gervin grabbed the
20 gun from Mr. Winger and --

21 **PRESIDING COMMISSIONER MINOR:** And it doesn't go
22 off. He's firing, and it doesn't go off. And then you
23 take it from him. Why do you do that?

24 **INMATE DUNAWAY:** Because it was the agreement we
25 had and I --

1 **PRESIDING COMMISSIONER MINOR:** Everybody was
2 going to shoot her?

3 **INMATE DUNAWAY:** Yes ma'am.

4 **PRESIDING COMMISSIONER MINOR:** So everybody would
5 be --

6 **INMATE DUNAWAY:** Everybody was going to fire the
7 gun.

8 **PRESIDING COMMISSIONER MINOR:** Okay.

9 **INMATE DUNAWAY:** So everybody would be equally
10 guilty.

11

12 **PRESIDING COMMISSIONER MINOR:** Okay. So you
13 grabbed the gun. Well he hasn't -- he fired it and it
14 didn't go off, so why are you --

15 **INMATE DUNAWAY:** I don't know. I just did it
16 because it was what we agreed to do and I didn't -- I
17 didn't even think about it. I didn't think of oh, the
18 gun's not going to fire. I just grabbed it impulsively
19 and did it because --

20 **PRESIDING COMMISSIONER MINOR:** She's down on the
21 ground.

22 **INMATE DUNAWAY:** Yes ma'am.

23 **PRESIDING COMMISSIONER MINOR:** And you fired.

24 **INMATE DUNAWAY:** Yes ma'am.

25 **PRESIDING COMMISSIONER MINOR:** And do you know if

1 the gun -- the bullet hit her or --

2 **INMATE DUNAWAY:** I have no idea.

3 **PRESIDING COMMISSIONER MINOR:** Was it your
4 bullet?

5 **INMATE DUNAWAY:** I don't know, ma'am.

6 **PRESIDING COMMISSIONER MINOR:** So I read that you
7 said something about you saw her brains or --

8 **INMATE DUNAWAY:** Um, I said that because Tommy
9 was in the car yelling and screaming. He was excited
10 like this was like -- I don't know why he got excited.
11 He got excited and was yelling and screaming like we had
12 done something and --

13 **PRESIDING COMMISSIONER MINOR:** You had.

14 **INMATE DUNAWAY:** No, he was acting like we did
15 something to be proud of, like we had done something
16 good.

17 **PRESIDING COMMISSIONER MINOR:** Oh, I see.

18 **INMATE DUNAWAY:** And, um, I said that I'd seen
19 her brains and that was a lie. I didn't see that. I
20 just made that up, and, uh, that's when Mr. Gervin even
21 asked me do you think we did something? Do you think
22 that this makes us gangsters because Tommy was saying
23 that we're gangsters now, we're gangsters, and Mr.
24 Gervin asked me do I think that we're gangsters and I
25 said no, this don't make us gangsters. And I just knew,

1 like, from that -- from the time we got in the car, I
2 knew it was wrong.

3 **PRESIDING COMMISSIONER MINOR:** --

4 **PRESIDING COMMISSIONER MINOR:** She's down on the
5 ground.

6 **INMATE DUNAWAY:** Yes ma'am.

7 **PRESIDING COMMISSIONER MINOR:** And you fired.

8 **INMATE DUNAWAY:** Yes ma'am.

9 **PRESIDING COMMISSIONER MINOR:** And do you know if
10 the gun -- the bullet hit her or --

11 **INMATE DUNAWAY:** I have no idea.

12 **PRESIDING COMMISSIONER MINOR:** Was it your
13 bullet?

14 **INMATE DUNAWAY:** I don't know, ma'am.

15 **PRESIDING COMMISSIONER MINOR:** So I read that you
16 said something about you saw her brains or --

17 **INMATE DUNAWAY:** Um, I said that because Tommy
18 was in the car yelling and screaming. He was excited
19 like this was like -- I don't know why he got excited.
20 He got excited and was yelling and screaming like we had
21 done something and --

22 **PRESIDING COMMISSIONER MINOR:** You had.

23 **INMATE DUNAWAY:** No, he was acting like we did
24 something to be proud of, like we had done something
25 good.

1 **PRESIDING COMMISSIONER MINOR:** Oh, I see.

2 **INMATE DUNAWAY:** And, um, I said that I'd seen
3 her brains and that was a lie. I didn't see that. I
4 just made that up, and, uh, that's when Mr. Gervin even
5 asked me do you think we did something? Do you think
6 that this makes us gangsters because Tommy was saying
7 that we're gangsters now, we're gangsters, and Mr.
8 Gervin asked me do I think that we're gangsters and I
9 said no, this don't make us gangsters. And I just knew,
10 like, from that -- from the time we got in the car, I
11 knew it was wrong.

12 **PRESIDING COMMISSIONER MINOR:** You knew it was
13 wrong before you went.

14 **INMATE DUNAWAY:** I did, but it didn't how much --
15 how wrong it was until we got into the car and I
16 realized what we had done and I was -- I realized we
17 were leaving a little girl on the road, and I just knew
18 that -- like, I knew it was wrong and immediately I -- I
19 didn't want to be held accountable, I just knew how
20 disgusting it was what we had done. I just -- I don't
21 know what it was, I just knew at that point it hit me.

22 **PRESIDING COMMISSIONER MINOR:** So you guys came
23 up with a plan, right? What you guys were going to say.
24 You went back -- so -- you went back to your house? And
25 went to sleep? All of you?

1 **INMATE DUNAWAY:** Um, we went and got sodas. We
2 threw the gun in the bay. We got sodas to pour on our
3 hands from the Safeway, and we went to my house and we
4 poured the soda on our hands, and then, um, we talked
5 some more for a little while, I don't know how long.

6 **PRESIDING COMMISSIONER MINOR:** Did you have on
7 gloves or --

8 **INMATE DUNAWAY:** No, we had, uh, --

9 **PRESIDING COMMISSIONER MINOR:** -- did you have
10 something on your hands?

11 **INMATE DUNAWAY:** We had a sock over our hand.

12 **PRESIDING COMMISSIONER MINOR:** All planning.

13 This is just --

14 **INMATE DUNAWAY:** Yes ma'am. It was.

15 **PRESIDING COMMISSIONER MINOR:** So you got --
16 covered your hands with the socks while handling the
17 gun. You washed your hands with soda to get rid of the
18 gunpowder. You threw away the gun. You left her on the
19 road. She was hit by a truck. She had quite a few
20 abrasions and pavement burns on her body. She was found
21 on the road later on that night and she was still. She
22 had a pulse but she wasn't breathing when she found.
23 She later died. Was that your understanding?

24 **INMATE DUNAWAY:** Yes ma'am.

25 **PRESIDING COMMISSIONER MINOR:** I note at the last

1 hearing that the commissioner asked you to, uh, tell it
2 from her perspective. Tell this crime from the victim's
3 perspective. Did you think about that further? Because
4 I -- you said to the commissioner, --

5 **INMATE DUNAWAY:** That's --

6 **PRESIDING COMMISSIONER MINOR:** Oh I've never been
7 asked that before.

8 **INMATE DUNAWAY:** That's the question that haunts
9 me the most. That's the one that --

10 **PRESIDING COMMISSIONER MINOR:** Why? Why does it
11 haunt you the most?

12 **INMATE DUNAWAY:** Because it made me fully realize
13 what we had done. It made me truly understand what I'd
14 --

15 **PRESIDING COMMISSIONER MINOR:** Have you -- so you
16 -- do you need a moment, sir?

17 **INMATE DUNAWAY:** No.

18 **PRESIDING COMMISSIONER MINOR:** So it was the
19 first time you kind of told it from Ms. Slater's
20 perspective and I -- I -- I -- read that question, and I
21 read your answer, and I thought I wonder have you
22 reflected on it more,

23 **INMATE DUNAWAY:** All the time.

24 **PRESIDING COMMISSIONER MINOR:** Than the answer
25 you provided.

1 **INMATE DUNAWAY:** I think about her being scared
2 and feeling betrayed. I wonder what her family was
3 gonna do when they found out she was out there. I think
4 about all the things that might have went through her
5 head. She felt betrayed. We were supposed to be her
6 friends.

7 **PRESIDING COMMISSIONER MINOR:** And she still had
8 a pulse. I'll just note for the record that Mr. Dunaway
9 is sobbing. So I want to just get to -- I -- I want to
10 make sure I cover -- so one of the issues that -- that
11 the governor brought up -- the governor in his letter
12 said Mr. Dunaway's understanding of the factors that led
13 him to murder 14-year-old Ms. Slater is not adequate.
14 He told the Board, "I was angry and resentful. I was
15 constantly trying to be who I thought other people
16 wanted me to be and being involved in stuff other --
17 that other people seemed to value." When asked why he
18 could engage in such a violent act, Mr. Dunaway
19 explained it was "to get acquaintance from social
20 circles I was involved in and the way to get that was
21 through extreme behavior and extreme behavior that kept
22 escalating over time and eventually all got to the point
23 where not only was I okay with having a gun but I was
24 okay with using that gun." So the question is
25 understanding the factors that led into -- and we talked

1 about those factors. We talked about -- we kind of put
2 a list together. Is there anything else you can check
3 about -- angry, resentful, and then we have a -- a
4 pretty com -- uh, big list.

5 **INMATE DUNAWAY:** Yeah.

6 **PRESIDING COMMISSIONER MINOR:** Anything else as
7 you reflected on the denial or the reversal from the
8 governor that you can add to your understanding? We
9 talked about them -- so outside of the factors we talked
10 about, I have a list, but anything else that you -- when
11 you look at that statement, is there anything else you
12 think of.

13 **INMATE DUNAWAY:** I think about -- I think about -
14 - I think about constantly how I used to get my self-
15 worth from other people, what their opinion of me was.
16 I think about how I was constantly proving myself to
17 increase my self-worth and when I would do these things,
18 like all the violent acts I did, I would think oh, if I
19 do this, these people will like me and respect me.
20 They'll, you know, I'll -- I'll carry weight in the
21 gang. I'll -- they'll -- I'll be respected.

22 **PRESIDING COMMISSIONER MINOR:** And that was
23 important to you because?

24 **INMATE DUNAWAY:** It was important to me because I
25 was insecure. I didn't have no self-confidence. I

1 didn't know who I was. I didn't have an identity. I
2 didn't understand my role in life because I didn't value
3 anything outside of being respected by these people, and
4 when I would do the things that I would do to get
5 respect, the violence, afterwards it would always be
6 like we would sit and reminisce and talk about it and
7 brag about it like we had -- we were doing something
8 special, like we were -- like we were important, --

9 **PRESIDING COMMISSIONER MINOR:** Uh-huh.

10 **INMATE DUNAWAY:** And when we would do that, it
11 would make me feel good. It would make me feel like
12 man, these people respect me. These people like me, and
13 it became my identity. It became -- I became the guy in
14 the gang that was the willing one to go and be violent,
15 to get into fights. I wasn't the only one, but I was
16 the one, like everybody knew I wouldn't back down from a
17 fight. I wasn't scared. I wasn't afraid to get beat
18 up. I wasn't afraid to get in trouble. I wasn't --
19 these things didn't -- I didn't think about the
20 consequences. I didn't think about the ramifications
21 for not just my life, excuse me, but for other people's
22 lives, as well. I didn't understand how what I was
23 doing was affecting other people. I only saw it as I'm
24 gaining respect by doing this. I didn't think beyond
25 the immediate action I was involved in. I didn't think

1 past that. I didn't think about how I was destroying
2 lives and causing fears and sadness and anger in people.
3 I didn't understand how I was destroying my community
4 with each act I was -- I was involved in.

5 **PRESIDING COMMISSIONER MINOR:** When did you
6 realize that?

7 **INMATE DUNAWAY:** Uh, when I took a Victim's
8 Impact class in 2011. I got my -- my last fight I got
9 into in 2011. I went out to the yard and talked to a
10 friend about it, and I was having a boo-hoo party
11 feeling sorry for myself about getting a 115, and I
12 asked him about why -- why does this keep happening?
13 Why do I keep doing this? Why am I the one getting in
14 fights? And he told me. He goes dude, you're immature.
15 You don't know how to deal with emotions. You have --
16 you don't know -- you're immature still. You're still
17 acting like you're 17 years old, and at first I was
18 offended. I was like I'm not immature. I'm a grown
19 man. You know, and I was -- I started to defend myself,
20 and he said you know what? I can't even hang out with
21 you anymore. I can't -- you can't be around me no more.
22 I'm a facilitator of groups, and you're doing this.
23 You're reflecting on me. You can't come around no more.
24 We can't hang out. And his friendship was important to
25 me because he wasn't getting in trouble, and I was drawn

1 to that for the first time, and he -- and I said I don't
2 want to stop hanging out with you, and he told me, well,
3 you gotta start coming to groups then. And I went to a
4 Victim's Impact class, and I learned about all of the
5 impacts that people -- all the stuff that people go
6 through because of our actions, because of my actions,
7 and I started learning about the physical, the mental,
8 the emotional, the spiritual, the financial costs of all
9 these crimes I'd committed, and I'd never thought about
10 it before. I'd feel guilty and ashamed of what I had
11 done, but I had never thought about it in depth. I had
12 never given it any value to understand what I had done
13 to other people's lives, and when I started that class
14 it became apparent to me, and it devastated me, and I
15 realized that I needed to do something different because
16 I didn't want to be that person no more. I didn't want
17 to be the one who's known as a murderer, even though I'm
18 going to carry that tag for the rest of my life. I want
19 to do something better with my life than I've ever done,
20 and this person helped me gain the self-confidence to
21 think I was worth and deserving of having something
22 better than just being an angry, miserable human being.

23 **PRESIDING COMMISSIONER MINOR:** Uh-huh. So the
24 governor's letter also says "furthermore his explanation
25 that killing Ms. Slater would make other people value

1 him does not assure me he is genuinely taking
2 responsibility for his role in the crime or fully
3 confronting how he came to commit such a heinous crime
4 himself." Do you think we've explored that?

5 **INMATE DUNAWAY:** Yeah, uh, I think we have, and I
6 think that I got value out of that, but, as well, when
7 we were in the car, like I told you when Tommy was
8 bragging and saying we were gangsters, I realized at
9 that moment that that wasn't what we were, that this
10 wasn't what we had accomplished. I just knew, and the
11 next day I -- I went to church the next day, and I
12 hadn't been to church in years. Me and Mr. Gervin went
13 to church together, and I cried at church, and cried and
14 cried, and I couldn't stop crying at church, and I even
15 went to the pastor at the end of the service, and I
16 asked him to pray for me. I told him I had done
17 something horrible, and I asked him to pray for me, and,
18 um, I knew -- I knew immediately it was wrong, but I
19 didn't know how to fix it. I didn't know how to change
20 who I was. I thought I was stuck being that person. I
21 thought that that's all I was destined to ever be was
22 this scumbag white trash from a scumbag poor white --
23 white trash family, and that was my identity, and since
24 then I've developed an identity. I understand who I am.
25 I understand that -- that the things I do such as my

1 education and sponsor -- being a 12 step sponsor and
2 mentor to other inmates, these things allow me to gain
3 the self-worth I lacked all my life. They allow me a
4 true sense of accomplishment, and they make me feel good
5 about myself, and -- and it -- it shapes a good,
6 positive, healthy identity that I never had as a kid. I
7 didn't have until I was 30 something years' old, and I
8 look back, and I'm ashamed that it took me that long to
9 develop it. I'm ashamed that it took me all those years
10 to really understand how I impacted the Slater family,
11 what I did to Amber, what I did to her sisters, her
12 mother and her father, her grandparents, her cousins,
13 what I did to their community, and I'm aware of what I
14 did because I hear the words they say and their voice.
15 I hear the words they say to describe what I did to
16 them. I listen. I understand. I'm the monster. I
17 hear the pain. I hear the words and the emotions they
18 say it with. These are things that -- that resonate
19 with me. I don't -- I don't come to these hearings and
20 take this lightly. I go back and I reflect. Last year
21 when I was found suitable, I thought being found
22 suitable would this relief. I thought it would be a
23 happy moment, and it wasn't. I felt guilty, and I felt
24 ashamed because I put the family through that, and they
25 were sitting in the room crying, and it devastated me

1 when I got back to my cell, and it still to this day --
2 I feel guilt -- and I feel guilt and I feel ashamed for
3 what I've done to them, not just for murdering Amber and
4 devastating them, but for putting them through these
5 hearings. When I have the audacity to have hope to be
6 out and be with my family, when Amber can't be with
7 them. I feel guilty for this. I even wrote Ms. Lum a
8 letter and told her why am I feeling this way? Do you
9 other clients feel this way? Do they have anything that
10 they do to deal with this? Is there any advice you can
11 give me? I wrote her a letter asking her that because I
12 didn't know what to do, but I knew what not to do. I
13 knew not to turn back to the old behaviors. I knew not
14 to become angry and impulsive. I knew not to use
15 substances. I knew all those things, but sometimes when
16 I encounter difficult emotions I might not know what to
17 do, but the best part is I know what not to do.

18 **PRESIDING COMMISSIONER MINOR:** Well that's good.
19 Okay. And that -- I -- so the governor also said I'm
20 concerned that Mr. Dunaway has maintained a record of
21 violence, criminal behavior both in and outside of
22 prison, and once in prison, his violent behavior
23 persisted. We're going to talk about that in post-
24 conviction and then the last part I don't think his
25 recent period is long enough to give me any confidence

1 he is ready to be released. I encourage him to take
2 positive steps that he has taken to further and deepen
3 his insight. All right. I'm going to ask the deputy
4 commissioner to question, uh, to ask questions for
5 anything that we've just covered before we go to post
6 conviction.

7 **DEPUTY COMMISSIONER HURD:** Just one question.
8 You knew what the other males wanted from that exchange
9 with the poor child. Throughout your self-help, what do
10 you think she needed?

11 **INMATE DUNAWAY:** She needed acceptance. She
12 needed friendship. She needed validation. She needed
13 to be a part of something. She needed all -- basically,
14 the same things that we needed, I believe, but she
15 sought it out in a different way than we sought it out.

16 **DEPUTY COMMISSIONER HURD:** Do you think she just
17 needed love?

18 **INMATE DUNAWAY:** Yeah, I do. I think she wanted
19 to be loved and valued, and the only way she knew how to
20 get it was by coming and having sex with us, and we took
21 advantage of that.

22 **DEPUTY COMMISSIONER HURD:** I don't have any more
23 questions.

24 **PRESIDING COMMISSIONER MINOR:** All right. We can
25 move to post-conviction.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

DEPUTY COMMISSIONER HURD: All right. Uh, --

PRESIDING COMMISSIONER MINOR: Deputy

Commissioner Hurd is going to take you through post-conviction, so you can give him your attention at this time.

DEPUTY COMMISSIONER HURD: Yeah, this is a

conversation that pertains to your conduct in prison.

The focus of the timeframe is since last hearing, but I will no doubt discuss matters that occurred antecedent to that in order to gain a more comprehensive

perspective. So your last hearing was in 2017. I

normally discuss educational efforts, job and vocational together. There's technically no requirements for a GED or high school diploma. It's not a suitability factor.

The regs discuss under 2402.A the acquisition of a marketable skill that can be put to use upon release.

That is, in fact, a suitability component. So, in my discussion of educational efforts, job, vocation, I'm really looking for skill sets. So in that regard, you do have a GED, correct?

INMATE DUNAWAY: Yes sir.

DEPUTY COMMISSIONER HURD: Uh, your current

assignment is as a porter. Is that correct?

INMATE DUNAWAY: So, I am the biohazard porter.

1 I do cleanup so when there's a -- I'm specifically
2 trained to clean up blood spills, feces, vomit, anything
3 that has -- is biological out of the human body. I --
4 I'm the one on the yard that cleans it up.

5 **DEPUTY COMMISSIONER HURD:** And, uh, no doubt you
6 get laudatories in that regard?

7 **INMATE DUNAWAY:** Uh, no. I don't -- I don't seek
8 laudatories, sir.

9 **DEPUTY COMMISSIONER HURD:** No, no, no. I'm not
10 asking whether you sought them.

11 **INMATE DUNAWAY:** Um, I get job performance
12 reviews sometimes but not regularly. Um, --

13 **DEPUTY COMMISSIONER HURD:** So, what was your
14 latest?

15 **INMATE DUNAWAY:** Um, last Wednesday, oh -- are
16 you talking about the laudatories?

17 **DEPUTY COMMISSIONER HURD:** No, the job review.
18 That'll be fine. Ones, twos, threes?

19 **INMATE DUNAWAY:** Yes, I got -- I got satisfactory
20 on all of them.

21 **DEPUTY COMMISSIONER HURD:** Okay.

22 **INMATE DUNAWAY:** I could -- I could actually -- I
23 have a copy of it right here, I believe, if you would
24 like to see it.

25 **ATTORNEY LUM:** I have it. All 2's on 4 of 2018

1 is the last one in our file.

2 **DEPUTY COMMISSIONER HURD:** Okay. All 2's. So,
3 exceeds. Uh, skill sets, uh, you have mill and cabinet,
4 I show around 2009. They sometimes have different
5 dates. 12/24/2009. Building maintenance, 11/14/2008.
6 Uh, computer literacy, January 13, 2014, and a couple of
7 dates on painting as a painter 1/17/08 and 10/13/09.

8 **INMATE DUNAWAY:** Yes sir.

9 **DEPUTY COMMISSIONER HURD:** That sounds about
10 right and towards the timeframe?

11 **INMATE DUNAWAY:** Yeah. I also have Healthcare
12 Facility Maintenance where I was trained to work in a
13 hospital, how to do cleanup and do all that stuff in
14 there. It was a PIA job.

15 **DEPUTY COMMISSIONER HURD:** Okay. I show you in
16 PIA in that arena from October 13, '15 through June 13,
17 '16.

18 **INMATE DUNAWAY:** Uh-huh. Yes sir.

19 **DEPUTY COMMISSIONER HURD:** So --

20 **INMATE DUNAWAY:** I was, uh, --

21 **DEPUTY COMMISSIONER HURD:** About 8 months.

22 **INMATE DUNAWAY:** I was the first, when they first
23 started the program here at Mule Creek, I was one of the
24 first hires, the first group of people that got brought
25 in and trained, and I did it for that long. The reason

1 -- I -- I left the job, though, because I got moved off
2 the -- off of one of these yards up here to the other
3 yard, and at that time they weren't -- they didn't have
4 us working in the medical. They had the other yard
5 doing it, and that's when I got the, uh, biohazard
6 porter job.

7 **DEPUTY COMMISSIONER HURD:** All right. Uh, your
8 disciplinary history. How do you perceive your
9 disciplinary history?

10 **INMATE DUNAWAY:** Horrible. It's terrible. Uh,
11 it shows that I was a violent, volatile, impulsive
12 person that didn't know how to deal with my emotions or
13 conflict or I didn't know how to communicate. I see it
14 as a representation of who I was at the time.

15 **DEPUTY COMMISSIONER HURD:** How old were you on
16 your last act of violence in prison?

17 **INMATE DUNAWAY:** Um,, 33 or 34.

18 **DEPUTY COMMISSIONER HURD:** So, you were no longer
19 a youth.

20 **INMATE DUNAWAY:** No sir. I was not.

21 **DEPUTY COMMISSIONER HURD:** That would reflect
22 normally the conduct of an adult male with a set
23 personality trait.

24 **INMATE DUNAWAY:** Um, I think what it was is I
25 developed a lot of bad habits and beliefs and I didn't

1 develop any ability to cope with intense situations or
2 emotions and I acted impulsively because I didn't know
3 that else to do, and since then I've educated myself and
4 learned about myself and learned coping skills, and I've
5 learned how to communicate and understand what's going
6 on with me, and I've learned how to deal with those
7 situations without acting that way. So I don't think
8 it's a character trait that is indicative of who I am
9 now. I think it was the only way I knew how to be at
10 that time because I didn't take the time to learn any
11 other skills or ways of dealing with problems.

12 **DEPUTY COMMISSIONER HURD:** Okay. Um, when did
13 you commence self-help?

14 **INMATE DUNAWAY:** Uh, May or June or 2011. I
15 think it was June of 2011. Right after my last 115 is
16 when I -- my friend told me I had to start going or I
17 couldn't hang out with him no more, so I started going.

18 **DEPUTY COMMISSIONER HURD:** So you, what? You
19 were admitted in June of '97, correct?

20 **INMATE DUNAWAY:** Yes sir.

21 **DEPUTY COMMISSIONER HURD:** So is it fair to say
22 that essentially no self-help for the first 13, 14 years
23 in prison?

24 **INMATE DUNAWAY:** Yes sir.

25 **DEPUTY COMMISSIONER HURD:** What self-help has

1 been most helpful to you?

2 **INMATE DUNAWAY:** The most helpful has been
3 cognitive behavioral therapy, learning to understand my
4 emotions and what I'm thinking and why I'm thinking
5 these things. Um, being able to recognize distorted
6 thoughts and irrational thoughts, being able to do
7 thought stopping and -- and change those thoughts.
8 Being able to calm myself down because as cognitive
9 behavioral therapy is if you change the way you think,
10 you change how you feel, so you change your behavior,
11 and dialectal behavioral therapy has been really big for
12 me, too, because it's been -- it's allowed me to really
13 understand my emotions and how to deal with them, how to
14 endure intense emotions and how to cope with them and
15 it's taught me mindfulness which has allowed me to
16 understand exactly what I'm feeling when I'm feeling it
17 and why I'm feeling it, and that it's okay to feel that
18 way, just -- I don't need to act on it, that I can
19 endure this. It will end, and that I can make a good
20 decision when I'm in a better frame of mind, and even in
21 the intense situations where I'm being challenged and
22 I'm being -- like, I've been threatened and I've had
23 people put their hands on me, and, um, I didn't respond.
24 I did the right thing. I backed away. I went to staff
25 and told staff what was happening, and I actually got

1 moved out of the cell, and these things have helped me -
2 - another one is like I was telling, um, Ms. Minor, is
3 the Victim's Impact was huge for me because it allowed
4 me to really see and understand the impacts of my
5 behaviors and once I really started to see that and
6 understand that, I knew I had to change. I couldn't
7 continue to be the person I was because now I was
8 feeling guilty. I was feeling shame. I was feeling
9 remorse, and I was feeling it in a way that had to be
10 addressed finally, and I started addressing it, and I
11 became sincere in my efforts, and I -- who I was then is
12 not at all who I am now, and I can -- I can say
13 specifically Victim's Impact is the one that started it.
14 That's the class that started it, and seeing the videos
15 of the people that are victims of crimes, and meeting
16 these people when they come in yearly and going and
17 listening to their -- to their stories, has changed my
18 life. I can't be the person that does that anymore. I
19 can't -- I don't want to live with that guilt and shame.
20 I don't want to live with that -- that self-doubt and
21 that -- that -- I realize now that when I would do these
22 things, I would feel bad about them. They didn't give
23 me self-worth. Now, as an adult, I feel horrible, and
24 I'm ashamed of what I did, and I don't want to feel that
25 way. I want to feel good about what I do, so I'm

1 motivated to go and do better. That's why I take
2 college classes. That's why I mentor other inmates.
3 That's why I'm a 12-step sponsor. That's why I
4 volunteer raising money for charities and that's why I
5 helped organize the Victim's Rights Week. I organized,
6 the, um, the Father's Day Walkathon on the yard so that
7 we can raise money for Special Olympics. I organize
8 these things because they give me actual self-worth.
9 They make me feel good about myself in a way that nobody
10 can take away from me. It's not fleeting it doesn't
11 leave after a while and I gotta do it again to make
12 myself feel better. Their accomplishments that I can
13 take pride in that other people say men, that's a good
14 job. You're doing really good, and I recognize and
15 understand that now, and that's the biggest change, and
16 that's thanks to Victim's Impact.

17 **DEPUTY COMMISSIONER HURD:** Uh, in terms of your
18 current participation in self-help --

19 **INMATE DUNAWAY:** Yeah.

20 **DEPUTY COMMISSIONER HURD:** Do you perceive
21 yourself currently as participating as a student or
22 participating as a facilitator.

23 **INMATE DUNAWAY:** Both. I do both.

24 **DEPUTY COMMISSIONER HURD:** Which would be
25 primary?

1 **INMATE DUNAWAY:** Um, student. I don't -- there
2 was only one group I was teaching, and that was the 2x2
3 anger response model that Dr. Landry wrote. That's the
4 only class I would teach because I see the dangers in
5 becoming nothing but a facilitator because it would be
6 your arrogance, your pride and your ego getting involved
7 in that, and I don't want that. I don't want to have
8 entitlement issues. I don't want to be the person that
9 has all the answers because I need somebody to help me
10 with my answers. I don't have all the answers. So I
11 need people --

12 **DEPUTY COMMISSIONER HURD:** Facilitating has a
13 control component.

14 **INMATE DUNAWAY:** Absolutely it is, and I
15 recognize that, and that's why I recently stepped away
16 from the 2 x 2 anger response model and allowed other
17 people to facilitate it because I don't want to develop
18 those character traits. I don't want to feel entitled
19 like this is my class, and I'm going to be the one that
20 always facilitates it. I started it a few months ago,
21 and I brought two facilitators in, and I trained them
22 for a few weeks, and after about four or five weeks, I
23 stepped away and let them take over because I don't want
24 that to be a part of my character. I see the other
25 facilitators and the only groups they go to is the ones

1 they facilitate, and I -- I'm really critical of -- of
2 people in recovery that are leaders, and, um, uh, I'm
3 pretty judgmental towards them, and I see a lot of
4 character defects that I don't want, and I have to be
5 mindful of what can -- what can lead to those character
6 defects. I take the steps necessary not to develop
7 them.

8 **DEPUTY COMMISSIONER HURD:** Are you an alcoholic?

9 **INMATE DUNAWAY:** Yeah, I am. I have a problem
10 with alcohol. I cannot drink.

11 **DEPUTY COMMISSIONER HURD:** Uh, what are your
12 internal triggers for alcohol?

13 **INMATE DUNAWAY:** My internal -- my internal
14 triggers is loneliness, uh, shame, guilt, embarrassment,
15 self-doubt, uh, I deal with -- the biggest trigger for
16 my alcoholism would have been being raped. That was
17 heavy for me. When I would drink, I didn't have to
18 think about it, and so I would feel like the guilt and
19 shame, I would feel the --

20 **DEPUTY COMMISSIONER HURD:** Yeah, I mean that's
21 decades ago.

22 **INMATE DUNAWAY:** Yeah, so now the risk would be
23 having self-doubt, feeling like people are judging me.
24 Feeling rejected or lonely, feeling as if, um, I'm not
25 good enough because of my crime and because I spent all

1 these years in prison and if I get out in society that
2 would be my fears out there. In here, um, I deal with
3 being -- I -- some people don't like me. They call me a
4 rat or a snitch because of what I do with my daily life
5 now.

6 **DEPUTY COMMISSIONER HURD:** Do you think the
7 alcoholic drinks as a result of loneliness, uh, lack of
8 self-worth, any such emotional state?

9 **INMATE DUNAWAY:** Absolutely I do. I believe they,
10 uh, I believe that we find excuses me to drink and --

11 **DEPUTY COMMISSIONER HURD:** Oh, I think the
12 alcoholic drinks because they're alcoholic.

13 **INMATE DUNAWAY:** Absolutely. Well I don't think
14 they --

15 **DEPUTY COMMISSIONER HURD:** (inaudible)

16 **INMATE DUNAWAY:** I don't think they start out
17 drinking for that reason? I think that that becomes the
18 alcoholic's trait. I think we start drinking because
19 we're trying to escape pain or we're seeking pleasure.

20 **DEPUTY COMMISSIONER HURD:** I -- I think your
21 perspective is perhaps from your perspective --

22 **INMATE DUNAWAY:** Yeah.

23 **DEPUTY COMMISSIONER HURD:** -- that's your --
24 you're painting a broad brush for any number of people
25 that drink because --

1 **INMATE DUNAWAY:** Specifically, for me, I would
2 drink because I don't feel good about myself. I would
3 drink because I feel shame and guilt. I don't feel
4 deserving and worthy of certain things in life. I would
5 drink because I don't to feel uncomfortable emotions
6 that -- that I can't handle, but I've learned how to
7 handle those emotions. I've learned how to endure them.
8 I've learned how to cope with them. I've learned how to
9 not let them take root.

10 **DEPUTY COMMISSIONER HURD:** Do you drink in
11 prison?

12 **INMATE DUNAWAY:** No.

13 **DEPUTY COMMISSIONER HURD:** So, on the street, you
14 -- you never -- so, did you ever have alcohol with
15 pizza?

16 **INMATE DUNAWAY:** Yeah. We would have pizza at
17 our parties when we would drink or we would have --

18 **DEPUTY COMMISSIONER HURD:** And -- and that's a
19 wonderful trigger, --

20 **INMATE DUNAWAY:** Absolutely.

21 **DEPUTY COMMISSIONER HURD:** -- and it has nothing
22 to do with anxiety, lack of self-worth,--

23 **INMATE DUNAWAY:** Yes sir.

24 **DEPUTY COMMISSIONER HURD:** So my comment relates
25 to this, and that is the alcoholic is alcoholic because

1 they have a chemical component --

2 **INMATE DUNAWAY:** Yeah.

3 **DEPUTY COMMISSIONER HURD:** -- that is --

4 **INMATE DUNAWAY:** So, I -- I misunderstood the
5 question. I thought you were asking what my internal
6 triggers were. That would be an external trigger.

7 **DEPUTY COMMISSIONER HURD:** Well, an internal
8 trigger could be I like the taste of beer.

9 **INMATE DUNAWAY:** So an external trigger --

10 **DEPUTY COMMISSIONER HURD:** I like it with pizza.

11 **INMATE DUNAWAY:** Yeah. For me, an external
12 trigger would be being at a bar-be-que and seeing other
13 people drink, and then them saying hey you want a beer,
14 and me feeling like oh, if I don't drink there's wrong
15 with me, and they're gonna judge me. That would be an
16 external trigger or a death in the family. Losing my
17 job. Losing a place to stay. Um, those kinds of
18 things. Those would be external triggers. But they can
19 trigger internal triggers because they intern -- they
20 trigger that internal dialogue for me, and I recognize
21 that. I recognize how I start thinking when I get
22 caught in certain situations or scenarios and, um, I --
23 I don't drink -- I never drink in prison because when I
24 was in the county jail I lived directly across the hall
25 from the drunk tank in the old county jail and that was

1 a sobering experience for me, seeing those people come
2 in and bang and get just be -- the way they would act.
3 I made the decision when I saw that, I don't want to be
4 that.

5 **DEPUTY COMMISSIONER HURD:** Right. But as noted -
6 - the commissioner would note, uh, recently retired,
7 that you can't get a Budweiser in prison.

8 **INMATE DUNAWAY:** No, but I could get Pruno if I
9 want it. I've seen it.

10 **DEPUTY COMMISSIONER HURD:** I hate Pruno, and
11 that's an acquired taste, and it is not alcohol.

12 **INMATE DUNAWAY:** I don't know what it tastes
13 like, but I know it smells terrible.

14 **DEPUTY COMMISSIONER HURD:** I mean it. I've
15 tasted it.

16 **INMATE DUNAWAY:** So, I'm not going to drink when
17 I get out. I'm going to continue towards the twelve
18 steps. I'm going to continue towards my recovery. I'm
19 going to rely on my sponsor that I have out there. I'm
20 going to rely on my family. Uh, I'm going to rely on
21 the people that have gotten out and been successful, and
22 I'm going to listen to what they say and what they've
23 done, and I'm going to learn how to cope out there
24 because I haven't done it yet, so I gotta learn, but I
25 have a good plan, and I have a good support system to --

1 to -- where if I'm triggered I know who to call, I know
2 what to do, and just as important as knowing what to do
3 is I know what not to do.

4 **DEPUTY COMMISSIONER HURD:** Let me give you a
5 suggestion. Uh, because what you're voicing is pretty
6 standard stuff.

7 **INMATE DUNAWAY:** Uh-huh.

8 **DEPUTY COMMISSIONER HURD:** I've heard it
9 thousands of times.

10 **INMATE DUNAWAY:** Uh-huh.

11 **DEPUTY COMMISSIONER HURD:** And yet I still deal
12 with gentleman that relapse. Uh, let me give you my
13 perspective.

14 **INMATE DUNAWAY:** Yes sir.

15 **DEPUTY COMMISSIONER HURD:** The best thing I can
16 tell you about avoiding relapse is fear.

17 **INMATE DUNAWAY:** Oh, I'm scared to death to come
18 back to prison.

19 **DEPUTY COMMISSIONER HURD:** That's the best
20 relapse.

21 **INMATE DUNAWAY:** Yes.

22 **DEPUTY COMMISSIONER HURD:** Because what's going
23 to happen is you will -- you're most susceptible
24 Christmas, Thanksgiving, Superbowl. You're in your
25 house. You're not leaving.

1 **INMATE DUNAWAY:** Uh-huh.

2 **DEPUTY COMMISSIONER HURD:** Friends and relatives
3 come in and they bring in beer and wine.

4 **INMATE DUNAWAY:** Okay.

5 **DEPUTY COMMISSIONER HURD:** And what happens is,
6 you're thinking oh, I'm not gonna go anywhere, and the
7 agent's not going to show.

8 **INMATE DUNAWAY:** Just one.

9 **DEPUTY COMMISSIONER HURD:** Let me finish.

10 **INMATE DUNAWAY:** Yeah.

11 **DEPUTY COMMISSIONER HURD:** And you'll have a
12 drink and nothing will happen. And then you'll
13 normalize it, and then before you know it, you know,
14 you're in a 3000.1 hearing.

15 **INMATE DUNAWAY:** So, last year we had a lifer
16 come back to prison because, and I listened to his
17 story. I listened to him talk, and, uh, he told me he -
18 - he would say that he got comfortable out there. He
19 got complacent, and he started making bad decisions. He
20 said that he got out and felt like an adult now because
21 he came in as a juvenile, as well. He said I felt like
22 an adult. I felt like I could do what I wanted to do
23 now, and I was trying to play catchup with all the
24 adults that had never been to prison, and he said there
25 were things he wasn't prepared for when he got out, and

1 he didn't know how to adjust and adapt to them, so I
2 listened to him, and you're absolutely right because we
3 can get complacent and there is the danger of -- of
4 relapsing. There's always that constant danger, and I
5 have to be diligent and mindful. Thankfully for me none
6 of my friends or family that I -- that I have any
7 contact with, none of them drink.

8 **DEPUTY COMMISSIONER HURD:** Well, I doubt that
9 they drink when you drank.

10 **INMATE DUNAWAY:** No, no they didn't, but --

11 **DEPUTY COMMISSIONER HURD:** Right. So that was
12 irrelevant and did not curtail any one thing that you
13 ever did.

14 **INMATE DUNAWAY:** You're absolutely right, and I
15 was just saying that your example of them coming to my
16 house to drink is, um, friends might do that that I meet
17 eventually, but I'm not going to allow alcohol in my
18 house. I'm not going to -- that's -- that's -- you
19 can't come to my house and have alcohol. That would be
20 a violation of my parole -- my parole conditions in the
21 first place, and plus it would just be a bad influence
22 on me. I don't want to be around people who are
23 drinking at that level to where they feel like they
24 gotta come to my house to drink.

25 **DEPUTY COMMISSIONER HURD:** So, you've worked the

1 twelve steps?

2 **INMATE DUNAWAY:** Yes sir.

3 **DEPUTY COMMISSIONER HURD:** All right. Is there
4 anything you're working on today as relating to step
5 four?

6 **INMATE DUNAWAY:** Yeah, absolutely. I take an
7 inventory and, um, I'm being -- I'm holding myself
8 accountable right now. Um, --

9 **DEPUTY COMMISSIONER HURD:** Um, I'm sorry, I just
10 meant something specific.

11 **INMATE DUNAWAY:** Something specific on step four?

12 **DEPUTY COMMISSIONER HURD:** Right.

13 **INMATE DUNAWAY:** So, searching and fearless moral
14 inventory?

15 **DEPUTY COMMISSIONER HURD:** Yes.

16 **INMATE DUNAWAY:** Um, I am. I'm talking about my
17 character defects. The stuff that led to the crime. The
18 stuff that led me to drink. The stuff that led to my --
19 my, uh, dysfunctional way --

20 **DEPUTY COMMISSIONER HURD:** Is there a current
21 character issue that you're working on?

22 **INMATE DUNAWAY:** Yeah, I deal with being
23 judgmental and critical of other people. I deal with
24 being sentimental and wanting to help everybody. I deal
25 with being, uh, one of the things I try not to do is

1 gossip, and that's something that, like, I really am
2 working on really a lot right now, because I don't want
3 to be a gossip. I don't want to be somebody who goes
4 around talking bad about everybody and taking their
5 inventory for them. I don't want to do that.

6 **DEPUTY COMMISSIONER HURD:** If you're a gossip,
7 what character fault would that reflect?

8 **INMATE DUNAWAY:** Uh, the need for acceptance.
9 The need for -- because if I'm gossiping with Ms. Lum
10 about somebody else, I'm trying to build a bond between
11 me and her in my mind. That's how I see it. And we're
12 trying -- I'm trying to gain an alliance against
13 somebody else that I don't like, and I don't want to do
14 that because I don't need alliances against other
15 people.

16 **DEPUTY COMMISSIONER HURD:** What would the basic
17 character fault be?

18 **INMATE DUNAWAY:** As a gossip?

19 **DEPUTY COMMISSIONER HURD:** Yeah.

20 **INMATE DUNAWAY:** A gossip. That would be the
21 character fault. That would be the defect.

22 **DEPUTY COMMISSIONER HURD:** It may reflect also
23 insecurity.

24 **INMATE DUNAWAY:** Yeah, and I have that. I have
25 insecurities. I have some self-doubts.

1 **DEPUTY COMMISSIONER HURD:** So you puffer yourself
2 up by impressing Ms. Lum.

3 **INMATE DUNAWAY:** Yeah, and I actually recently
4 went through specifically the gossip thing that's why I
5 brought it up. Because one of my cellies, everybody
6 else in the cell finds him annoying, and we were
7 gossiping about him a couple of days ago before
8 breakfast, and when we went to breakfast I realized what
9 we had been doing, and I actually came back and I told
10 them we need to stop talk -- uh, attacking him like
11 this. We need to accept him for who he is because he's
12 only doing the best he knows how to do right now.

13 **DEPUTY COMMISSIONER HURD:** But here's the thing.
14 That shows you again as the teacher --

15 **INMATE DUNAWAY:** Uh-huh.

16 **DEPUTY COMMISSIONER HURD:** -- position, --

17 **INMATE DUNAWAY:** Uh-huh.

18 **DEPUTY COMMISSIONER HURD:** -- you have also just
19 decided in your own internal conversation --

20 **INMATE DUNAWAY:** Uh-huh.

21 **DEPUTY COMMISSIONER HURD:** -- I'm not going to
22 try to lecture somebody else.

23 **INMATE DUNAWAY:** Uh-huh.

24 **DEPUTY COMMISSIONER HURD:** -- I'll simply fix
25 myself and keep my own mouth shut.

1 **INMATE DUNAWAY:** We had came back and had a
2 conversation about it that somebody else initiated and I
3 told them my point of view is we should stop doing this,
4 and they actually agreed, because one of my other
5 cellies felt conviction because of his faith, and he
6 said I don't feel good about what -- about us gossiping
7 about this guy this morning, and I actually agreed with
8 him because I had been thinking about it at chow, as
9 well.

10 **DEPUTY COMMISSIONER HURD:** What are you least
11 proud of in prison?

12 **INMATE DUNAWAY:** All the fights I've been into.
13 The fact that I didn't take advantage of more
14 opportunities in here.

15 **DEPUTY COMMISSIONER HURD:** There's -- there's a
16 number of documents -- before, uh, counsel, uh, and Mr.
17 Dunaway, before -- is there anything thus far in post-
18 conviction, whether it be self-help, I have not recited,
19 uh, the self-help?

20 **ATTORNEY LUM:** In the self-help area? Just that
21 in CCCMS he goes to mental health groups, as well, which
22 include a trauma group and the denial management group.
23 Um, I think you've covered the other ones. MRT, AA,
24 CARE, and Anger Response.

25 **DEPUTY COMMISSIONER HURD:** Yeah. He's done a lot

1 of the VAOP, Anger Response Management.

2 **ATTORNEY LUM:** As far as the vocations, there was
3 one thing that could be determined to be a marketable
4 skill.

5 **DEPUTY COMMISSIONER HURD:** Okay.

6 **ATTORNEY LUM:** He has wrote for the Mill Creek
7 Post. He drafted the rehab corner, and he was the
8 associate editor previously.

9 **DEPUTY COMMISSIONER HURD:** Okay. So he has
10 writing and -- and editing skills.

11 **ATTORNEY LUM:** He also did turn in some book
12 reports that were in the 10 day.

13 **DEPUTY COMMISSIONER HURD:** I have a number of
14 book reports. Um, normally, where did I put all of
15 those? Normally, I don't go through and recite them.
16 Yeah, that's -- I mean it shows that he's thinking and
17 so I'll note in that regard. Uh, I'll just quickly, uh,
18 a book entitled The Body Keeps The Score, and that
19 evidently deals with PTSD, prior trauma.

20 **INMATE DUNAWAY:** It deals with childhood trauma a
21 lot and helps you understand why you respond the way you
22 do in certain situations.

23 **DEPUTY COMMISSIONER HURD:** Yeah, okay. The
24 Addiction Recovery Skills Workbook. The Dialectal
25 Behavior Therapy Skills Workbook For Anger. Making

1 Hostile Words Harmless. Cognitive Behavioral Treatment
2 of Borderline Personality Disorder. Uh, Denial
3 Management Counseling Workbook. And then you also
4 submitted, uh, a book that you had produced, also, uh,
5 American Prisoner II, Still I Rise. How many copies did
6 you have printed.

7 **INMATE DUNAWAY:** Uh, that's the only copy that I
8 know has been printed. I don't know if any other copies
9 have been printed.

10 **DEPUTY COMMISSIONER HURD:** All right.

11 **INMATE DUNAWAY:** It's for sell, though. It is
12 sold. I don't get nothing from it. I don't know who
13 does. Alls (sic) I did was write some recovery stuff
14 that somebody asked me to write. I didn't even know
15 they were going to put it in the book in that format,
16 and they did. They asked my permission. I told them it
17 was okay, and, um, --

18 **DEPUTY COMMISSIONER HURD:** So who's they?

19 **INMATE DUNAWAY:** Uh, Mr. Bab (phonetic). The one
20 that is the original author of the First American
21 Prisoner book.

22 **DEPUTY COMMISSIONER HURD:** I see. All right. I
23 also have -- and I'm not going to go through them at
24 this moment, but I have a number of apology letters the
25 gentleman has -- well, I have at least, it looks like

1 two apology letters. Does that sound right?

2 **INMATE DUNAWAY:** Uh, there's three apology
3 letters to the family.

4 **DEPUTY COMMISSIONER HURD:** Okay. I might be
5 missing one. I'll take a look.

6 **INMATE DUNAWAY:** And there's also, yeah, there's
7 three -- there should be three apology letters to the
8 family.

9 **DEPUTY COMMISSIONER HURD:** Okay. I'll check
10 that. Thank you. Um, I have a number of support
11 letters, and I'll separate those out because there's a
12 number of support letters from inmates and I'm not going
13 to go through those so much. There is one by an inmate
14 that I will mention in my discussion of support letters
15 insofar as the inmate or former inmate who's now out,
16 uh, did, in fact, make an offer of support, and I
17 thought it would be appropriate to put it in that arena,
18 also. Actually, I do have another copy of your apology
19 letters, so I have them all, I just separated it out.

20 Uh, --

21 **ATTORNEY LUM:** Is it possible to take a quick
22 comfort break?

23 **DEPUTY COMMISSIONER HURD:** That would be great.

24 **PRESIDING COMMISSIONER MINOR:** The time is 10:07.
25 We're going to take a break.

R E C E S S

--oOo--

1 **DEPUTY COMMISSIONER HURD:** We're on.

2 **PRESIDING COMMISSIONER MINOR:** Thank you. The
3
4 time is 10:30. a.m. All parties who were present before
5
6 have returned to the room, and we are going to continue
7
8 with post-conviction.

9 **DEPUTY COMMISSIONER HURD:** All right. I'm going
10 to go through a number of support letters. I'm not
11 going to them in their entirety. What I normally do is
12 if they identify employment, residential or financial
13 support, I will note that. Otherwise, I will describe
14 it as an emotional support letter. The first one is --
15 and the one exception is from a prior inmate, uh, and
16 Kyle Dunson (phonetic) dated 5/19/2018. I will simply
17 note in his long letter that he states, um, he is in
18 California. I have an extra room in my apartment and
19 could/would support Thomas financially if needed. He
20 notes also that I would refer him to various agencies
21 for employment, provide clothing and resources to assist
22 Thomas in his transition back into the community,
23 including mentoring. I have a letter dated May 20, 2018
24 from, uh, Betty Harrison (phonetic), a grandmother, uh,
25 she notes in addition to emotional support that she's
willing to help with jobs, housing and whatever support

1 he needs to make it as a parolee, and where does she
2 reside?

3 **INMATE DUNAWAY:** Uh, Contra Costa County.

4 **DEPUTY COMMISSIONER HURD:** Okay, she's in
5 California.

6 **INMATE DUNAWAY:** Yes.

7 **DEPUTY COMMISSIONER HURD:** Yeah. That's
8 primarily my interest. Uh, I have a letter, July 28,
9 2018 from Deanna Willford (phonetic), aunt, she notes in
10 addition to emotional support, I'm here to offer any
11 help he may need once he is paroled. I live in a four
12 bedroom, two and a half bath home in Pleasant Hill with
13 my husband, and we are more than willing to help Thomas
14 anyway we can when and if he's paroled. Now, this is
15 kind of interesting because she doesn't actually offer a
16 room in that home. So, it's I suppose to some degree
17 inferential, but I note it in any event. I have a
18 letter July 25, 2018, uh, from Randy Willford
19 (phonetic), an uncle, and notes that he and his wife
20 have a four bedroom, two and a half bath home, and more
21 than willing to have Thomas come and stay with us for as
22 long as is needed, help support him to get a job and get
23 out on his own. Uh, where do they reside?

24 **INMATE DUNAWAY:** That's my aunt's husband, the
25 one -- the previous letter you read. Uh, Pleasant Hill.

1 **DEPUTY COMMISSIONER HURD:** Okay. California.
2 That's all I'm interested in.

3 **INMATE DUNAWAY:** Okay. Okay.

4 **DEPUTY COMMISSIONER HURD:** I don't really need --
5 okay, but thank you. I have a letter September 25,
6 2018. I believe it's from your sister. Yes, uh, voices
7 some prior history that you both shared and that relates
8 to, uh, early youth. Uh, this is an extensive letter.
9 It notes essentially some of what you testified to in
10 terms of the misconduct by the elder relative. Now I --
11 she resides, I guess, in New Mexico. Is that correct?

12 **INMATE DUNAWAY:** Yes sir.

13 **DEPUTY COMMISSIONER HURD:** So they note you can
14 provide -- they would provide you a home to live in,
15 transportation, uh, my only comment in this regard is
16 you will be paroled to California. It you do not owe
17 restitution and New Mexico is likely part of the ICAOS
18 Compact, which is the Adult Offender Interstate Compact
19 Agreement, then you could petition to DAPO to effectuate
20 a transfer to New Mexico, but that's about all I can
21 tell you in that regard. October 3rd, 2018. I have a
22 letter from Matt Reeves (phonetic), brother-in-law, and
23 he notes, uh, enclosed here, too, is an offer of
24 employment I would like to extend in addition to
25 personal support. Uh, so he's married to your sister.

1 **INMATE DUNAWAY:** Yes sir.

2 **DEPUTY COMMISSIONER HURD:** All right. So, uh,
3 they're in New Mexico. All right. So, in addition to
4 the housing offer, there'd be an offer of employment.
5 What does he do?

6 **INMATE DUNAWAY:** Uh, he does -- he's a real
7 estate agent, and he does, um, business management type
8 things.

9 **DEPUTY COMMISSIONER HURD:** Is he a broker or
10 sales person?

11 **INMATE DUNAWAY:** Uh, both. He does commercial
12 real estate, and he does property management.

13 **DEPUTY COMMISSIONER HURD:** Oh. Uh, I have a
14 letter May 18, 2018, Sherry Garrison (phonetic). Um,
15 aunt, notes that she is able to provide Thomas with a
16 place to live and (slash) support for cash payments as
17 needed. I would always infer limitations on that. Uh,
18 notes that she is Concord, (inaudible), and she could
19 always provide transportation in the event that you need
20 it. All right. I have a letter -- uh, then you're -- I
21 guess this would reflect your sister's husband? Reeves?

22 **INMATE DUNAWAY:** Yeah.

23 **DEPUTY COMMISSIONER HURD:** Okay. October 8,
24 2018, and offers you a position as facilities manager in
25 his operation. Okay. You also have, uh, transitional

1 housing. We have acceptance letters from HealthRIGHT
2 360, GEO, and Seventh Step Foundation. All current.
3 All defined offers, as amongst the three, which would be
4 your preference?

5 **INMATE DUNAWAY:** HealthRIGHT 360.

6 **DEPUTY COMMISSIONER HURD:** (inaudible) document
7 parole plans, I'm not going to go into it now. We'll
8 review it during deliberation. Counsel? Mr. Dunaway?
9 Anything in post-conviction thus far that I have missed
10 that should be placed on the record before I go back to
11 the chair?

12 **ATTORNEY LUM:** No, I think it's been covered.

13 **DEPUTY COMMISSIONER HURD:** Thank you.

14 **PRESIDING COMMISSIONER MINOR:** So the risk assessment.
15 This was the same risk assessment that was used at the
16 last hearing. Uh, Dr. Cirimele was the writer of this
17 document, and, uh, the document, uh, the doctor found
18 you to be a low risk of violence if you were to be
19 released in the free community. The doctor did make the
20 diagnosis I mentioned in the substance abuse disorder,
21 uh, area. The doctor also made a diagnosis of anti-
22 social personality disorder. Went through the youth-
23 offender factors, um, discussed insight in the analysis
24 of clinical factors, and like I said, found you to be a
25 low risk. I'm gonna ask at this time, Mr. Keat, do you

1 have questions for the Panel, sir?

2 **DEPUTY DISTRICT ATTORNEY KEAT:** No, thank you. I
3 don't have any questions.

4 **PRESIDING COMMISSIONER MINOR:** Thank you. You
5 have questions for your client, Ms. Lum?

6 **ATTORNEY LUM:** No questions. Thank you.

7 **PRESIDING COMMISSIONER MINOR:** All right. We're
8 gonna go to closing statements at this time and we're
9 gonna Mr. Keat for his closing statement.

10 **DEPUTY DISTRICT ATTORNEY KEAT:** Thank you. The
11 evidence in the record clearly shows that the inmate is
12 currently dangerous. The Comprehensive Risk Assessment
13 reflects many concerns. The inmate had a significant
14 history of violence, including multiple assaults with
15 weapons, even before this brutal senseless murder. He
16 engaged in other anti-social behaviors throughout his
17 life, including theft, weapon possession and drug
18 trafficking. He was an active gang member in his youth,
19 has an anti-social personality disorder, history of
20 abusing subs -- substances, and has had significant
21 violent ideations that were used to justify committing
22 some -- severe violence. He was unable to successfully
23 complete prior grants of probation. His misconduct and
24 violent misconduct persisted for years, even after
25 committed to prison. Mr. Dunaway has evidenced some

1 characteristics of numerous traits indicative of
2 psychopathy. Mr. Dunaway's behavior, as reviewed, in
3 conjunction with psychological as -- assessment,
4 conveyed glibness, callousness, lack of empathy, lack of
5 remorse, manipulation, pathological lying, and shallow
6 affect. Next regarding youthfulness and the youthfulness
7 aspect of suitability, the youthful aspect does not
8 apply to this life crime inasmuch as the hallmark
9 features of youth are not present in this particular
10 criminality. It was not an impulsive crime, but one
11 which was planned in advance in detail with elaborate,
12 albeit somewhat wrong-headed attempts to defeat the
13 foreseen forensic investigation. The inmate was not peer
14 pressured as regards a hallmark feature of youth. He was
15 not peer pressured but he was the leader. Indeed he made
16 the arrangements and gave the signal for the senseless
17 killing to go forward. In the face of the grief and
18 righteous outrage of the victim's family, the evidence
19 of insight and remorse is plainly inadequate. He has
20 blamed his atrocious murder on his insecurities and his
21 need for acceptance. He says he wanted to show he was no
22 punk. Obviously, he still lacks real insight into the
23 true cause. We concede that he has programmed
24 extensively. He has learned these subjects. He's
25 mastered the curriculum, but he has not demonstrated

1 that he has reformed his character. The record as a
2 whole demonstrates that Inmate Dunaway is currently
3 dangerous. Because his release into the community would
4 pose unreasonable risk of violence, we urge the finding
5 that he is unsuitable for parole. Thank you.

6 **PRESIDING COMMISSIONER MINOR:** Thank you, sir.

7 Ms. Lum?

8 **ATTORNEY LUM:** This crime was horrific in 1994,
9 and it remains horrific today. However, we're here to
10 determine if Mr. Dunaway is suitable for parole as
11 determined by the last Panel in 2017. And I believe he
12 remains suitable for parole and is no longer an
13 unreasonable risk to society. Although nervous and
14 really ashamed, he's been candid and forthright with the
15 Panel. He is remorseful, takes full responsibility. He's
16 drafted letters of apology and understands the impact of
17 this crime, what it has caused and what it will continue
18 to cause to so many. He has insight as to what led up to
19 his incarceration and has addressed those issues. The
20 crime and his history are static, unchanging factors,
21 and almost 25 years has elapsed. Mr. Dunaway was 17
22 years old with a tenth grade education and under the
23 influence of alcohol and marijuana at the time of the
24 crime. His young age and level of maturity must be
25 considered by the Panel. Cases such as N. Ray Barker

1 (phonetic) indicate that juveniles do not think
2 rationally or contemplate consequences. It is obvious
3 Mr. Dunaway exhibited those characteristics at the time
4 of the crime. He recognizes he had warped beliefs and
5 used violence. Uh, this did not end when he entered
6 prison, and I will not justify his earlier 115s. He
7 received a life sentence at 17, entering the Department
8 of Corrections with no coping skills, young, angry and
9 impulsive. However, today at 42, he's not received a 115
10 in over seven years. He went from using violence to
11 teaching anger management for the mental health
12 department. For many years, he has shown the ability to
13 remain sober, non-violent, non-defiant and follow the
14 rules. His behavior changed as he matured. He's no
15 longer violent or gang active and has been sober for
16 over 24 years. He participates in AA. He's worked the 12
17 steps. It's evidenced he knows the principles of each
18 program and has been applying them to his life.
19 Continued reliance on static factors, such as the
20 offense or his criminal history, to deny parole in light
21 of his lengthy incarceration of almost 25 years, and his
22 rehabilitative efforts is contrary to case law. The
23 suitability factors pursuant to Lawrence weigh in his
24 favor. He has no history of mental illness, no prior
25 prison terms, no current addiction problems and no

1 current gang ties. In January of 2017, he was given a
2 Comprehensive Risk Assessment and found to be an overall
3 low risk. He's had almost an additional two years to
4 further mitigate that low risk. Page 14 states, "His
5 behavior since 2011, retention of significant self-help
6 materials in his self-help classes, current presentation
7 and parole plans are significant enough that he's no
8 longer a moderate risk." Page 13 states there is
9 insufficient evidence to indicate Mr. Dunaway has any
10 recent problems with insight, violent ideation,
11 instability or major mental disorders or supervision
12 response. Unlike Shaputis one or two, he's been willing
13 to answer questions. He's shown remorse, insight and has
14 a low risk assessment supporting parole. He enhanced his
15 ability to function. He earned a GED. He has several
16 college units. He's taken mill and cabinet. He's been a
17 writer for the Mule Creek Post, health-care facility
18 maintenance, building maintenance, painting, computer
19 illiteracy. Giving him marketable skills and an
20 education, which he did not have at 17. He's held
21 institutional jobs with above average work reviews. He's
22 demonstrated he gets along with peers and staff. He's
23 completed an impressive amount of self-help, AA, anger
24 management, victim's awareness, care, CGA, cognitive
25 deli -- dialectical behavior therapy. He's taken part in

1 CCCMS for over nine years, mental health groups. He's
2 done extensive self-analysis on his previous violence.
3 He's also done book reports and he's drafted a recovery
4 book. He's got realistic parole plans. His primary
5 choice is HealthRIGHT 360 in San Francisco. He has an
6 offer of employment, marketable skills and a resume. He
7 also has support, goals, a sponsor already in place and
8 relapse plans. He's served almost 25 years on his life
9 sentence. He's been incarcerated from 17 to the current
10 age of 42. He's been incarcerated longer than he has
11 been in the free world. His current age also further
12 reduces his risk of recidivism. The past will never
13 change. Mr. Dunaway came to prison a menace to society,
14 but he has come full circle. He also addressed the
15 governor's concerns. He remained disciplinary free. He
16 explored the factors that led to his violence. He
17 continued self-help and therapy. The Supreme Court has
18 stated your decision must not be arbitrary or
19 capricious. To deny parole today based on his crime, a
20 2011 115 for which the behavior has been fully
21 addressed, and is now seven years old, or recent gains
22 would be arbitrary. In light of his low risk assessment,
23 the fact that gains don't need to be maintained a decade
24 before parole, his excellent programming since 2011, the
25 great weight and mandates of SP260 and his

1 internalization of the program principles, we ask that
2 you follow the law and grant parole. Thank you.

3 **PRESIDING COMMISSIONER MINOR:** Thank you. Sir, do
4 you have closing statement.

5 **INMATE DUNAWAY:** Yes, ma'am.

6 **PRESIDING COMMISSIONER MINOR:** Okay.

7 **INMATE DUNAWAY:** I would like to start by
8 apologizing to everyone that has had to sit through this
9 horrible -- the horrible details -- I'm sorry, excuse
10 me. The horrible details of this murder, not only today
11 but at the previous two hearings. I would like to
12 especially apologize to Amber's family. Because of my
13 actions 25 years ago, they suffered through the -- these
14 details everyday. I'm sorry for all the pain I continue
15 to cause in the lost sleep, the anxiety, fear, anger,
16 sense of loss, the heartache, the inability to trust
17 others, the struggles with work or friendships, and for
18 being the person who Amber from them. These truths and
19 many more like them are not lost on me. I live with the
20 guilt and shame of being the source of much -- so much
21 pain and suffering by so many people. I do not have a
22 clear con -- a conscience, and knowing how much this
23 horrible murder affects me, I can only imagine how much
24 more deeply Amber's loved ones are impacted by this. I
25 hear it in the words they say and the emotions they say

1 it with. These are the things that motivate me to work
2 on myself each and every day. Knowing that my actions
3 and choices have caused so much pain and others is what
4 motivates me to work on myself each and every day. I
5 will continue to do this each and every day, even if I
6 spend the rest of my life in prison. I do this, not only
7 to be a better person, I do it to make amends to Amber
8 and her family and all the other victims I've created in
9 my life. And most of all, I do it to honor Amber and her
10 memory. I had no right to take her life, yet, I did. So
11 now my life is lived with the purpose of stopping the
12 cycle of violence, and this is done by being the best
13 influence in example on and for others that I can be.
14 Amber's life was precious, and she was vulnerable, and I
15 did not respect that. Eh, so now my life is spent paying
16 for what I learned in self-help, school and from others.
17 This is my purpose in life, and I will continue this if
18 I am released or not. Each day is spent trying to be the
19 best version of myself I can be, and this will continue
20 no matter today's decision. I owe that to Amber and her
21 family. These new values and beliefs are what have
22 allowed me to grow out of being an immature, angry,
23 resentful, lazy, selfish, impulsive and insecure version
24 of myself into the responsible, hard-worker and
25 respectful, goal-oriented person I am today. These are

1 the things that define me now, and these are the things
2 that have allowed me grow into the person that is no
3 longer a threat to society or any community I live in.
4 Whether or not I am found suitable for parole today, I
5 will continue to live my life according to these values,
6 and I will continue to grow and become a better person.
7 I will not return to old behaviors. Thank you.

8 **PRESIDING COMMISSIONER MINOR:** Thank you. All
9 right. We are going to the victim's next-of-kin on the
10 phone, and I'll ask that you just state your name again
11 for the record before you speak.

12 **VICTIM NEXT-OF-KIN FRANCINE SCHULMAN:** Francine
13 Schulman, Amber's mom, S-C-H-U-L-M-A-N. Jerry Dunaway, I
14 forgive you for being a part of murdering Amber. I don't
15 forgive you for not being strong enough to back away
16 that night. I do not give you for changing my family's
17 life. I do not forgive you causing me to revisit that
18 night today. That is forever been implanted in my heart.
19 No matter what happens today, my hope is that you never
20 let words be stronger than your knowing right from wrong
21 and honor Amber. Today I'm revisiting that day and open
22 and this has opened my traumatized heart, which I
23 compartment -- compartmentalize so I can be with life be
24 a mom to Amber's sisters, help others who have
25 experienced the acts, and be a wife, daughter and

1 sister. I have drawn from my spiritual beliefs to not
2 give you and the others rob me of my power. Rather I
3 have continued to stay with my power. And finally, I am
4 sorry, Jerry, that you were treated badly as a young
5 boy. Thank you.

6 **PRESIDING COMMISSIONER MINOR:** Thank you. Do we
7 have another, um, person who's gonna speak?

8 **VICTIM NEXT-OF-KIN JOSEPH HALE:** Yeah, uh, Joseph
9 Hale, H-A-L-E, uh, Francine Schulman's husband.

10 **PRESIDING COMMISSIONER MINOR:** Okay.

11 **VICTIM NEXT-OF-KIN JOSEPH HALE:** Am -- Amber's,
12 uh, grandfather ca -- passed away, ah, a few weeks ago
13 and was buried on, uh, November the 12th. He would, uh,
14 at this point, wanna know what, uh, Mr. Dunaway's gonna
15 do to repair this situation. Um, what is he actively
16 going to do to make his community a better place. Uh,
17 he, uh, was the person who identified Amber and it
18 impacted him for the rest of his life. He died at 90.
19 Um, it impacted him till that day. I want him to be able
20 to rest at this point knowing that Mr. Dunaway is gonna
21 do the work necessary to repair this situation. That's
22 it for now.

23 **PRESIDING COMMISSIONER MINOR:** Thank you, sir. Do
24 we have any more speakers? Was grandmother gonna speak?

25 **VICTIM NEXT-OF-KIN FRANCINE SCHULMAN:** No, she is

1 currently, uh, left the building.

2 **PRESIDING COMMISSIONER MINOR:** Okay. All right.
3 Thank you. So at this, uh -- i -- i -- does that
4 complete, um, the speakers?

5 **VICTIM NEXT-OF-KIN FRANCINE SCHULMAN:** Yes, it
6 does. Thank you.

7 **PRESIDING COMMISSIONER MINOR:** Thank you. The
8 time is 10:54 and the Panel will recess for
9 deliberations.

10

11

R E C E S S

12

--oOo--

13

14

15

16

17

18

19

20

21

22

23

24

25

26

1 CALIFORNIA BOARD OF PAROLE HEARINGS

2 D E C I S I O N

3 DEPUTY COMMISSIONER HURD: We're on the record.

4 PRESIDING COMMISSIONER MINOR: Thank you. Today's
5 date is November 28, 2018. The time is approximately
6 11:16 a.m. We will now reconvene this hearing for the
7 pronouncement of the Panel's decision. All of the same
8 parties present before have returned to the room. We're
9 back in the matter of Mr. Dunaway with a controlling
10 offense of first degree murder. Mr. Dunaway qualifies as
11 a youth-offender pursuant to Penal Code Section 3051.
12 The victim in this case, 14 year old Amber Slaughter
13 (phonetic). According to the California Supreme Court in
14 making a parole eligibility decision, this Panel must
15 not act in an arbitrary or capricious manner and must
16 consider all relevant, reliable information available.
17 In this case, the Panel has read and considered the
18 written record before us, including watch (phonetic)
19 docs, the central file, the Comprehensive Risk
20 Assessment, which took into consideration the youth-
21 offender factors. We also reviewed all the written
22 statements that were submitted by family members and
23 friends, and all of the written responses received from
24 the public. We did review the confidential portion of
25 **THOMAS JEROME DUNAWAY K-55407 DECISION PAGE 1 11/28/18**

1 this central file. There was a document. Um, it's a
2 memorandum in advance of a parole suitability hearing.
3 It Panel did not rely on information contained therein
4 or referenced in that document due to the passage of
5 time. The Panel also considered the testimony presented
6 at this hearing, uh -- uh, the statements submitted at
7 this hearing by the victim's mother, Francine Schulman,
8 and her husband, Joseph Hale. The fundamental
9 consideration in making a parole eligibility decision is
10 the p -- potential threat to public safety upon an
11 inmate's release. Accordingly, a denial of parole must
12 be based on evidence in the record of the cu -- inmate's
13 current dangerousness. Having these legal standards in
14 mind and after giving great weight to the diminished
15 culpability of juveniles as compared to adults, the
16 hallmark features of youth and and subsequent growth and
17 maturity of the prisoner, we find Mr. Dunaway does not
18 pose an unreasonable risk of danger to society, a threat
19 to public safety and is therefore suitable for parole.
20 Other -- record reflects some circumstances tending to
21 show unsuitability for parole, which were considered by
22 the Panel during deliberations, these are outweighed by
23 other circumstances tending to show suitability. This
24 decision does not diminish the fact that the life crime
25 **THOMAS JEROME DUNAWAY K-55407 DECISION PAGE 2 11/28/18**

1 committed by Mr. Dunaway was a -- a heinous and horrific
2 crime. This is a crime, in which, he took the life of 14
3 year old Amber Slaughter. His reasons for committing the
4 offense in certainly no way justified his actions. This
5 Supreme Court has ruled that after a long period of
6 time, immutable factors may no longer indicate a current
7 risk of danger to society in light of a lengthy period
8 of positive rehabilitation. In this case, 24 years have
9 passed and many of the circumstances that tend to show
10 suitability pursuant to Title 15 Section 2402
11 Subdivision (inaudible) are present in this case.
12 Specifically, Mr. Dunaway was 17 years old when he
13 committed this crime. He committed the crime as a
14 juvenile with a diminished culpability as compared to
15 that of an adult. We did take into consideration the
16 development and psychology and brain science that does
17 indicate that adolescent brains are not yet fully mature
18 in regions and systems related to higher order function.
19 We also took into consideration the vulnerability of his
20 youth. We looked at the sep -- the susceptibility to
21 outside influences and peer pressure, and he was a
22 person who cared about what others thought. He was also,
23 um, susceptible to the negative influence of his father,
24 who taught him violence very early in his life as he
25 **THOMAS JEROME DUNAWAY K-55407 DECISION PAGE 3 11/28/18**

1 took him to a playground to fight. He was exposed to
2 deviant peers. We know that that is a consistent
3 predictor of adolescent delinquency. He had a limited
4 control over his ab -- his -- his environment. The
5 environment, in which he was in, was violent. He was
6 abused by not only his grandfather, but his father. He
7 was sexually abused at the age of nine. He lived in an
8 area where there were gangs, drugs and violence. There
9 domestic violence within his home. Certainly, in -- a --
10 a -- he was in an environment in which could not
11 extricate himself from. Was less susceptibility
12 deterrents just by wh -- wh -- it -- talking about his
13 activities and what he did on a day-to-day back then,
14 uh, as a young person. He lacked maturity. He had an
15 underdeveloped sense of responsibility. He was a young
16 man that would get into fights impulsively. He did
17 exhibit hallmark features of youth. Um, he was immature.
18 He was reckless. He failed to appreciate the
19 consequences, uh, and risks of the actions that he took
20 that night. And we look at youth offender factors, and
21 we also, uh, look at then growth, maturity and
22 rehabilitation during his incarceration relative to the
23 time of the crime and the relative to this parole
24 suitability hearing. We talked about who he was back
25 **THOMAS JEROME DUNAWAY K-55407 DECISION PAGE 4 11/28/18**

1 then. We talked about his anger issues, his impulsivity,
2 his selfishness, his violent nature. We talked a lot
3 about he had no sense of himself, that he had been
4 abused. He felt he was hated, um, that he was neglected.
5 He didn't feel accountable for anything. We -- we talked
6 about all of those things. Today the man sitting in
7 front of us is certainly different than that young man.
8 He has engaged in programming. He has engaged in
9 programming that appear to be internalized. He was able
10 to talk about his steps. He's engaged in -- he was a
11 gang member. He has not been a part of a gang in prison,
12 and, um, took CGA, um, to -- to work on at least that
13 part of criminal thinking so that if he was to return to
14 the community, he has that skill and tool. He also
15 participate for the last nine years in the CCCMS
16 program. That -- that doesn't I -- help him identify any
17 issues in terms of his mental health that may come back
18 up. He's participated. He's been an active participant,
19 um, even facilitating a -- a recovery group. He, um, has
20 taken anger management. He was very angry man. So we
21 look at his growth, um, certainly, the growth and
22 maturity is evidenced by him not getting into any
23 violent, um, acts since 2011, and also not having any
24 substance abuse, um, history while he's been

25 **THOMAS JEROME DUNAWAY K-55407 DECISION PAGE 5 11/28/18**

1 incarcerated. He does have marketable skills, has a GED,
2 um, and so, and good supervisory reports. So certainly,
3 uh, very, very different, um -- he has matured. He has
4 grown, and he has rehabilitated. While he's been
5 incarcerated, as I mentioned, he's been, um, has a
6 stable social history, uh, no problems, no evidence of
7 any recent problems with gangs, no problems with, um,
8 working. He works. He has a good reputation for working.
9 His supervisor says he does a good job. He hasn't had
10 any fights since 2011. Today during this hearing, um, I
11 -- I -- I think most of the hearing he was very
12 emotional, um, and, um, displayed a m -- remorse. Uh, as
13 we talked about the crime, he accepted full
14 responsibility for his criminal actions, for the murder
15 of this young 14 year old girl. He is at an age that
16 reduces the probability of recidivism. He's 42 years
17 old. Um, he certainly was young at the time, but it does
18 appear he's no longer susceptible to peer pressure. Uh,
19 that is -- is huge in his case as he cared about what
20 others thought. Um, and his significant maturity is
21 evidenced by the programming and certainly his last, uh,
22 seven or so years of -- of behavior in prison that
23 indicates he follows the rules. He has engaged in
24 institutional activities that indicate an enhanced
25 **THOMAS JEROME DUNAWAY K-55407 DECISION PAGE 6 11/28/18**

1 ability to function witho -- within the law once
2 released, and that is the -- those serious misconducts
3 stopped in 2011. He's participated in CGA. He -- he's
4 worked the steps, um, talked about working the steps in
5 AA. He facilitated the two-by-two anger response model.
6 He participated in his mental health treatment via CCCMS
7 and attended those groups that are offered. He got GED.
8 He wrote book reports that we took a look at during
9 deliberations. And he's written for the Mule Creek
10 State, uh, the Mule Creek paper. We also note that he's,
11 um, as -- as we looked at his history, uh, I thought it
12 was quite interesting to -- many men have, um, letters
13 from inmates, but I think it -- the letters that we got
14 from inmates about how he's helped them in their
15 transition or -- or their rehabilitation was quite
16 important. Um, and so we reviewed those. He's done a lot
17 of programming. He's, um, even written a book that would
18 assist others as they recover and rehabilitate. He's
19 made realistic plans for release. He has quite a beu, uh
20 -- uh -- quite a -- a bit of, uh, family network of
21 support. He's developed marketable skills, mill and
22 cabinet, building maintenance, computer literacy,
23 painting. He's currently a biohazard porter. He has a
24 job offer. Um, he had a transitional housing HealthRIGHT
25 **THOMAS JEROME DUNAWAY K-55407 DECISION PAGE 7 11/28/18**

1 360 is what he listed as his first choice. He also had
2 Seventh Step Foundation and GO as part of his, um,
3 transitional housing plans. The doctor who wrote the
4 report found him to be a low-risk of violence took into
5 consideration the youth-offender factors and noted that
6 in the report. Based on this, the evidence in the
7 record, the conversation with him today, uh, all the
8 documents that were submitted, listening to the district
9 attorney's closing and also the inmate attorney's
10 closing and all the victims' statement and -- and the
11 statement by the inmate, we found the inmate suitable
12 for parole at this time. I'm gonna ask the Deputy
13 Commissioner to weigh in on our -- our decision.

14 **DEPUTY COMMISSIONER HURD:** Uh, thank you. Course
15 I agree with the decision as voiced by the Commissioner.
16 I don't have it -- anything to put or to add. I will
17 note that in his early institutional adjustment, Mr.
18 Dunaway continued and old course, and during that time
19 frame, pretty much put to waste the time that he had
20 available. But i -- in a moment of serendipitous
21 behavior, he was rebuffed by another inmate who was a
22 programmer, which precipitated the change in Mr. Dunaway
23 to, uh, commence programming himself and change his core
24 beliefs and mindset. And by all appearances, uh, with

25 **THOMAS JEROME DUNAWAY K-55407 DECISION PAGE 8 11/28/18**

1 the changes in trajectory, commenced at that time, uh,
2 Mr. Dunaway has been continuous and consistent in that
3 regard. So it does reflect over that period of time a
4 change that seems to be sealed to some degree or
5 continuous, which would be an indication of actual
6 change. So in that regard, uh, by all appearances his
7 efforts are genuine and continuing. Thank you.

8 **PRESIDING COMMISSIONER MINOR:** Thank you. This
9 decision is not final. This decision will become final
10 after up to 120 days, and after the 120 days, um, the --
11 the review process for the BPH decision review unit
12 takes up to 120 days, and then after that, there's 30
13 days in which the governor may review the -- the
14 decision. You'll be notified in writing if there are any
15 changes to the decision. In terms of your parole plans,
16 your conditions of parole, when yo -- you are released
17 from prison, you'll be subject to all the general
18 conditions of parole and any special conditions of
19 parole imposed by the Division of Adult Parole
20 Operations. This Board will order that you participate
21 in the psycho -- um, the -- the psychiatric evaluation
22 and any treatment deemed appropriate for the successful
23 adjustment on parole as you participate currently in the
24 CCCMS program, and I wanna make sure you know where
25 **THOMAS JEROME DUNAWAY K-55407 DECISION PAGE 9 11/28/18**

1 those services are -- are located. Abstain from any use
2 of alcohol. You were under the influence when you
3 committed this crime. No use of marijuana. Marijuana is
4 your -- was a -- one of the drugs that you used in -- on
5 the streets, and I'm gonna order that you participate in
6 a program, um, a transitional housing program for at
7 least six months as you were 17 when you came to prison,
8 and you have not been in the free community for almost
9 25 years. That is the order.

10 **DEPUTY DISTRICT ATTORNEY KEAT:** May I be heard on
11 that?

12 **PRESIDING COMMISSIONER MINOR:** I'm gonna also,
13 um, note that you have no contact with the victims or
14 victim's --

15 **DEPUTY DISTRICT ATTORNEY KEAT:** That's what I was
16 gonna ask.

17 **PRESIDING COMMISSIONER MINOR:** -- next-of-kin --
18 the victim's next-of-kin.

19 **DEPUTY DISTRICT ATTORNEY KEAT:** Thank you.

20 **PRESIDING COMMISSIONER MINOR:** I have -- Thank
21 you, sir. No contact order. All right. So the
22 recommendation is that you continue to work, um, in the
23 programming that you're doing. Continue that pur --
24 work. Um, continue to your CCCMS as deemed appropriate

25 **THOMAS JEROME DUNAWAY K-55407 DECISION PAGE 10 11/28/18**

1 by the mental health staff. Um, continue your work
2 assignments. No 115s. No 128s. Um, well, no RBR,
3 counseling Chronos. Make sure that you remain
4 disciplinary free. Uh, and that the, uh -- that's what I
5 noted. All right the time is 11:31 and this hearing is
6 adjourned. We wish you the best of luck, sir.

7 **INMATE DUNAWAY:** Thank you, ma'am.

8 **A D J O U R N M E N T**

9 **THIS TRANSCRIPT CONTAINS THE PROPOSED DECISION OF THE**
10 **BOARD OF PAROLE HEARINGS (BOARD) ANNOUNCED AT YOUR**
11 **RECENT BOARD HEARING AND IS PROVIDED TO YOU IN**
12 **COMPLIANCE WITH PENAL CODE SECTION 3041.5, SUBDIVISION**
13 **(A)(4), AND CALIFORNIA CODE OF REGULATIONS, TITLE 15,**
14 **SECTION 2254. THIS PROPOSED DECISION WILL BECOME FINAL**
15 **WITHIN 120 DAYS OF THE DATE OF THE HEARING AS REQUIRED**
16 **BY PENAL CODE SECTION 3041, SUBDIVISION (B), UNLESS THE**
17 **BOARD NOTIFIES YOU IN WRITING BEFORE THEN THAT THE**
18 **PROPOSED DECISION HAS BEEN MODIFIED, VACATED OR REFERRED**
19 **TO THE FULL BOARD, SITTING EN BANC, DUE TO AN ERROR OF**
20 **LAW, ERROR OF FACT OR NEW INFORMATION PURSUANT TO**
21 **CALIFORNIA CODE OF REGULATIONS, TITLE 15, SECTION 2042.**
22 **THEREAFTER, THE GOVERNOR HAS AUTHORITY TO REVIEW THE**
23 **BOARD'S DECISION AND AFFIRM, MODIFY, OR REVERSE IT**
24 **PURSUANT TO PENAL CODE SECTIONS 3041.1 AND 3041.2.**
25 **THOMAS JEROME DUNAWAY K-55407 DECISION PAGE 11 11/28/18**

**CERTIFICATE AND
DECLARATION OF TRANSCRIBER**

I, PAULA HARDEN, as the Official Transcriber,
hereby certify that the attached proceedings:

In the matter of the Life)	CDC Number: K-55407
Term Parole Consideration)	
Hearing of:)	
)	
THOMAS JEROME DUNAWAY)	
_____)	

MULE CREEK STATE PRISON

IONE, CALIFORNIA

NOVEMBER 28, 2018

8:41 A.M.

were held as herein appears. Further, this transcript
is a true, complete, and accurate record, to the best of
my ability, of the recorded material provided for
transcription.

Paula Harden

=====

Paula Harden
December 6, 2018
Dictate Express
Copyright 2018/All Rights Reserved by BPH