

PAROLE SUITABILITY HEARING

STATE OF CALIFORNIA

BOARD OF PAROLE HEARINGS

In the matter of the Parole CDCR Number: **P37790**  
Consideration Hearing of:

**DAVID FUNSTON**

CALIFORNIA INSTITUTION FOR MEN

CHINO, CALIFORNIA

SEPTEMBER 24, 2025

10:37 AM

PANEL PRESENT:

PATRICIA CASSADY, Presiding Commissioner

MICHAEL METTE, Deputy Commissioner

OTHERS PRESENT:

DAVID FUNSTON, Incarcerated Person

DEAN ARCHIBALD, Deputy District Attorney

MAYA EMIG, Attorney for Incarcerated Person

UNIDENTIFIED, Correctional Officers

Transcribed by:

DWIGHT TERRY

## INDEX

	<u>Page</u>
Proceedings .....	3
Case Factors .....	5
Pre-Commitment Factors .....	10
Post-Commitment Factors .....	55
Parole Plans .....	86
Closing Statements .....	103
Recess .....	48, 73, 118
Decision .....	119
Adjournment .....	129
Transcript .....	131
Certification .....	



1 your presently 63. Is that correct, sir?

2 **DAVID FUNSTON:** That is correct, yes, ma'am.

3 **PRESIDING COMMISSIONER CASSADY:** First order of business  
4 will be voice identification. For the record, we're going to  
5 go around the Team's meeting room. State our first and last  
6 name, spell our last name when we get to you. Sir, if you'd  
7 also give your CDC number, please. I'll start with myself.  
8 I'm Patricia Cassady, C-A-S-S-A-D-Y, Commissioner, Board of  
9 Parole Hearings. Mr. Mette?

10 **DEPUTY COMMISSIONER METTE:** Thank you. Michael Mette,  
11 M-E-T-T-E. I'm a Deputy Commissioner with Board of Parole  
12 Hearings.

13 **PRESIDING COMMISSIONER CASSADY:** Mr. Archibald?

14 **DEPUTY DISTRICT ATTORNEY ARCHIBALD:** Yes, ma'am. Good  
15 morning, ma'am. Dean Archibald, A-R-C-H-I-B-A-L-D, Deputy  
16 District Attorney Sacramento County DA's Office.

17 **PRESIDING COMMISSIONER CASSADY:** Ms. Emig?

18 **ATTORNEY EMIG:** Good morning, everyone. I'm Attorney  
19 Maya Emig, E-M-I-G. I am, um, appearing on behalf of the  
20 Emig Law Group in private capacity. I do have a waiver of  
21 appearance on file with the Board of Parole Hearings. Thank  
22 you, Commissioner.

23 **PRESIDING COMMISSIONER CASSADY:** Thank you. And Mr.  
24 Funston, for some reason, that's hard for me to pronounce,  
25 but Mr. Funston?

1           **DAVID FUNSTON:** Yes, ma'am. Uh, David Funston, F-U-N-S-  
2 T-O-N, P as in Paul, 37790.

3           **PRESIDING COMMISSIONER CASSADY:** Thank you. The hearing  
4 will be conducted per California policies, rules,  
5 regulations, and laws pertaining to Parole Consideration  
6 Hearings. Mr. Funston, you do qualify for elder parole  
7 special consideration. The, um, if you'd raise your right  
8 hand for me.

9           **DAVID FUNSTON:** Yes, ma'am.

10          **PRESIDING COMMISSIONER CASSADY:** You solemnly swear and  
11 affirm the testimony you give at today's hearing will be the  
12 truth, the whole truth, and nothing but the truth.

13          **DAVID FUNSTON:** Yes, ma'am. I do.

14          **PRESIDING COMMISSIONER CASSADY:** We did review the  
15 Americans with Disabilities Act information in the DECS and  
16 SOMS databases, as well as the 128 (c) (ii) dated March of  
17 this year. And the BPH 1073 you signed with the Correctional  
18 Counselor in August of this year. When you met with the  
19 counselor, you indicated that you, uh, did not have any  
20 difficulty walking, talking, or hearing. Is that true today?

21          **DAVID FUNSTON:** That is true, yes, ma'am.

22          **PRESIDING COMMISSIONER CASSADY:** Were you able to hear  
23 everybody when we identified ourselves?

24          **DAVID FUNSTON:** I was, yes, ma'am.

25          **PRESIDING COMMISSIONER CASSADY:** It does indicate that

1 you have, um, and I'm not -- I'm not sure how it's  
2 pronounced. S-C-L-E-R-A-L, shell contact lenses, uh, to  
3 assist in seeing. Do you have those on?

4 **DAVID FUNSTON:** I do indeed. Yes, ma'am.

5 **PRESIDING COMMISSIONER CASSADY:** And can you see well  
6 without them -- I mean with them?

7 **DAVID FUNSTON:** Um, I can see well with them and with  
8 the addition of reading glasses to read, I can -- I can see.

9 **PRESIDING COMMISSIONER CASSADY:** Okay. There's also a  
10 magnifying page somewhere in that room. Um, do you see it?

11 **DAVID FUNSTON:** I do indeed. Yes, ma'am.

12 **PRESIDING COMMISSIONER CASSADY:** Okay. If you need  
13 additional assistance, please feel free to use that. As far  
14 as effective communication, you did not indicate that you  
15 needed any particular accommodation in order to achieve  
16 effective communication. Do you agree with that?

17 **DAVID FUNSTON:** I do agree with that, yes, ma'am.

18 **PRESIDING COMMISSIONER CASSADY:** It also indicates that  
19 you need a truss hernia support. Do you have that? I -- I  
20 do indeed.

21 **DAVID FUNSTON:** Yes, ma'am.

22 **PRESIDING COMMISSIONER CASSADY:** Okay. Are there any  
23 other accommodations that you can think of that have not been  
24 provided?

25 **DAVID FUNSTON:** Um, I -- I don't think I need any other,

1 and I think I'm -- I'm good here today.

2 **PRESIDING COMMISSIONER CASSADY:** Okay. Uh, you are part  
3 of the mental health system at the CCCMS level of care,  
4 which, um, makes your, an attor -- your attorney, also an  
5 accommodation. In the event that you need her assistance,  
6 just let us know and we'll ensure that you have, um, the room  
7 to yourself, okay?

8 **DAVID FUNSTON:** Yes, ma'am.

9 **PRESIDING COMMISSIONER CASSADY:** Okay. Um, are you on  
10 any psychotropic medication?

11 **DAVID FUNSTON:** No, ma'am. I'm not.

12 **PRESIDING COMMISSIONER CASSADY:** Are you, uh, do you  
13 have any medical issues that require medications that you  
14 think would impact your ability to participate in today's  
15 hearing?

16 **DAVID FUNSTON:** Um, no, I do not.

17 **PRESIDING COMMISSIONER CASSADY:** Okay. Counsel, is  
18 there anything you'd like to add regarding a DA rights or  
19 effective communication needs?

20 **ATTORNEY EMIG:** No, Commissioner. I will, uh, accept  
21 appointment, um, as the accommodation for the CCCMS status.  
22 Um, we did have those preliminary objections that we had  
23 raised with respect to the Comprehensive Risk Assessment. I  
24 know that those are in the 10-day file.

25 **PRESIDING COMMISSIONER CASSADY:** Yes.

1           **ATTORNEY EMIG:** Um, okay. Um --

2           **PRESIDING COMMISSIONER CASSADY:** And they have been  
3 responded to and there is a revision.

4           **ATTORNEY EMIG:** Yes, that is correct.

5           **PRESIDING COMMISSIONER CASSADY:** Okay.

6           **ATTORNEY EMIG:** For all of those. Yes.

7           **PRESIDING COMMISSIONER CASSADY:** We don't have the old  
8 one. We only get the revision once it's been done.

9           **ATTORNEY EMIG:** Uh, very good. Okay. Um, so then just  
10 the next thing is that I just wanted to make sure that prior  
11 to the commencement of going on the record, um, there, it was  
12 established that the Panel did have the, uh, the contents of  
13 the 10-day file in BDMS or whatever it is. I never had  
14 access to it. It stressed us out on our end. Um, uh, but  
15 that seems to have been resolved. Um, so I don't have any  
16 other objections right now, and I'm -- we're ready to  
17 proceed. Thank you.

18           **PRESIDING COMMISSIONER CASSADY:** Okay. Thank you.  
19 Okay, sir, we're not here to reconsider the findings of the  
20 courts. We're not here to retry. The case Panel accepts as  
21 true the convictions from the court. Your prior criminality  
22 is contained in the RAP Sheet in the ERMS Database, and we  
23 have reviewed the prior transcript, the Electronic Central  
24 File WatchDox Files, additional documents submitted, and the  
25 Comprehensive Risk Assessment. You're encouraged to correct,

1 modify, add to, or clarify the record as we go through the  
2 hearing. The Panel has also reviewed the confidential  
3 portion of your Central File, and we will advise if we rely  
4 on any confidential information in reaching our decision.  
5 Sir, do you have any questions before we move forward?

6 **ATTORNEY EMIG:** Commissioner, I do have a question.

7 **PRESIDING COMMISSIONER CASSADY:** Okay.

8 **ATTORNEY EMIG:** Um, how did you want us to address the  
9 victims? Did you want us to use the, um, the -- the -- the --  
10 - the letters? Um --

11 **PRESIDING COMMISSIONER CASSADY:** Well --

12 **ATTORNEY EMIG:** We --

13 **PRESIDING COMMISSIONER CASSADY:** -- I don't have any  
14 information from them. Um, Mr. Archibald, do you have any  
15 information from the VNOKs how they want to be addressed in  
16 this hearing?

17 **DEPUTY DISTRICT ATTORNEY ARCHIBALD:** I have not had any  
18 contact with him. And as far as I know by (inaudible) --

19 **PRESIDING COMMISSIONER CASSADY:** The letters -- the  
20 letters are okay?

21 **DEPUTY DISTRICT ATTORNEY ARCHIBALD:** Then that -- that's  
22 fine with us. Yes, sir.

23 **PRESIDING COMMISSIONER CASSADY:** Okay -- okay. The  
24 letters are fine.

25 **ATTORNEY EMIG:** Okay. Thanks, Commissioner.

1           **PRESIDING COMMISSIONER CASSADY:** Okay. Um, Mr. Funston,  
2 do you have any questions before we move forward?

3           **DAVID FUNSTON:** Um, no, ma'am. I think I'm ready to go.

4           **PRESIDING COMMISSIONER CASSADY:** Okay. Looks like you  
5 met with Dr. Koranda, and that's K-O-R-A-N-D-A, and that was  
6 in June of this year. Do you remember that meeting?

7           **DAVID FUNSTON:** I do indeed. Yes, ma'am.

8           **PRESIDING COMMISSIONER CASSADY:** You get a copy of the  
9 report?

10          **DAVID FUNSTON:** I did.

11          **PRESIDING COMMISSIONER CASSADY:** Were you able to read  
12 it and understand it?

13          **DAVID FUNSTON:** I was indeed, yes, ma'am.

14          **PRESIDING COMMISSIONER CASSADY:** Okay. As far as child  
15 and adolescent development, it says that your father was  
16 verbally, financially, and emotionally abusive. Um, parents  
17 were married until you were about three or four. Uh, you  
18 mentioned an older sister had, uh, maternal and paternal  
19 half-sisters who were younger. You never had a relationship  
20 with your maternal half-sister. You were, uh, you sexually  
21 abused your paternal half-sister. You were about nine years  
22 apart in age. There's no family history of substance abuse,  
23 legal involvement, but apparently your mother was previously  
24 diagnosed with bipolar disorder. You did endure multiple  
25 types of abuse throughout your upbringing. Uh, you indicate

1 that you were groped by a doctor when you were 12 years old,  
2 who saw you for a physical. Now, you know, I've heard this  
3 before. Um, and the incarcerated individual wasn't sure if  
4 it was groping or part of the physical exam. Are -- do you  
5 have any doubt that it was part of the, uh, or that it was  
6 groping?

7 **DAVID FUNSTON:** Um, I have no doubt that it was, uh,  
8 groping. It was a sexual molestation, yes, absolutely.

9 **PRESIDING COMMISSIONER CASSADY:** Okay. As far as your  
10 cognitive, emotional, educational, and peer relations as you  
11 completed the 12th grade, that you had behavioral  
12 difficulties consisting of making sarcastic comments and  
13 mocking your teachers during class, also fighting and  
14 truancy, and that was due to you being bullied over the  
15 surgical procedure on your genitals when you were four. How  
16 would people know that you'd had a surgical procedure? Did  
17 you tell them?

18 **DAVID FUNSTON:** No, I didn't tell anybody. Um, in gym  
19 class at that time, there was a communal shower. Some, uh,  
20 one of the boys noticed, and they -- so two boys in  
21 particular started teasing me about, um, my genitals. And,  
22 um, so that teasing and bullying went on for a few, um,  
23 weeks. And then it escalated to the point where in gym  
24 class, uh, one of the boys knocked me down, along with the  
25 other boy. They picked me up. They took me over to one of

1 the volleyball poles, and they were winging me back and forth  
2 so that my crotch was striking the pole. And while they were  
3 chanting, he has no balls. He has no balls. And this, um,  
4 at age 13, this was very -- very traumatic for me. Um, you  
5 know, I -- I felt, um, rejected, I felt defective. I -- I  
6 was upset. Um, I felt shame, like I couldn't go back to  
7 school. Um, I -

8 **PRESIDING COMMISSIONER CASSADY:** Did you tell anybody?

9 **DAVID FUNSTON:** I -- when I tried to talk with my father  
10 about it, um, when we were in the car alone, he said, you're  
11 bringing that up now. He reached over and turned the radio  
12 up. It became clear to me that he didn't want to discuss it,  
13 or it was off limits. He felt uncomfortable talking about  
14 it. So I never brought it up with anybody again, never.

15 **PRESIDING COMMISSIONER CASSADY:** You never brought it up  
16 with the PE teacher or anybody?

17 **DAVID FUNSTON:** I never did. No. I -- I just -- I  
18 literally didn't go back to PE for several weeks, and I was  
19 never charged with being absent. Nobody ever said anything.  
20 So I know the teacher had to -- the PE teacher had to have  
21 known, otherwise, I would've gotten in trouble for not being  
22 there. I --

23 **PRESIDING COMMISSIONER CASSADY:** Yeah.

24 **DAVID FUNSTON:** -- I -- I mean, yeah.

25 **PRESIDING COMMISSIONER CASSADY:** That sounds likely.

1 Okay. So as you did earn an AA degree in communications and  
2 Behavioral and social Sciences, um, was that from a community  
3 college or a four year college?

4 **DAVID FUNSTON:** That was from a community college,  
5 Chaffey, uh, Community College, yes, ma'am.

6 **PRESIDING COMMISSIONER CASSADY:** It says that you did  
7 get caught shoplifting between 10 and 12. There were no  
8 charges filed, but the police were contacted. Um, so what  
9 happened? Did they turn you over to your parents or  
10 something?

11 **DAVID FUNSTON:** Um, I, uh, they -- they just, um, yeah,  
12 they turned me over to my -- my father. My father came and  
13 picked me up. Um, and they just, you know, warned me that  
14 was basically, it was just a -- a warning. And that was --  
15 that was all there was. And I got -- of course, I was, um,  
16 punished by my father for -- for the shoplifting incident,  
17 yeah.

18 **PRESIDING COMMISSIONER CASSADY:** Okay. Then apparently  
19 you ran away from home for a couple days when the family  
20 discovered that you'd been sexually abusing your sister. Um,  
21 and there were additional occasions when you took beer from a  
22 store without paying for it.

23 **DAVID FUNSTON:** (inaudible).

24 **PRESIDING COMMISSIONER CASSADY:** But -- can go ahead.

25 **DAVID FUNSTON:** Yes. I wanted to comment on that. I

1 never took beer from a store without paying for it ever. So  
2 I don't know how the clinician came up with that, because I -  
3 - when I -- in 1983, I shoplifted a pack of cigarettes from a  
4 liquor store. So I think maybe that's where the confusion,  
5 uh, came in. But I -- I never, um, and that was as an adult,  
6 but I never, uh, stole beer from a -- from a store ever.  
7 Yeah.

8 **PRESIDING COMMISSIONER CASSADY:** Okay. Um, maybe it's  
9 in your -- let me see here. When you were molesting your,  
10 um, stepsister, were you penetrating her?

11 **DAVID FUNSTON:** Uh, no, ma'am. It was just, uh,  
12 fondling her, uh, genitals and, uh, kissing and masturbating  
13 in front of her.

14 **PRESIDING COMMISSIONER CASSADY:** Okay. And how old was  
15 she?

16 **DAVID FUNSTON:** Uh, she -- it was from -- started when  
17 she was five and continued, uh, up until she was six.

18 **PRESIDING COMMISSIONER CASSADY:** And did you threaten  
19 her, um, if she told anybody?

20 **DAVID FUNSTON:** I did not. I never -- I never  
21 threatened her, no.

22 **PRESIDING COMMISSIONER CASSADY:** So how did she not, why  
23 did she not tell anybody, do you think?

24 **DAVID FUNSTON:** Uh, I, um, I'm not sure. I honestly  
25 don't know why. Yeah.

1           **PRESIDING COMMISSIONER CASSADY:** Have you discussed  
2 that, um, with her since? Since you and she have been become  
3 adults?

4           **DAVID FUNSTON:** I have not -- I've not -- had not had  
5 any communication with her, no, ma'am.

6           **PRESIDING COMMISSIONER CASSADY:** And when did the  
7 communication stop? Did they move her or you out of the  
8 house right away?

9           **DAVID FUNSTON:** No, I -- I continued to live in the  
10 house until age 17 when I moved out on my own. Um, so my  
11 last contact with her was, um, he was a teenager, and I was  
12 in my early twenties. Yes, ma'am.

13           **PRESIDING COMMISSIONER CASSADY:** Okay. Did the  
14 molestation stop when you got caught?

15           **DAVID FUNSTON:** Uh, yes ma'am. It did.

16           **PRESIDING COMMISSIONER CASSADY:** Then it indicates that  
17 you recall being exposed to sexualized behavior when you were  
18 about four. Your older sister used to show her friends, your  
19 scar on your genitals. Um, you also showed it to similarly  
20 aged girls. Why did you show them, um, your genitals? Why  
21 would you do that? Uh, you were so embarrassed at school  
22 when the boys were bullying you, why would you voluntarily  
23 show it to other girls?

24           **DAVID FUNSTON:** So, um, first the incident with my  
25 sister. That was a one-time incident, not multiple. And the

1 second was one, one girl showed --

2 **PRESIDING COMMISSIONER CASSADY:** Wait a minute -- wait  
3 minute, wait a minute. You molested your stepsister one  
4 time?

5 **DAVID FUNSTON:** That's not what I -- I -- I -- I said  
6 that my sister pulling down my underwear --

7 **PRESIDING COMMISSIONER CASSADY:** Oh.

8 **DAVID FUNSTON:** -- showing my down scar to her friends  
9 was a one-time occasion.

10 **PRESIDING COMMISSIONER CASSADY:** One time. Okay, go  
11 ahead.

12 **DAVID FUNSTON:** Yes -- yes, ma'am. And my showing,  
13 exposing my genitals to a -- a young girl who was the exact  
14 same age I was, happened one time when we were both four  
15 years old, and she had wanted to see my scar as well. And  
16 so, um, I, yeah, I used that as an opportunity to, um, to get  
17 her to -- to expose her own genitals, um, and --

18 **PRESIDING COMMISSIONER CASSADY:** Was there any touching  
19 at that time?

20 **DAVID FUNSTON:** No, ma'am. There was not. Just -- just  
21 looking.

22 **PRESIDING COMMISSIONER CASSADY:** Okay. Why do you think  
23 that you found yourself, um, molesting your stepsister?

24 **DAVID FUNSTON:** Uh, I was, um, influenced by the  
25 pedophilic books that I had been exposed to that my father

1 had, um, including some --

2 **PRESIDING COMMISSIONER CASSADY:** The pornography? Do  
3 you mean the pornography?

4 **DAVID FUNSTON:** Yes. There were pe -- literally  
5 pedophilic books that had fantasy stories about grown men  
6 having sexual encounters with young girls. So I had these,  
7 one of them dealt with incest, and so I already had these  
8 ideas in my head. And then I was, um, had already was  
9 engaging in sexualized coping. I, um, my half-sister showed  
10 me love, affection, and attention, and I associated sex and  
11 intimacy with that sexual contact. And I -- I -- regrettably  
12 I acted on those, uh, sexual urges.

13 **PRESIDING COMMISSIONER CASSADY:** Okay. And I'm sorry,  
14 those sexual urges towards your stepsister started when you  
15 were how old? 17 or how old?

16 **DAVID FUNSTON:** I was, uh, 14 years old.

17 **PRESIDING COMMISSIONER CASSADY:** 14. So as you started  
18 to masturbate at 13, is that correct?

19 **DAVID FUNSTON:** That is correct, yes, ma'am.

20 **PRESIDING COMMISSIONER CASSADY:** Okay. And when you  
21 masturbated, were you, um, fantasizing?

22 **DAVID FUNSTON:** I was indeed, yes, ma'am.

23 **PRESIDING COMMISSIONER CASSADY:** About?

24 **DAVID FUNSTON:** I was fantasizing about, um, adult  
25 women. I was fantasizing about, um, teenage girls my own

1 age. I was fantasizing about, uh, younger girls as well.

2 **PRESIDING COMMISSIONER CASSADY:** Okay. Um, and how --  
3 what do you think would be the basis of which fantasy you  
4 were having?

5 **DAVID FUNSTON:** Um, it just whatever, uh, was triggering  
6 to me at that time. So it could have been a picture of an  
7 adult woman, and that would be triggering to me. I, um,  
8 being around a classmate that I found sexually attractive,  
9 that was my age, that would be triggering to me. Um, reading  
10 the pedophilic stories that my father had, uh, being around  
11 my half-sister, having the physical contact with my half-  
12 sister, that -- regrettably, that was triggering to me.

13 **PRESIDING COMMISSIONER CASSADY:** Okay. So as you  
14 masturbated, um, multiple times a day, you watched horn, you  
15 experienced sexual fantasies viewed your father's book  
16 depicting sexual behavior between adults and children. Was  
17 your father, uh, molesting your stepsister or your sister?

18 **DAVID FUNSTON:** To my knowledge, no. He was not.

19 **PRESIDING COMMISSIONER CASSADY:** Okay.

20 **DAVID FUNSTON:** And I've confirmed. My older sister,  
21 I've asked her about that, and she confirmed that, uh, she  
22 was never sexually abused.

23 **PRESIDING COMMISSIONER CASSADY:** Okay. Indicates that  
24 your preference for pornography was exclusive female, uh,  
25 ranged from preteens to teens. Uh, sexual victimization

1 started when you were about 15 years old and was perpetrated  
2 towards your paternal half-sister, who was nine years  
3 younger. Have you had any contact with her since you left  
4 the family home?

5 **DAVID FUNSTON:** I have not had any contact with my, uh,  
6 paternal half-sister. And I would like to clarify the record  
7 in terms of my preference on pornography, my preference is, I  
8 have stated multiple times mirrored what was in my father's  
9 collection of pornography. So from adult women to, um, pre-  
10 teens. Okay. It covered all of that. So I -- I felt like  
11 that report by Koranda left out, the fact that my attraction  
12 also includes adult women. I'm, um, yeah, I think that's  
13 important for -- for the Commissioners for you to know and  
14 the Commissioners to know.

15 **PRESIDING COMMISSIONER CASSADY:** Okay. Um, then it says  
16 that, um, you also had sexual encounters with prostitutes.  
17 Um, you would seek younger looking girls. You believe some  
18 of them might have been minors. Uh, you had eight consensual  
19 sexual partners as well as an adult. You fondled a  
20 coworker's breasts, she was intoxicated and struggled to stay  
21 away. Uh, at 23, you committed sexual assault in Colorado,  
22 and that person was also intoxicated. You, um, turned your  
23 attention from children toward, uh, adult women. You met  
24 your wife, got married, father to daughter, and that led to a  
25 reemergence of your sexual fantasies related to children.

1 Did you ever molest your own daughter?

2 **DAVID FUNSTON:** I did not. No, ma'am.

3 **PRESIDING COMMISSIONER CASSADY:** Why not? The books  
4 also included incest.

5 **DAVID FUNSTON:** Yeah. I, um, I cared more about my own  
6 daughter than I did, um, my victims. Um, I saw how it had  
7 destroyed my relationship with my half-sister, and I did not  
8 want to damage my relationship with my daughter. But all of  
9 my -- ultimately, it comes down to me caring more about my  
10 daughter than, than I did the -- the -- the -- the young  
11 girls that I sexually molested.

12 **PRESIDING COMMISSIONER CASSADY:** Okay. Well, that makes  
13 sense. But when you say, I cared more about you cared more  
14 about your daughter's, what?

15 **DAVID FUNSTON:** I, um, I didn't want to do anything to  
16 damage my relationship -- our relationship. I didn't want  
17 to, um, I didn't want to do anything to cause her harm.

18 **PRESIDING COMMISSIONER CASSADY:** Which leads one to  
19 believe that you knew that you were causing harm when you  
20 were molesting minors.

21 **DAVID FUNSTON:** That is correct. Yes, ma'am.

22 **PRESIDING COMMISSIONER CASSADY:** At the time that you  
23 were molesting them?

24 **DAVID FUNSTON:** I, um, I understood that it caused harm,  
25 but I didn't fully grasp the long term and the scope of the

1 harm that it caused. Yeah.

2 **PRESIDING COMMISSIONER CASSADY:** Uh, looks like it says,  
3 um, when you did experience the fantasies of little girls  
4 that you would masturbate, uh, times you did this in your  
5 vehicle, you were experiencing fantasies for approximately  
6 six or more months before you began to kidnap and sexually  
7 assault. Um, the doctor asked you what led to the decision  
8 to start sexually offending against children? You said,  
9 doing something of greater risk or taboo. It was the  
10 adrenaline and the sex that heightened the sensation. You no  
11 longer found enjoyment in the prostitutes or the strip clubs.  
12 You wanted something more exciting. So, you know, that's --  
13 that's interesting, um, when you say you wanted something,  
14 doing something of greater risk or taboo, what were you doing  
15 before that that did not -- that lost its risk value?

16 **DAVID FUNSTON:** So, um, really when you start back in  
17 childhood, when I was looking at my father's collection of  
18 Playboy magazines and reading those books, it was, there was  
19 a risk involved because if my father caught me, I'd be  
20 punished so that when I sexually molested my half-sister,  
21 there was risk involved. So I had already developed this, um  
22 -- um, desire for this adrenaline fuel sex. And then when we  
23 get into a new relationship, the first time I'm having sexual  
24 relations with a new partner -- partner's exciting, I'm  
25 feeling that adrenaline rush. And then when that --

1           **PRESIDING COMMISSIONER CASSADY:** That was with -- that  
2 was with an adult?

3           **DAVID FUNSTON:** Yes, ma'am.

4           **PRESIDING COMMISSIONER CASSADY:** And then the same thing  
5 when I'm -- when I'm out seeking, um, a sex worker, there's  
6 adrenaline rush, there's a -- there's a danger involved.

7           **PRESIDING COMMISSIONER CASSADY:** Okay.

8           **DAVID FUNSTON:** Um, so when I no longer received a  
9 thrill from them and no longer provided that adrenaline rush,  
10 I started thinking about, um, sexually molesting a child that  
11 provided the -- just thinking about it, provided that  
12 adrenaline rush and the excitement. And I was convinced  
13 myself that I wouldn't actually act on it. And, um, but then  
14 one day when I had the opportunity, I did act on that and --  
15 and, um, regrettably, I -- I acted on that.

16           **PRESIDING COMMISSIONER CASSADY:** Okay. So, um,  
17 masturbating in your vehicle and using prostitutes, all of  
18 that lost its, um, adrenaline rush, and then you got an  
19 adrenaline rush about fantasizing, um, about your daughter,  
20 but you never offended against her then about other young  
21 girls. Uh, and you were masturbating, I guess, in your car.  
22 Um, and then you said there was no sexual gratification in  
23 hurting the children. It was all about the adrenaline and  
24 the actual sex act. Is that correct?

25           **DAVID FUNSTON:** That is correct, yes, ma'am.

1           **PRESIDING COMMISSIONER CASSADY:** Okay -- okay. Then it  
2 indicates that you came to prison, you continued to  
3 masturbate most days to sexual fantasies pertaining to  
4 children. So did children become your target group?

5           **DAVID FUNSTON:** So, um, I want to correct the record on  
6 that as well. I told the clinician, he asked me if I  
7 masturbated most days. I said, yes. He asked me a second  
8 question, do you -- did you masturbate to children? I said,  
9 yes. And somehow when he wrote up the report, he said, I  
10 masturbated to children most days, which is not what I said  
11 to him. I was very clear in my answer.

12           **PRESIDING COMMISSIONER CASSADY:** Okay.

13           **DAVID FUNSTON:** I -- I -- so there were times when I  
14 masturbated to adult women. There were times when I  
15 masturbated to teenage women and times when I masturbated to  
16 children.

17           **PRESIDING COMMISSIONER CASSADY:** Okay. So let me ask  
18 you, was there a preferred group?

19           **DAVID FUNSTON:** I, um, I prefer women -- I prefer women,  
20 but I felt inadequate and my feelings of inadequacy led me to  
21 seek out less threatening options, a substitute for what my  
22 true desire was.

23           **PRESIDING COMMISSIONER CASSADY:** Okay. Um, and then the  
24 report, and correct this if it's wrong, it says, most recent  
25 episode of masturbating, the fantasies of children was in

1 2021. You do proclaim that your current focus is adult  
2 women. Is the 2021 date about right?

3 **DAVID FUNSTON:** Yes, ma'am. It -- we were 2021, and I --  
4 -- as is well documented, I immediately sought help. I had  
5 tried to quit on my own in 2018 and with mixed success. And  
6 then I had a lapse in 2020, uh, 2020, and I sought it help.  
7 And that, um, help continued into 2021. Yes, ma'am.

8 **PRESIDING COMMISSIONER CASSADY:** Okay. So the fantasies  
9 of the children in 2020 and 2021, were they fantasies of  
10 children that you had molested? Were they fantasies of  
11 children that you had seen in these books? Were they  
12 fantasies of your daughter or were they fantasies of children  
13 you'd seen on TV? What -- what -- who were the children?

14 **DAVID FUNSTON:** So, um, the primary one was, um, a  
15 fantasy involving a young girl that lived across the street  
16 from, um, where I lived with my daughter. And she was one of  
17 my daughter's playmates. She was an eight-year-old girl and  
18 that -- so I had, um, a fantasy involving her.

19 **PRESIDING COMMISSIONER CASSADY:** Had you ever molested  
20 her?

21 **DAVID FUNSTON:** No, ma'am.

22 **PRESIDING COMMISSIONER CASSADY:** And I mean, it -- it  
23 had been a lot of years since you'd actually seen that  
24 female. Um, what brought her to mind?

25 **DAVID FUNSTON:** Uh, I am, I -- I don't honestly remember

1 at this moment what brought that --

2 **PRESIDING COMMISSIONER CASSADY:** Okay.

3 **DAVID FUNSTON:** -- brought -- brought it. It -- it  
4 could have been just as simple as seeing someone on TV that  
5 reminded me of her, but I honestly don't remember what --

6 **PRESIDING COMMISSIONER CASSADY:** Okay.

7 **DAVID FUNSTON:** -- what triggered that.

8 **PRESIDING COMMISSIONER CASSADY:** Okay. So did you  
9 fantasize masturbate to fantasies of hers on more than one  
10 occasion?

11 **DAVID FUNSTON:** I did, yes, ma'am.

12 **PRESIDING COMMISSIONER CASSADY:** Um, more than 10?

13 **DAVID FUNSTON:** No, ma'am. Uh -- uh, a few times. Two  
14 -- two or three times.

15 **PRESIDING COMMISSIONER CASSADY:** Okay.

16 **DAVID FUNSTON:** Yes, ma'am.

17 **PRESIDING COMMISSIONER CASSADY:** And that's when you  
18 sought help?

19 **DAVID FUNSTON:** I did indeed. I went over -- I was put  
20 in to see the mental health counselor. I was -- I'm also --  
21 also tell you, at that time I was on Prozac. Um, so I'm not  
22 sure if that medication played into it or not. I cannot -- I  
23 don't want to blame that medication. This was my fantasy, my  
24 thought. But it occurred during that time period I -- so I  
25 did seek help and said, hey, I'm having, having inappropriate

1 fantasies. And I started working, um, with the clinician,  
2 Ms. Luhan (phonetic), which she worked with me on the covert  
3 conditioning, thought stopping humanizing strategies. I  
4 developed the urge control plan that I've been, uh,  
5 practicing and rehearsing every day since then. Um, and it  
6 works well for me, so I'm -- I'm grateful for that.

7 **PRESIDING COMMISSIONER CASSADY:** Okay. Then you told  
8 the doctor that you are actively, and I think this is what  
9 you were talking about, actively working on blocking your  
10 feelings toward children that you most recently masturbated  
11 in May of this year, um, trigger was watching a movie about  
12 an older woman, so that was an adult woman fantasy. Uh, and  
13 while meeting with you, the doctor indicates that you  
14 endorsed no prior sexual dysfunction, with the exception of  
15 one time you were unable to obtain an erection because you  
16 were under the influence of alcohol as an adult. It says you  
17 met your wife in 1987, you were married four months later.  
18 Why so quickly?

19 **DAVID FUNSTON:** Uh, um, my wife Michelle was, uh,  
20 pushing me to get married. I --

21 **PRESIDING COMMISSIONER CASSADY:** After four months.

22 **DAVID FUNSTON:** Yes, ma'am. And I, um, was afraid of  
23 losing her. And so I closed, uh, and she agreed to marry me.  
24 Yes, ma'am.

25 **PRESIDING COMMISSIONER CASSADY:** Was there some reason

1 that she needed or wanted to get married so quickly?

2 **DAVID FUNSTON:** I -- I -- I honestly don't know.

3 **PRESIDING COMMISSIONER CASSADY:** Okay. So there was  
4 nothing you knew

5 **DAVID FUNSTON:** There was nothing I knew that -- that --

6 **PRESIDING COMMISSIONER CASSADY:** Okay.

7 **DAVID FUNSTON:** -- um, was pressuring her to get married  
8 so quickly.

9 **PRESIDING COMMISSIONER CASSADY:** Do you think that she  
10 knew that you had, um, the sexual issues that you had?

11 **DAVID FUNSTON:** Um, she definitely did not know I was  
12 dishonest, and by not revealing that to her, um, so yeah, I --  
13 -- I was not honest with her about my past and -- and so, um,  
14 the person she thought she was marrying was not the person  
15 she married.

16 **PRESIDING COMMISSIONER CASSADY:** Okay. Um, says the  
17 marriage was problematic. There was infidelity on both parts  
18 or your part?

19 **DAVID FUNSTON:** Just on my part. I was, uh, unfaithful  
20 to her. Yes, ma'am.

21 **PRESIDING COMMISSIONER CASSADY:** Okay. Anger control,  
22 verbal and emotional abuse. She also admitted to punching  
23 her in the back with a fist on one occasion. Um, indicates  
24 that you presently have frequent contact with your dad, your  
25 older sister, and that's your biological sister, is that

1 correct?

2 **DAVID FUNSTON:** That is correct, yes, ma'am.

3 **PRESIDING COMMISSIONER CASSADY:** Former, uh, friend --  
4 or a friend, a former pen pal, a member of the church. And  
5 people affiliated with support groups that you work with.  
6 Um, you've been in regular contact with your daughter. Uh,  
7 but she stopped corresponding in 2020 -- oh, you used to  
8 have, and she stopped in 2022. Why is that?

9 **DAVID FUNSTON:** I'm not sure why. I, um, she just  
10 abruptly cut off the communication and it was right before,  
11 in the time period leading up to my commitment offense. So  
12 I'm -- I have to respect her wish not to be in contact with  
13 me, but I would -- I would welcome, uh, renewing that, uh,  
14 relationship.

15 **PRESIDING COMMISSIONER CASSADY:** Okay. So she stopped  
16 all contact in 2022. How often were you having contact  
17 before that?

18 **DAVID FUNSTON:** Uh, it was, um, sporadic. Sometimes it  
19 was regular, sometimes it was not regular, but, um, you know,  
20 every few weeks we would exchange letters.

21 **PRESIDING COMMISSIONER CASSADY:** Okay.

22 **DAVID FUNSTON:** We didn't have the tablets so forth like  
23 we do today.

24 **PRESIDING COMMISSIONER CASSADY:** Right.

25 **DAVID FUNSTON:** So there was limited -- limited contact.

1           **PRESIDING COMMISSIONER CASSADY:** Did she know what your  
2 crimes were?

3           **DAVID FUNSTON:** Yes, absolutely. Yes. I'm not sure  
4 what age she -- she learned, but, um, as an adult, she, you  
5 know, had access to the internet. She's --

6           **PRESIDING COMMISSIONER CASSADY:** Right. Did she have  
7 contact with your mom?

8           **DAVID FUNSTON:** Um, she has regular contact with --  
9 with, um, my ex-wife, Michelle. Yes.

10          **PRESIDING COMMISSIONER CASSADY:** Oh, she -- do you have  
11 contact with Michelle?

12          **DAVID FUNSTON:** I did up until, uh, the exact same time  
13 period. They both caught off communication at the same time.

14          **PRESIDING COMMISSIONER CASSADY:** Oh, okay. Says you did  
15 reconnect with your mom in 2007, but in 2023 she died of  
16 cancer, that you were employed. Uh, your history included  
17 food service. You did own your own restaurant for about four  
18 years, but it eventually closed. Was it not successful or?

19          **DAVID FUNSTON:** Um, we experienced, uh, financial  
20 difficulties, um, that led me wanting to close the  
21 restaurant. Yes -- yes, ma'am.

22          **PRESIDING COMMISSIONER CASSADY:** Okay. There was no,  
23 um, there's nothing that indicates that you ever received  
24 money through illegal means, like selling drugs or anything  
25 like that. Um, says you did have a significant history of

1 marijuana and alcohol, therefore, uh, you do have a diagnosis  
2 of alcohol use disorder. You are CCCMS. So, um, mental --  
3 major mental disorders, the doctor indicates it's  
4 insufficient evidence to conclude that you meet the criteria  
5 for mood anxiety or psychotic disorders. The doctor does,  
6 um, indicate that you were ordered to community-based  
7 counseling following your initial sexual offense, convicted -  
8 - conviction in Colorado. Uh, while in prison, you initially  
9 met inclusion for mental health services at the CCCMS level  
10 of care in 2020. Um, you're -- you were then diagnosed as  
11 unspecified depressive disorder and adjustment disorder with  
12 mixed anxiety and depression. Doctor indicates at that time,  
13 uh, you were prescribed anti-psychotic drugs for those  
14 conditions. Uh, you were never at a higher level of care  
15 that you offered that you meet with the CDCR clinicians every  
16 three to six months. You also pay out of pocket and meet  
17 with two additional clinicians. Are you still doing that?

18 **DAVID FUNSTON:** I am indeed, yes, ma'am.

19 **PRESIDING COMMISSIONER CASSADY:** Okay. One is a social  
20 worker, and you've been on, uh, working on causative factors.  
21 You also meet with licensed psychologists. You're doing di  
22 uh, DVI. Um, so you're involved in two of those. How often  
23 do you meet with those clinicians?

24 **DAVID FUNSTON:** I'm, uh, meet with both of them once a  
25 month. I wish it was more frequently, but CDCR is, um,

1 that's what CDCR is permitting us. Yes, ma'am.

2 **PRESIDING COMMISSIONER CASSADY:** Right. Okay. Um, and  
3 then the doctor, as far as personality disorder, indicates  
4 that you do meet the criteria for other specified personality  
5 disorder with mixed personality features. Paraphilic  
6 disorders. You are diagnosed, pedophilic disorder, non-  
7 exclusive types, sexually attracted to both. Uh, one of the  
8 victims of your commitment offenses was a male. Uh, are you  
9 -- was that the only male victim that you've had?

10 **DAVID FUNSTON:** That was the only male victim, yes,  
11 ma'am.

12 **PRESIDING COMMISSIONER CASSADY:** And why do you think  
13 that you molested that child?

14 **DAVID FUNSTON:** I, um, went out that day looking for a  
15 female child. Um, this child was vulnerable and available,  
16 and I, um, I -- I -- I know that it was driven by -- it  
17 wasn't driven by sexual factors. It was driven by that  
18 desire for power and control. It was driven by, um, you  
19 know, um, you know, wanting power and control. I think  
20 that's the main thing, wanting that -- that -- that, um, the  
21 adrenaline rush, um, because I have not felt sexual  
22 attraction toward boys in the past, nor do I -- do I today.  
23 So.

24 **PRESIDING COMMISSIONER CASSADY:** Okay. So your sexual  
25 attraction is toward females. Um, and in the past, toward

1 young females, do you still have, um, attraction to younger  
2 females?

3 **DAVID FUNSTON:** Um, I, today I think about it in a very  
4 different way. I, you know, I've done extensive work on  
5 victim impact. So when I think about young children, I'm  
6 thinking about -- I'm thinking about the harm I caused to my  
7 victims. I'm thinking about how I destroyed their lives, how  
8 I crushed their -- their psyches. Um, I'm thinking about,  
9 uh, the lifelong harm I caused. And so that's how I'm  
10 thinking about it today. Um, I know that pedophilia is a  
11 life, you know, long condition is something I'm going to be  
12 dealing with. So I -- I am aware of that and -- and, you  
13 know, that's why I work so hard to managing my behavior and  
14 on, um, practicing my -- my urge control plan and escape  
15 plans on a daily basis.

16 **PRESIDING COMMISSIONER CASSADY:** Okay. As far as, um,  
17 prior criminality, it says it doesn't appear that you had any  
18 legal involvement as a minor. Uh, as an adult your legal  
19 history includes, uh, theft, assault, sexual assault against  
20 intoxicated female. Um, and when were you in Colorado?

21 **DAVID FUNSTON:** I was in Colorado from, um, 1982. Um,  
22 it was 1980 -- 1988, 1989, somewhere around that timeframe.

23 **PRESIDING COMMISSIONER CASSADY:** And you committed, um,  
24 sex crimes against children in Colorado also?

25 **DAVID FUNSTON:** I did not, no, ma'am.

1           **PRESIDING COMMISSIONER CASSADY:** What were you -- what  
2 was your crime in Colorado?

3           **DAVID FUNSTON:** My -- I had three, uh, offenses in  
4 Colorado. So there was the shoplifting, there was the  
5 incident where I, um, uh, assaulted a -- a woman I broke her  
6 nose. And then there was the, uh, the sexual assault  
7 against, uh, HL uh, an adult woman, um, that I encountered  
8 coming out of a nightclub.

9           **PRESIDING COMMISSIONER CASSADY:** And what happened? You  
10 became enraged and took out the anger on the woman, is what  
11 you told the doctor. Is that the woman that you, um, broke  
12 her nose?

13           **DAVID FUNSTON:** Yes. So I, um, came home from work.  
14 There was a party going on at my home, and I came in there --  
15 there was -- my personal belongings were thrown about, uh,  
16 and I, some of -- some of the stuff was damaged. I became,  
17 uh, enraged. Uh, and, uh, so when this woman came toward me,  
18 I -- I lashed out at her in anger, and I, uh, hit her one  
19 time breaking her nose. Um, yes. I -- I -- I'm deeply sorry  
20 about that.

21           **PRESIDING COMMISSIONER CASSADY:** Well, um, it says what  
22 you told the doctor was I took my anger out on, on the woman.  
23 Was she a roommate or why did you pick her?

24           **DAVID FUNSTON:** Um, I, um, so she was the first person  
25 that came toward me. Uh, she was angry at me because I was

1 throwing a temper tantrum. I was enraged and screaming and  
2 hollering, and I -- so she was not a roommate. She was a --  
3 she was a girlfriend of one of the people that was at the  
4 party. Um, and I only had encounters with her maybe one or  
5 two other times. So it was -- it was really, she was the  
6 first person that came at me and I lashed out in anger.

7 **PRESIDING COMMISSIONER CASSADY:** Okay. Um --

8 **ATTORNEY EMIG:** Commissioner it's on -- I'm sorry. Um,  
9 on page 221 of the 10-day is his account -- accountability of  
10 the time in Boulder. Just want to let you know. Thanks.

11 **PRESIDING COMMISSIONER CASSADY:** Thank you. Okay. So  
12 then it also indicates that, um, as far as your prior  
13 performance on supervised release, you do have a history of  
14 committing probation violations. Apparently you were on  
15 probation, uh, when you committed the sexual offense in  
16 Colorado. Um, let me ask you, you know, you've been  
17 diagnosed with, uh, pedophilic disorder. Ha -- do you --  
18 would you describe yourself -- I mean, we're talking about a  
19 relatively long history of sexual offenses, but an even more,  
20 um, intense history of masturbation and a self-pleasuring.  
21 So would you consider yourself a sex addict?

22 **DAVID FUNSTON:** Um, today, I do not believe that I would  
23 meet that diagnosis. Certainly up until, um, 2021, I would  
24 definitely have met that diagnosis. I was obsessed with sex.  
25 I thought about sex frequently. I engaged in behavior that,

1 um, jeopardized my own safety, jeopardized the safety of  
2 other people. So I -- yeah, it was compulsive behavior. It  
3 was, um --

4 **PRESIDING COMMISSIONER CASSADY:** Did you ever sexually  
5 assault anybody in prison?

6 **DAVID FUNSTON:** No, ma'am. Absolutely not. No.

7 **PRESIDING COMMISSIONER CASSADY:** And do you think that's  
8 because they might be able to fight back?

9 **DAVID FUNSTON:** I -- I'm not sexually attracted to men.  
10 Um, and that's, yeah, I'm --

11 **PRESIDING COMMISSIONER CASSADY:** Okay -- okay. And then  
12 as far as the commitment offenses, um, they're pretty  
13 straightforward. I mean, uh, you would lure these young  
14 children and they were very young. What were you thinking?

15 **DAVID FUNSTON:** I was strictly focused on meeting my own  
16 sexual gratification. I -- I mean --

17 **PRESIDING COMMISSIONER CASSADY:** But why children?

18 **DAVID FUNSTON:** I chose children because they were  
19 easier to manipulate, easier to control. Um -- um, it had to  
20 do with my own level of insecurity, picking the most  
21 vulnerable, picking, um, picking someone that would not re --  
22 reject me or, you know, or look down upon me because of my --  
23 my -- my birth defect.

24 **PRESIDING COMMISSIONER CASSADY:** But -- but they did  
25 reject you. Um, it indicates that on the first offense, uh,

1 you sh -- the -- you had the -- the little girl entered the  
2 car, uh, you drove away. You forced her to orally copulate  
3 you and choked her when she initially refused. So she  
4 initially said, no, I don't want to do that, or whatever the  
5 little thing said. And then you also digitally penetrated  
6 her. So when you say, I was picking people that wouldn't  
7 reject me. They did.

8 **DAVID FUNSTON:** Yeah. You're absolutely right. Yes,  
9 ma'am.

10 **PRESIDING COMMISSIONER CASSADY:** So they rejected you  
11 and you didn't care, or why did you continue if you were  
12 looking for people that wouldn't reject you?

13 **DAVID FUNSTON:** Yeah, I was -- I had this fantasy in my  
14 mind that of how this would encounter would go, that fantasy  
15 would be, that they would be a willing partner. That --

16 **PRESIDING COMMISSIONER CASSADY:** Right.

17 **DAVID FUNSTON:** -- obviously (inaudible) --

18 **PRESIDING COMMISSIONER CASSADY:** But they weren't.

19 **DAVID FUNSTON:** -- it was very -- they -- that was very  
20 distorted thinking. And so when the children did not respond  
21 in the way I wanted with (inaudible), um, I became angry.  
22 Um, and I lashed out in that anger. Um, I was so callous  
23 that I -- regrettably, I didn't care who I hurt and trying to  
24 satisfy my deviant sexual urges. That's -- that's -- that's  
25 who I was 30 years ago. I was -- that was that I had

1 complete disregard.

2 **PRESIDING COMMISSIONER CASSADY:** Was she crying?

3 **DAVID FUNSTON:** Um, uh, yes, she was.

4 **PRESIDING COMMISSIONER CASSADY:** You didn't care.

5 **DAVID FUNSTON:** I -- I -- I'm regrettably, I did not  
6 care. I'm

7 **PRESIDING COMMISSIONER CASSADY:** Did you tell her to  
8 shut up?

9 **DAVID FUNSTON:** Uh, I can't remember the exact language,  
10 but I did tell her to be quiet, and I tried to cover her  
11 mouth with the panties in an effort to try to get her to be  
12 quiet. That was trying to muffle her -- her -- her cries.

13 **PRESIDING COMMISSIONER CASSADY:** That indicates that you  
14 told her not to tell anybody, which you probably did. Um,  
15 and that you punched her. Did you punch her?

16 **DAVID FUNSTON:** I did. Um, I'm deeply ashamed by my  
17 past behavior. I -- I did indeed hit her. I -- I hit her to  
18 try to get her to be quiet and get her to comply with -- with  
19 my -- with my demands.

20 **PRESIDING COMMISSIONER CASSADY:** Where -- where'd you  
21 hit her?

22 **DAVID FUNSTON:** I hit her, uh, in the -- in the face,  
23 near her mouth. Um --

24 **PRESIDING COMMISSIONER CASSADY:** Did you make her mouth  
25 bleed?

1           **DAVID FUNSTON:** Uh, I believe that there was a contusion  
2 on her lip. Um, I don't recall it bleeding, but I know that  
3 there was a, uh, a bruise on swelling on her lip. Yes,  
4 ma'am.

5           **PRESIDING COMMISSIONER CASSADY:** And then it says that  
6 you shoved her out of the vehicle. Now when they say shoved  
7 her, I mean, did you like, push her? So she fell on the  
8 ground?

9           **DAVID FUNSTON:** I, uh, opened the car door. I told her  
10 to leave. She did. She was afraid, didn't want to get out  
11 of the car. I literally pushed her out of the vehicle. I  
12 didn't see her fall, but I read in the police report that she  
13 did fall onto the ground. So yes, I did indeed push her. It  
14 was such cold, callous behavior. There's --

15           **PRESIDING COMMISSIONER CASSADY:** So why -- why were you  
16 so mean to the little girls as well as sexual? Why'd you  
17 have to be so mean?

18           **DAVID FUNSTON:** I was filled with rage. I was -- blamed  
19 other people for all of my life problems. I didn't accept  
20 responsibility for my -- my own life situation. And it was  
21 just that rage, that anger that I had at that time. And I --

22           **PRESIDING COMMISSIONER CASSADY:** Well, when you were --  
23 when you were out prowling, which is, you know, what you were  
24 doing, um, looking for a little girl to take and molest, were  
25 you angry?

1           **DAVID FUNSTON:** Um, I don't recall being angry. At that  
2 time I was focused on my sexual pleasure and trying to  
3 fulfill the -- that deviant sexual urge. Yes.

4           **PRESIDING COMMISSIONER CASSADY:** Right. So (inaudible)  
5 --

6           **DAVID FUNSTON:** The anger -- the anger --

7           **PRESIDING COMMISSIONER CASSADY:** -- they give -- go  
8 ahead -- go ahead.

9           **DAVID FUNSTON:** I'm sorry. I didn't mean to cut you  
10 off. The -- the anger was, was triggered her when it, the  
11 reality didn't match my fantasy when it wasn't going the way  
12 I expected it to go. Um --

13           **PRESIDING COMMISSIONER CASSADY:** Okay.

14           **DAVID FUNSTON:** -- (inaudible). Yeah. That's -- that's  
15 reality.

16           **PRESIDING COMMISSIONER CASSADY:** So -- so in your  
17 fantasy, these girls hopped in the car and performed whatever  
18 sex act you wanted performed?

19           **DAVID FUNSTON:** I thought I would be able to -- to  
20 seduce them and get them to do what I wanted them to do. I  
21 thought they would find it pleasurable. I thought that, um --  
22 --

23           **PRESIDING COMMISSIONER CASSADY:** Did your stepsister  
24 find it pleasurable?

25           **DAVID FUNSTON:** I am -- I'm not sure how to answer that

1 today, because was at the time I felt that she did. But with  
2 what I know today, I seriously doubt that. I think that she  
3 probably was disgusted by it, revolted by it, and she was  
4 just trying to please me because she --

5 **PRESIDING COMMISSIONER CASSADY:** Okay.

6 **DAVID FUNSTON:** -- she looked up to me as her older  
7 brother. Yeah.

8 **PRESIDING COMMISSIONER CASSADY:** Okay. But at that  
9 time, you thought she was okay with it?

10 **DAVID FUNSTON:** I -- I -- that's what I thought. Yes,  
11 ma'am.

12 **PRESIDING COMMISSIONER CASSADY:** Okay. So was this  
13 first victim, was she the first child that you molested?

14 **DAVID FUNSTON:** Uh, the first child I molested was my  
15 half-sister. Uh --

16 **PRESIDING COMMISSIONER CASSADY:** Well, after your half-  
17 sister, was this the first child you molested?

18 **DAVID FUNSTON:** I, um, believe that at least two of the  
19 sex workers that I picked up were underage. So I -- yes, I  
20 definitely sexually molested them as well, so.

21 **PRESIDING COMMISSIONER CASSADY:** Well, yeah. But -- but  
22 because there are sex workers and they're going to cooperate  
23 with you.

24 **DAVID FUNSTON:** Yes, ma'am.

25 **PRESIDING COMMISSIONER CASSADY:** So -- so non-consensual

1 minors, well, I guess all minors are non-consensual. So the  
2 -- aside from your stepsister and the prostitutes that you  
3 think were minors, was this the first minor that you  
4 molested?

5 **DAVID FUNSTON:** Yes, ma'am. It was.

6 **PRESIDING COMMISSIONER CASSADY:** Okay. She did not show  
7 the enjoyment that you wanted shown. Um, so now you go  
8 looking for a second victim. Why? If the first fantasy  
9 didn't work out the way you wanted it to, why'd you go for  
10 the second one --

11 **DAVID FUNSTON:** I --

12 **PRESIDING COMMISSIONER CASSADY:** -- which was the little  
13 boy?

14 **DAVID FUNSTON:** Yeah, I, um, I told myself, well, that  
15 one didn't work out the way I planned it was because of, you  
16 know, I felt like I had, um, I felt like I had to find the  
17 right young person that would be willing to comply.

18 **PRESIDING COMMISSIONER CASSADY:** Okay.

19 **DAVID FUNSTON:** Would be willing to -- to -- so I felt  
20 like I had to find a child that -- that had an interest in  
21 me, that had -- that would be agreeable to what I wanted.

22 **PRESIDING COMMISSIONER CASSADY:** Okay.

23 **DAVID FUNSTON:** So that's how I played it in my mind at  
24 that time.

25 **PRESIDING COMMISSIONER CASSADY:** Okay. So then you --

1 you take this four-year-old boy, you give him some chewing  
2 gum, show him pornographic pictures. I -- I -- I guess you  
3 expected him to get aroused. I don't know. Um, you pulled  
4 down his pants, you orally copulated him, wanted him to do  
5 the same to you, and he said no. So did you get angry with  
6 him?

7 **DAVID FUNSTON:** I did not get angry with him, no.

8 **PRESIDING COMMISSIONER CASSADY:** Just let him go.

9 **DAVID FUNSTON:** I, uh, he was looking over toward his --  
10 the door of his apartment unit, and, um, I thought I had  
11 heard some sound there coming from his apartment complex. So  
12 I -- from -- from his apartment building, so I, um, became a  
13 -- afraid that I would be discovered, and so I quickly left.  
14 That's --

15 **PRESIDING COMMISSIONER CASSADY:** Okay. And even though  
16 you weren't attracted, why did you decide to go forward with  
17 the little boy anyway?

18 **DAVID FUNSTON:** Um, I -- I think I was just so out of  
19 control at that point. I was just -- I was just going from  
20 one sexual outlet to the next, looking for something to find  
21 that would satisfy me, that would bring, bring relief. And  
22 so I -- t was try the next thing, um, you know.

23 **PRESIDING COMMISSIONER CASSADY:** Well, were you married  
24 at that time?

25 **DAVID FUNSTON:** I was, yes. I was separated from my

1 wife, but I was married, yes, ma'am.

2 **PRESIDING COMMISSIONER CASSADY:** So you were not having  
3 any sexual, um, contact with any adult women at that time?

4 **DAVID FUNSTON:** I was on occasion having sexual  
5 relations with, uh, women that I met at a nightclub. I  
6 picked up promiscuous women, um, and engaged in sexual  
7 activity. Yes, ma'am.

8 **PRESIDING COMMISSIONER CASSADY:** But you still were  
9 desiring, uh, young girls?

10 **DAVID FUNSTON:** I still, um, it wasn't -- I still was  
11 dealing with these emotional pain, and so I was looking for a  
12 bigger thrill, something to help me help with that emotional  
13 pain that I was feeling. So I was just looking for a bigger  
14 thrill and something new, something different.

15 **PRESIDING COMMISSIONER CASSADY:** Okay.

16 **DAVID FUNSTON:** Yeah.

17 **PRESIDING COMMISSIONER CASSADY:** Okay. And then the  
18 next victims were, uh, sisters, four and five years old,  
19 offered them candy and a ride, but a neighbor noticed that  
20 you were talking to them and yelled to see if you knew them,  
21 and you said you were their friend and taking them home, you  
22 drove the girls home and departed. So there was no sexual  
23 contact with those two?

24 **DAVID FUNSTON:** There was not, no, ma'am.

25 **PRESIDING COMMISSIONER CASSADY:** Okay. Then there was a

1 four-year-old girl, um, entered the vehicle. You had a  
2 Barbie doll in the back seat of your car, and you were  
3 holding, I guess, costume jewelry in your hand. Uh, you took  
4 her to a house. Was that your house?

5 **DAVID FUNSTON:** It was a house I was renting in  
6 Sacramento. Yes, ma'am.

7 **PRESIDING COMMISSIONER CASSADY:** And you let her play  
8 with the jewelry and the dolls and the toys, and then you  
9 sexually molested her by, by putting your penis in her mouth,  
10 uh, mouth. You took a bath with her and you dressed her in  
11 other clothing. Why did you do that?

12 **DAVID FUNSTON:** I honestly don't recall dressing her in  
13 other clothing. Um, I know the POR says I did, so I don't  
14 doubt that I did in fact do that. Um -- um, we -- at one  
15 point we went into the kitchen, so it's possible that I put a  
16 t-shirt or something else on her that was handy right there.  
17 But I honestly don't recall that. But I mean, I don't doubt  
18 for a moment that it happened. I'm sure it did.

19 **PRESIDING COMMISSIONER CASSADY:** Okay. So why did you  
20 take her back to your house?

21 **DAVID FUNSTON:** I took her back to my house in order to  
22 have, um, a -- a place where I would have an opportunity to  
23 do what I wanted to her, uh, someplace isolated where I, um,  
24 wouldn't be discovered while I was sexually molesting her.

25 **PRESIDING COMMISSIONER CASSADY:** Did you do more than,

1 um, put your penis in her mouth, take a bath? Did you do  
2 more than that?

3 **DAVID FUNSTON:** I also, um, uh, fondled her genitals,  
4 um, uh, digitally penetrated her. Um, and I took a  
5 photograph of her on my -- on my bed. With a Polaroid  
6 camera. Yes, ma'am.

7 **PRESIDING COMMISSIONER CASSADY:** Okay -- okay. And then  
8 we come to a seven-year-old female. Why would you move from  
9 four to five to seven? Now we're getting into the, an area  
10 where they might be able to identify you. They might be able  
11 to, um, you know, they would be more likely to tell what  
12 happened and be believed. So why did you move up to a seven-  
13 year-old? She look younger to you, or?

14 **DAVID FUNSTON:** She didn't look younger. She was -- I  
15 was, um, I again was at that point I was -- felt like I was  
16 going to be arrested at any time. I felt like --

17 **PRESIDING COMMISSIONER CASSADY:** Why'd you feel that?

18 **DAVID FUNSTON:** Because I had, um, committed multiple  
19 offenses. I had had the incident with the, involving the  
20 neighbor, so I felt like I was going to be arrested. I was  
21 literally completely out of control at that point in my life.  
22 And I -- I just was driving down the road, coming home from  
23 work. I saw her there in the apartment complex alone, and I  
24 decided to act on my -- my deviant sexual urges.

25 **PRESIDING COMMISSIONER CASSADY:** Okay. So did you offer

1 her a necklace?

2 **DAVID FUNSTON:** I did indeed. Yes, ma'am.

3 **PRESIDING COMMISSIONER CASSADY:** And what did she do?

4 **DAVID FUNSTON:** Uh, she indicated that she wanted the  
5 necklace, um, and I, um, fondled her chest, um, over top of  
6 her jacket. And then I tried to, and successfully convinced  
7 her to go into the laundry room with me. I tried to, um,  
8 pull down her pants, and as I reached for the waistband of  
9 her -- of her pants, uh, she, um, pulled away, said, what are  
10 you doing? And, uh, I told her what I wanted to do, and she  
11 said that was gross, and she -- she fled. Um, so that was,  
12 yeah, what happened.

13 **PRESIDING COMMISSIONER CASSADY:** And so when compared to  
14 that offense that you just described, were you arrested? How  
15 much later were you arrested?

16 **DAVID FUNSTON:** Um, I believe it was, um, less than two  
17 weeks, uh, two week period. And I don't remember --

18 **PRESIDING COMMISSIONER CASSADY:** What led to the arrest?

19 **DAVID FUNSTON:** Um, what led to the arrest was the  
20 neighbor that had called in and given my license plate  
21 number. So when this -- the -- when the last child, that  
22 offense was very close to when I lived to where I was living,  
23 they said, Hey, this happened very close to where this  
24 individual lives. This is -- this is the person that picked  
25 up these two children earlier. And they came and talked to

1 me about those two incidents.

2 **PRESIDING COMMISSIONER CASSADY:** Did you admit at that  
3 point?

4 **DAVID FUNSTON:** No, ma'am. I -- I lied. I, uh, was --  
5 would do anything at that moment in my life to get out of the  
6 trouble that I was in. Um, and I -- I -- I was not honest  
7 with the police officers and the detectives.

8 **PRESIDING COMMISSIONER CASSADY:** Okay. So were you in  
9 county jail for an extended period?

10 **DAVID FUNSTON:** I was in the county jail for 39 months,  
11 yes, ma'am.

12 **PRESIDING COMMISSIONER CASSADY:** Okay -- okay. Because  
13 it looks like it was occurring, um, what, June 1996 to  
14 January 1997, and you weren't arrested -- or you were  
15 arrested, but didn't come to prison until 1999. Does that  
16 sound right?

17 **DAVID FUNSTON:** Uh, no, ma'am. Uh, those dates are --  
18 seem like they're off the -- the incident started in -- in  
19 June 1995.

20 **PRESIDING COMMISSIONER CASSADY:** Okay.

21 **DAVID FUNSTON:** And continued January 1996. I was  
22 arrested in January 26, 1996, and then I came into CDCR'S  
23 custody in May 1999.

24 **PRESIDING COMMISSIONER CASSADY:** Got it. Okay -- okay.  
25 With that, if you'll turn your attention to the Deputy

1 Commissioner, he may have questions in the areas that you and  
2 I have just talked about, but he's also going to talk to you  
3 about other areas. Mr. Mette?

4 **DEPUTY COMMISSIONER METTE:** Thank you. Mr. Funston how  
5 are you doing so far?

6 **ATTORNEY EMIG:** Can we take a break?

7 **DAVID FUNSTON:** I'm good.

8 **DEPUTY COMMISSIONER METTE:** I was just going --

9 **DAVID FUNSTON:** Yes, ma'am.

10 **DEPUTY COMMISSIONER METTE:** -- to suggest that. All  
11 right.

12 **PRESIDING COMMISSIONER CASSADY:** Okay. Time is 11:42  
13 a.m. How long do you need?

14 **DAVID FUNSTON:** Um, 10 minutes is sufficient. Yes,  
15 ma'am.

16 **PRESIDING COMMISSIONER CASSADY:** Okay. So we'll return  
17 in 10 minutes, uh, which would be 11:52 a.m. off record.

18 **[RECESS]**

19

20 **DEPUTY COMMISSIONER METTE:** We're back on record.

21 **PRESIDING COMMISSIONER CASSADY:** Okay. And we will go  
22 to the Deputy Commissioner, Mr. Mette.

23 **DEPUTY COMMISSIONER METTE:** Thank you. So I asked this  
24 before, I didn't really hear the answer. Mr. Funston, how  
25 are you doing so far?

1           **DAVID FUNSTON:** Um, feeling nervous. Yes, sir.

2           **DEPUTY COMMISSIONER METTE:** Okay, that's understandable.  
3 With the commitment offenses, were you specifically targeting  
4 these children?

5           **DAVID FUNSTON:** Yes, I was involved. I mean, were they  
6 -- was I specifically targeting these individual children or  
7 children in general?

8           **DEPUTY COMMISSIONER METTE:** I -- these individual  
9 children?

10          **DAVID FUNSTON:** No, they were crimes of opportunity.  
11 They were random children that I saw that were, um,  
12 vulnerable in the community.

13          **DEPUTY COMMISSIONER METTE:** A number of them didn't  
14 speak English. Right?

15          **DAVID FUNSTON:** Um, there was one, uh, AC spoke  
16 primarily Spanish. Uh, I believe the other children all  
17 spoke English.

18          **DEPUTY COMMISSIONER METTE:** Okay. Do you recall, I  
19 mean, you read the probation report, you were referencing it  
20 earlier?

21          **DAVID FUNSTON:** Yes -- yes, sir. I read it.

22          **DEPUTY COMMISSIONER METTE:** Do you recall the probation  
23 report referencing victims speaking Russian?

24          **DAVID FUNSTON:** I do. I know that LI was, uh, primarily  
25 Russian speaking, but I know she spoke English with -- with

1 me.

2 **DEPUTY COMMISSIONER METTE:** Okay. All right. So --

3 **DAVID FUNSTON:** I'm not sure how --

4 **DEPUTY COMMISSIONER METTE:** I'm going to go to the  
5 ultimate question. Were you targeting these children because  
6 they spoke other languages?

7 **DAVID FUNSTON:** No, they were just simply, I had no idea  
8 what language they spoke. I just simply saw a child that was  
9 vulnerable and I would approach that child.

10 **DEPUTY COMMISSIONER METTE:** Got it. You had -- I -- I  
11 have this quote earlier. I'm going to paraphrase the quote,  
12 um, and I'm going to ask you about it. Um, and you were  
13 talking with Commissioner Cassady, um, about sexual  
14 offending, and I believe so the -- the para -- the quote I  
15 have, but I it's going to be paraphrased. "I prefer women  
16 primarily." Do you recall saying something like that?

17 **DAVID FUNSTON:** Yes, I do.

18 **DEPUTY COMMISSIONER METTE:** When you say that, there's  
19 an assumption, I think women, I think of an adult women.  
20 Were you -- were you saying you prefer adult women or  
21 females?

22 **DAVID FUNSTON:** I prefer adult women.

23 **DEPUTY COMMISSIONER METTE:** Okay. All right. At, at  
24 the time of the offenses as well?

25 **DAVID FUNSTON:** If -- if I could have been given a

1 choice between a sexual relation with an adult woman and a  
2 child, uh, I -- I think during that period of my life, I  
3 think I would've gone for the -- for the children. I do,  
4 yes.

5 **DEPUTY COMMISSIONER METTE:** Okay. Or you were sexually  
6 attracted to children?

7 **DAVID FUNSTON:** I was definitely sexually attracted to  
8 children, yes.

9 **DEPUTY COMMISSIONER METTE:** That's the heart of a  
10 pedophilia or a pedophilic disorder is sexual attraction to  
11 children.

12 **DAVID FUNSTON:** Yeah.

13 **DEPUTY COMMISSIONER METTE:** Okay.

14 **DAVID FUNSTON:** Yes.

15 **DEPUTY COMMISSIONER METTE:** Um --

16 **DAVID FUNSTON:** Mm-hmm.

17 **DEPUTY COMMISSIONER METTE:** -- last year you requested a  
18 one year waiver, is that right? That is correct. Looking at  
19 the waiver, again, paraphrasing, you had a desire to do  
20 additional programming.

21 **DAVID FUNSTON:** Mm-hmm.

22 **DEPUTY COMMISSIONER METTE:** Um, at that time, what was  
23 missing? Or do you think there's anything specific that you  
24 needed to work on more?

25 **DAVID FUNSTON:** Um, so I was in the middle of working

1 with, uh, Dr. -- I had just begun working with Dr. Mann  
2 (phonetic), and I felt like it was important for me to  
3 continue that work with her. I was doing work with, uh,  
4 with, uh, the licensed clinical social worker on causative  
5 factors. So I -- I felt like I needed to fully process those  
6 childhood traumas and relations to my hostility towards  
7 women. I felt like that, um, I needed to make sure I fully  
8 understood my causative factors, my character defects, how  
9 they originated, and, um -- um, yeah. So I felt like there  
10 was additional work I needed to do.

11 **DEPUTY COMMISSIONER METTE:** Okay. And then Dr. Mann is  
12 a psychologist that you're working with doing DBT therapy?

13 **DAVID FUNSTON:** Uh, DBI.

14 **DEPUTY COMMISSIONER METTE:** DBI.

15 **DAVID FUNSTON:** uh, di -- yes -- yes, sir.

16 **DEPUTY COMMISSIONER METTE:** Okay. Just a real quick,  
17 uh, one more question about the commitment offenses, and then  
18 I'm going to jump into, um, programming questions. I'm  
19 looking in the CRA in the reference to offense four. Um,  
20 well, actually I'm going to ask a couple questions about  
21 this. There was a quote, I'm going to state this. Page  
22 seven. At the very end of examinee's, account of offense  
23 four. "Afterwards, Mr. Funston entered the kitchen and  
24 turned on the television. The victim's mother was talking  
25 about her daughter's diabetes and need for medication. So he

1 dressed her and dropped her off. Did you see the mother on  
2 television?

3 **DAVID FUNSTON:** I, um, my, um, victim AC I turned on the  
4 TV and she said, that's my mother. So I heard her mother say  
5 that she had diabetes and that, uh, she needed her  
6 medication. I did indeed hear that.

7 **DEPUTY COMMISSIONER METTE:** Why was her mother on  
8 television?

9 **DAVID FUNSTON:** I am, um, because, um, I guess they were  
10 interviewing her because her daughter had been kidnapped by  
11 me.

12 **DEPUTY COMMISSIONER METTE:** Local news?

13 **DAVID FUNSTON:** So, um, local news.

14 **DEPUTY COMMISSIONER METTE:** Saying that as young girl  
15 had been kidnapped, or at least missing.

16 **DAVID FUNSTON:** Yes -- yes -- yes. That's what -- well,  
17 they said kidnapping because she had been with other young  
18 children at the time that I abducted her. And so they saw  
19 her taking -- taken by me.

20 **DEPUTY COMMISSIONER METTE:** Okay.

21 **DAVID FUNSTON:** And so they knew what had happened, that  
22 she had been kidnapped. So I -- I think they were clear on  
23 what had happened.

24 **DEPUTY COMMISSIONER METTE:** It's interesting. Um, but  
25 then even after that, you go on to commit another offense

1 with the last victim.

2 **DAVID FUNSTON:** Uh, yes, that's correct.

3 **DEPUTY COMMISSIONER METTE:** Did that ha -- I mean, how  
4 much of an impact -- I mean, I don't know. I -- I see it as  
5 you see on local television, a report about the wrong. You  
6 are committing enough for you to say, okay, we're going to  
7 address and we're (inaudible) back off, and then you go  
8 offend again. I mean, do you think it had that much of an  
9 impact on you?

10 **DAVID FUNSTON:** Um, I -- it did not have the kind of  
11 impact that I -- that I wish it had had. I wish that I had  
12 felt the remorse, uh, that I feel today at that time. Um, so  
13 no, it didn't have a big enough impact on me. Uh,  
14 unfortunately I was still very callous and had complete  
15 disregard for other people. I -- yeah, it did not have the --  
16 -- the impact that, uh, it could have had or should have had.

17 **DEPUTY COMMISSIONER METTE:** I mean, you think about, I  
18 mean, you talked about victim impact. I think you kind of  
19 mentioned victim impact earlier, and there's like -- I don't  
20 think I want to ask this question, we'll move on 'cause I'm  
21 going to ask about victim impact later. Um, did you -- with  
22 that victim. Did you use a knife to threaten her?

23 **DAVID FUNSTON:** I, uh, have read the POR where it says I  
24 threatened her with a knife. I don't recall that. So I've  
25 been thinking about this a great deal. So I'm thinking that

1 when I went in the kitchen, is it possible that I -- it is  
2 possible. I know I was certainly capable of that type of  
3 behavior because I was so out of control. So I have to  
4 believe the victim, even though I don't recall it. I  
5 absolutely believe the victim. What I do know for -- with a  
6 hundred percent certainty is I destroyed this young person's  
7 life and I -- you know, I -- she's going to be living with  
8 the repercussions of my choice of -- of my choice to kidnap  
9 and sexually molest her for the rest of her life. And I --  
10 I'm truly sorry about that.

11 **DEPUTY COMMISSIONER METTE:** Okay. One sec. Okay. So  
12 let's talk about programming and the work that you have been  
13 doing. Um, you believe, you already indicated earlier that,  
14 or it's been indicated earlier, there's a diagnosis for a  
15 pedophilic disorder. You agree with that diagnosis?

16 **DAVID FUNSTON:** I do, yes. Yes, sir.

17 **DEPUTY COMMISSIONER METTE:** Do you think you have any  
18 other issues concerning sexual offending besides the  
19 pedophilic disorder?

20 **DAVID FUNSTON:** Well, certainly, you know, the, um, the  
21 narcissistic features, the anti-social features of, you know,  
22 the callous disregard for, uh, for others, the willingness to  
23 exploit others for personal gratification. Those are  
24 certainly serious, uh --

25 **DEPUTY COMMISSIONER METTE:** I mean, we have the non-

1     consen -- you have the other non-consenting offenses.

2             **DAVID FUNSTON:**   Yeah -- yeah.

3             **DEPUTY COMMISSIONER METTE:**   Okay.

4             **DAVID FUNSTON:**   Um, I'm not sure exactly what the  
5     question is here.

6             **DEPUTY COMMISSIONER METTE:**   Well, I'm -- I -- I didn't  
7     have a question, so, fair to say, fair to point out at that  
8     time, um, you've got a -- I'll -- I'll just say this right  
9     now. You've done a lot of programming in sex offending, a  
10    lot more than we see with a lot of other individuals. Um,  
11    for you, what has been the most impactful program that you've  
12    taken so far?

13            **DAVID FUNSTON:**   Um, well, without a doubt, Road to  
14    Freedom. Um, you know, I've been in that program for over  
15    four years. Um, that program has helped me understand why I  
16    did what I did. It's helped me understand, uh, the impact of  
17    -- of my actions. It's helped me learn how to manage my  
18    behavior so that I don't act on those deviant fantasies in  
19    the future. It's when you were helped me understand --

20            **DEPUTY COMMISSIONER METTE:**   When you were -- let me stop  
21    you right there.

22            **DAVID FUNSTON:**   Yeah.

23            **DEPUTY COMMISSIONER METTE:**   When you were going through  
24    the Road to Freedom, were you doing that by yourself in a  
25    group with a psychologist or other professional? All of the

1 above.

2 **DAVID FUNSTON:** All of the above.

3 **DEPUTY COMMISSIONER METTE:** Okay.

4 **DAVID FUNSTON:** Initially, it was on my own. Um, and  
5 then it was, uh, in a group, uh, setting with other inmates.  
6 And then it was in an official setting with, in the, um,  
7 program to the CRM in the mental health department that I'm -  
8 - that I'm still involved in. Yes.

9 **DEPUTY COMMISSIONER METTE:** Okay. When you -- when did  
10 that start with the CRM?

11 **DAVID FUNSTON:** I would have to go back and look, but I  
12 believe it was, uh, during the time of -- just after COVID,  
13 so 2020, uh, I believe it was October 2020.

14 **DEPUTY COMMISSIONER METTE:** Okay.

15 **DAVID FUNSTON:** Yeah.

16 **DEPUTY COMMISSIONER METTE:** And so, and you mentioned  
17 this earlier, you began working with the DBI psychologist and  
18 the social worker. Was that within the last year, or when  
19 did that work start?

20 **DAVID FUNSTON:** So, I started working with the social  
21 worker two years ago. So, uh, and then I started working  
22 with the psychologist approximately a year ago. I'm not sure  
23 the exact date.

24 **DEPUTY COMMISSIONER METTE:** Okay. And then -- so when  
25 you started working on the Road to Freedom with the CRM, what

1 was something, or what were some things that you learned  
2 about the Road to Freedom that you didn't really understand  
3 before, if anything?

4 **DAVID FUNSTON:** Sure. There -- I mean, uh, I didn't  
5 understand why I had done what I did. Um, I didn't  
6 understand the true impact that sexual assault has on, um, my  
7 victims. I didn't understand, I didn't have any idea on how  
8 to manage my behavior, how to -- how to control my -- my, um,  
9 my -- my sexual thoughts. How to -- how to, um, you know, I  
10 didn't -- there was no such thing. I didn't even understand,  
11 you know, um, Seemingly Unimportant Decisions, how I had been  
12 placing myself into high risk situations. I didn't  
13 understand -- I didn't understand. Um, I mean --

14 **DEPUTY COMMISSIONER METTE:** Well, let me stop you right  
15 there. It's usually a question that I ask when I -- when I  
16 ask about the Road to Freedom, about seemingly irrelevant  
17 decisions. And you talked about putting yourself in places,  
18 um, to offend. And you mentioned earlier that these were  
19 crimes of opportunities. Do you think you were creating the  
20 opportunities?

21 **DAVID FUNSTON:** Um, absolutely. Yes. I mean, um, but  
22 even I was also creating opportunities where I would be  
23 triggered that I didn't act on it. So I, you know, um,  
24 that's also -- I believe I wrote, um, about this how in my  
25 offense chain, how I had enrolled my daughter in swim

1 lessons. That's putting me in a situation that's triggering  
2 for me. So that's -- that's the opposite of what I would try  
3 to do today. I would be trying to avoid high risk  
4 situations. I -- I would absolutely not be around children.  
5 So it's, um, you know, driving around looking for someone  
6 who's vulnerable that's purposely seeking out that high risk  
7 situation where I'm more likely to offend.

8 **DEPUTY COMMISSIONER METTE:** Okay. All right. Um, so we  
9 talked about the work that you've done with the CRM, then we  
10 moved to the work with the social worker two years ago. What  
11 did you learn from the social worker that you didn't know  
12 before that?

13 **DAVID FUNSTON:** So, the social worker really helped me  
14 break down my childhood causative factors. We started there.  
15 And so we went through, um, how I was in -- how my thinking  
16 was impacted by my mother being separated from my mother at  
17 age three. How my thinking was impacted by my general birth  
18 defect, how my thinking was impacted by, um, my exposure to  
19 the, um, pornography and pedophilic books, the sexual  
20 molestation, the -- the ongoing physical and -- and emotional  
21 abuse and neglect I suffered in my home. And then how each  
22 of those, um, played a role in my, um, commitment offense.  
23 Um, learning that, learning about how it impacted my  
24 thinking, how it impacted my healthy relationships, learning.  
25 Um, you know, it's like learning to deal with each one of

1 those issues, learning to look at each of those issues with  
2 empathy so that I find forgiveness for the people that, uh,  
3 had caused me harm, learning to, um, you know, process those  
4 childhood traumas so that they're no longer a factor as I  
5 move forward.

6 **DEPUTY COMMISSIONER METTE:** Okay. All right. And then  
7 the next step with the psychologist doing the DBI, what was  
8 something you learned with that psychologist that you didn't  
9 know before?

10 **DAVID FUNSTON:** So, with the DBI, um, well, she helped  
11 me before we got into the DBI, she was working with me on my  
12 hostility towards women, breaking down the root causes of  
13 that, how my -- my own feelings of shame and my own feelings  
14 of inadequacy all led to that, how my blaming, um, women for  
15 my failures, blaming my own mother for my birth defect,  
16 blaming, uh, um, my stepmother and my mother for my life  
17 problems. And learning to accept responsibility for my core  
18 choices. And, um, you know, just, um, doing the reality  
19 checking where you're -- you're asking yourself what's true  
20 and what's not true in terms of what some of my distorted  
21 thinking was. Um, and just continuing to build on the work I  
22 had been doing in Road to Freedom, the work I've been doing  
23 with the licensed clinical social worker.

24 **DEPUTY COMMISSIONER METTE:** Okay.

25 **DAVID FUNSTON:** Um, the D -- the DBI in particular,

1 we've been working on interpersonal relationships. We've  
2 been exploring how, um, my, uh, feelings about myself, my  
3 feelings of shame, how that impacted my ability to form  
4 healthy relationships. And even looking at how it -- it, uh,  
5 still plays a role in, um, my relationships today.

6 **DEPUTY COMMISSIONER METTE:** Okay. All right. Do you  
7 think as far as work with this social worker or any social  
8 worker and work with a psychologist will need to continue  
9 throughout your life?

10 **DAVID FUNSTON:** Yeah. Yes, absolutely.

11 **DEPUTY COMMISSIONER METTE:** Why?

12 **DAVID FUNSTON:** Treatment is -- I -- well, I know that  
13 pedophilia is a lifelong condition. There's always a  
14 possibility that I'll relapse. I, um, I know it's not  
15 inevitable, so I know that it's important for me to continue  
16 to build on my recovery. Uh, I don't -- I want to do  
17 everything I can to ensure that I -- that I never harm  
18 another child. And so it's important for me to keep working  
19 and addressing these issues. Um --

20 **DEPUTY COMMISSIONER METTE:** What do you do to make sure  
21 that it doesn't become inevitable?

22 **DAVID FUNSTON:** I pay attention to my self-talk. I'm on  
23 guard for my warning signs. I'm on -- I pay attention to,  
24 uh, emotional triggers. Um, I know which high risk  
25 situations I need to avoid moving forward so that I'm not

1 placing myself in situations where I'm triggered. I have  
2 strong support networks set up, um, and extensive support  
3 networks set up. And so it's important for me to continue to  
4 reach out to those members of my support network whenever I'm  
5 feeling any type of, uh, emotional distress at all, so that I  
6 deal with whatever those issues are immediately before they  
7 grow and become larger problems. Uh, which is what happened  
8 in the past.

9 **DEPUTY COMMISSIONER METTE:** What's the first chapter of  
10 the Road to Freedom About?

11 **DAVID FUNSTON:** The first chapter of the Road to Freedom  
12 is, uh, accepting responsibility. So it takes a look at, uh,  
13 different forms of denial, different forms of, uh -- uh,  
14 defense mechanisms. And then it moves on to looking at, uh,  
15 accountability and what's involved in full accountability.

16 **DEPUTY COMMISSIONER METTE:** For the types of denial, um,  
17 do you think, at least in your programming, you identified a  
18 specific type of denial that you had a problem with or more  
19 of a problem with?

20 **DAVID FUNSTON:** Sure, um, sure. I mean, I was, um, in  
21 denial from my need for treatment. I was in denial of the  
22 impact of my actions. I was denial of responsibility for my  
23 life and my life problems. So I, uh, denied even the basic  
24 facts of the case. Um, I minimized the impacts of my  
25 activity. I rationalized my behavior. I found ways to

1 justify my deviant behavior. And I, um, you know, I blamed  
2 other people for my -- for my actions.

3 **DEPUTY COMMISSIONER METTE:** Why is denial an important  
4 concept when we're talking about sex offender rehabilitation?

5 **DAVID FUNSTON:** Sure. So, um, you know, in my specific  
6 case, um, starting with that denial of the need for  
7 treatment, thinking that I could solve these problems on my  
8 own, if I have that type of thinking moving forward, that's  
9 setting myself up for relapse. If I'm not continuing to work  
10 on building on my recovery, um, if I deny the impact of my,  
11 uh, behavior, of my criminal actions on my victims, then it's  
12 -- it's setting the stage for me to overcome, uh, one of the  
13 preconditions for -- for offending. Um, if I, um, you know,  
14 if I deny my responsibility and I'm blaming other people for  
15 my life problems, that's what led to my sense of entitlement  
16 was my blaming other people for my -- my life problems. So,  
17 denial is very important for my recovery and for -- for me to  
18 recognize.

19 **DEPUTY COMMISSIONER METTE:** Let me ask you--

20 **DAVID FUNSTON:** Denial I was --

21 **DEPUTY COMMISSIONER METTE:** -- let me ask you this  
22 question before I want to preface, um, I'm not asking this as  
23 a got you question. I'm not asking this 'cause I have a  
24 specific thought in my head as far as that there is some type  
25 of denial that I see or something like that. But do you

1 think it's possible that you could be in denial about  
2 something related to sexual offending and not recognize it at  
3 this point?

4 **DAVID FUNSTON:** Um, yes, I believe so. That's -- I  
5 think, I mean, I've taken two courses on denial, but I  
6 certainly know that denial, it's like an onion. You keep  
7 peeling back layers of denial, and then there's additional  
8 layers of denial there. So it's something, I can say this  
9 each time I've gone through the road of freedom, and I'm on  
10 my fourth time officially through the program. Each time  
11 I've gone worked through those exercises and the first  
12 chapter, I've discovered new layers of denial, new layers of  
13 myself, minimizing my past behavior, of me, um, not accepting  
14 full responsibility. So it's an ongoing process.  
15 Absolutely.

16 **DEPUTY COMMISSIONER METTE:** What do you do when you  
17 discover those new forms? So there's new types of denial.

18 **DAVID FUNSTON:** Um, I -- yeah, I do the reality checking  
19 what's true, what's not true, and then I have to like say,  
20 okay, look, I was still, right here as an example of where I  
21 was still not being fully honest with myself and the way I  
22 was talking about my commitment offenses, you know.

23 **DEPUTY COMMISSIONER METTE:** Do you still have sexual  
24 fantasies in general?

25 **DAVID FUNSTON:** Uh, in general, um, not as occasionally,

1 but not as frequently as in the past, yes.

2 **DEPUTY COMMISSIONER METTE:** Okay. Do you still have --  
3 I'm going to be more specific. Um, last time you had a --  
4 let me -- I'm going to ask it in this way. When was the last  
5 time you had a sexual fantasy about a child?

6 **DAVID FUNSTON:** That was in February, 2021.

7 **DEPUTY COMMISSIONER METTE:** Okay. And was that -- on  
8 that occasion, did you masturbate to that fantasy?

9 **DAVID FUNSTON:** I did indeed, yes.

10 **DEPUTY COMMISSIONER METTE:** Okay.

11 **DAVID FUNSTON:** I did.

12 **DEPUTY COMMISSIONER METTE:** When was the last time you  
13 had a fantasy about a non-consensual sexual experience with a  
14 woman?

15 **DAVID FUNSTON:** Um, with a woman? Um, yeah, that, uh,  
16 was probably closer to 2018. I can't remember the exact  
17 date. Um, it was after I had the conversation with my mother  
18 where she revealed to me that she had been, uh, raped. And,  
19 uh, yeah, that had a -- a deep impact on me.

20 **DEPUTY COMMISSIONER METTE:** Okay. All right. Um, I  
21 believe you referenced earlier this idea of sexualized  
22 coping. What is sexualized coping?

23 **DAVID FUNSTON:** Sure. So for me, um, my understanding  
24 of sexualized coping is I use -- literally, I use sex like a  
25 drug. I use it as a way to get high to, um, to relief,

1 negative feelings, to feel, you know, the emotional pain I  
2 was feeling. So I -- this began in childhood, uh, age 13,  
3 maybe even earlier, looking at those, um, pornographic books,  
4 reading the pedophilic, uh, material, it -- it, um, gave me  
5 feelings of pleasure. And those feelings of pleasure, uh, I  
6 discovered, helped me momentarily forget my emotional pain  
7 and deal with that emotional pain. And this something that  
8 then became of a preoccupation that went from a preoccupation  
9 became a ritual. Something I did every time I was feeling,  
10 you know, bored, lonely, anxious, stressed out --

11 **DEPUTY COMMISSIONER METTE:** Well, I'm going to stop you  
12 there. I mean, we're -- are we specifically talking about  
13 masturbation as a form of sexualized coping?

14 **DAVID FUNSTON:** Um, there, um, I would say the primary  
15 way is through fantasy. Even, um, so, you know, at age 11,  
16 12, 13, even when I wasn't masturbating, I still would escape  
17 into these fantasies as a way to -- to feel better.

18 **DEPUTY COMMISSIONER METTE:** Okay. All right. When was  
19 the last time you think you engaged in any type of sexualized  
20 coping?

21 **DAVID FUNSTON:** Whew. Uh, I -- I, um, that's a good  
22 question. I, um, I have not pinpointed that down, but, uh,  
23 well over a year ago.

24 **DEPUTY COMMISSIONER METTE:** Okay.

25 **DAVID FUNSTON:** I mean, certainly since I've become

1 involved in Road of Freedom, it's something that has not  
2 happened as frequently. And then, um, so my understanding is  
3 -- is that everybody sometimes engages in sexual behavior to  
4 relieve negative emotions, is when it becomes the only way  
5 that someone copes from the primary way that someone copes.  
6 Where it's a problem, though, I think, um -- um, as a primary  
7 way for me to cope. You have -- you would go again back to,  
8 uh, 2021.

9 **DEPUTY COMMISSIONER METTE:** Okay. All right. In the  
10 CRA, it's -- it mentioned that you had masturbated in May  
11 2025.

12 **DAVID FUNSTON:** That is correct, yeah.

13 **DEPUTY COMMISSIONER METTE:** Have you masturbated since  
14 then?

15 **DAVID FUNSTON:** I have not.

16 **DEPUTY COMMISSIONER METTE:** Okay.

17 **DAVID FUNSTON:** So I -- I took the Freedom five course  
18 on Edovo, and in that course, um, they, uh, Shimer who -- who  
19 is -- is the one that is doing the videos, talks about trying  
20 to do a 90-day period of abstinence as a part of your -- your  
21 healing from sexual addiction. So I began, and then in  
22 conjunction with that, I would, um, in our Road to Freedom  
23 group, uh, licensed clinician, Ms. Lee Saton (phonetic) in  
24 with our group as she does occasionally, and we were  
25 discussing masturbation and how -- what's an acceptable level

1 of masturbation. And she was, um, expressing to us that, um,  
2 while literature says occasional is -- is acceptable, and  
3 okay, that she was going to encourage us to try to move  
4 toward abstinence and that to try to look at sex in a  
5 different way. And so the combination of that conversation  
6 with her and our group and our treatment group combined with  
7 the Freedom Fight, I decided that I would try abstinence, and  
8 I've -- I've been successful. Um --

9 **DEPUTY COMMISSIONER METTE:** Okay.

10 **DAVID FUNSTON:** -- yeah.

11 **DEPUTY COMMISSIONER METTE:** All right. Have you had  
12 urges?

13 **DAVID FUNSTON:** Y -- yes, I have had urges. Um, I, you  
14 know, I use my -- my urge control plan. I tell myself, stop,  
15 I -- you know, remember the truth about the harm I've cause I  
16 remember my commitments to not engage, uh, in masturbation,  
17 and then I distract myself with another activity. It could  
18 be going to the sink splashing water in my face, texting a  
19 friend. Uh, one night I believe I talked about with Dr.  
20 Koranda was I listened to the calm app, which I've -- I've  
21 also done, uh, and then also, uh, urge surfing, which is one  
22 of the coping techniques we're taught where you just are --  
23 are writing it out. You're naming the sensations you're  
24 feeling to yourself and your, and your mind, and you're, um,  
25 you're visualizing this urge as a wave, and you're

1 visualizing a crashing onto to the rocks. And then, so these  
2 visualization techniques as well are also helpful for me.

3 **DEPUTY COMMISSIONER METTE:** Do you think in general,  
4 masturbation can put you in a high risk situation?

5 **DAVID FUNSTON:** If I'm masturbating to something  
6 inappropriate, it would definitely, could -- could lead to a  
7 high risk situation. If --

8 **DEPUTY COMMISSIONER METTE:** Let's take --

9 **DAVID FUNSTON:** -- if I'm master --

10 **DEPUTY COMMISSIONER METTE:** -- let's take a -- an  
11 inappropriate situation. Let's say that -- 'cause I mean, I  
12 think there was this discussion before, like you, you painted  
13 the scene, if you will, as far as in the group setting and  
14 talking about occasional masturbation. Occasional  
15 masturbation to something that is socially acceptable, you  
16 relations with an adult woman that you're in a relationship  
17 with. Um, could that be a high risk situation?

18 **DAVID FUNSTON:** I -- for me, I believe it is. Uh, it  
19 could be if it leads me back into that sexualized coping. So  
20 I have to make sure that it's not part of sexualized coping.

21 **DEPUTY COMMISSIONER METTE:** What are some warning signs  
22 that you would observe or you think you would observe that  
23 shows that you're leading down that path?

24 **DAVID FUNSTON:** Sure. Um, if -- when I am feeling  
25 triggered those emotional triggers of feeling, um, despair,

1 if I'm feeling humiliation, rejection, if I'm feeling  
2 stressed out, if I turn back toward sexualized coping, which  
3 is what I did in the past, that would definitely be a warning  
4 sign for me. Even though to, you know, when I'm feeling  
5 those emotions today and I have a -- a sexual urge, I -- I  
6 know that I need to engage in a healthy coping strategy. And  
7 that's -- that's what I do.

8 **DEPUTY COMMISSIONER METTE:** Okay. You talked about this  
9 a little bit. Describe your urge control plan.

10 **DAVID FUNSTON:** Sure. Absolutely. So, I -- I literally  
11 rehearse it every day. Um, the first step is to tell  
12 yourself, stop. Um, the second step is I remember the  
13 consequences, the worst consequences of offending. Uh, for  
14 me, I focus primarily on victim impact, how it, um, the --  
15 the great harm it would cause to the -- to the young person.  
16 I -- how it would destroy their life. Um, the third step is  
17 I affirm my commitment to not re-offend. I remind myself of  
18 my new values, uh --

19 **DEPUTY COMMISSIONER METTE:** Let me stop you right there,  
20 though, with step two. What do you specifically think about?

21 **DAVID FUNSTON:** I'm thinking specifically about, um,  
22 I'll -- I'm thinking about the seven --

23 **DEPUTY COMMISSIONER METTE:** Oh -- oh -- oh, you, hold on  
24 one second. I can't hear -- I can't hear you. Can you hear  
25 -- I -- I'm noticing --

1           **DAVID FUNSTON:** I can hear you.

2           **DEPUTY COMMISSIONER METTE:** You can hear me? I did not  
3 hear you. I'm seeing thumbs up from Mr. Archibald. Did  
4 everyone else hear Mr. Funston? Okay.

5           **PRESIDING COMMISSIONER CASSADY:** There was a little  
6 skip. Yeah. And I'm -- it's -- you're recording it on my  
7 end, so it didn't get anything you just said. So --

8           **DAVID FUNSTON:** So I -- I can repeat that --

9           **DEPUTY COMMISSIONER METTE:** Yeah, I think you repeat  
10 that.

11          **DAVID FUNSTON:** If --

12          **DEPUTY COMMISSIONER METTE:** If you could please repeat  
13 that again, just as a refresher. The question being, when  
14 you're doing that second step thinking about victim impact,  
15 what specifically are you thinking about?

16          **DAVID FUNSTON:** So I think about something different.  
17 It's -- I don't think about the exact same thing every time.  
18 That's number one. So I frequently think about, we had a 70-  
19 year-old woman come into our Road to Freedom group who was a  
20 survivor of sexual assault when she was a six-year-old child,  
21 because of her experience as a six-year-old child. It was  
22 very similar to what I inflicted upon my victims. And so  
23 this had a, uh, excuse me. It had a really, um, it had a  
24 deep impact on me because here was living proof of the harm I  
25 had caused my victims. I can see when she's talking as a 70-

1 year-old woman about driving down the freeway, having a panic  
2 attack because she's sensing a perpetrator breathing on her  
3 neck. And I picture my -- my victims, and I'm thinking that  
4 this is what they're experiencing. That's a powerful  
5 deterrent. I have another one that I think about is there is  
6 a member of our Road to Freedom group. He sexually molested  
7 his daughter. So when his -- when he went for his Board  
8 hearing, he found out that his daughter, his going to the  
9 Parole Board, triggered these painful emotions in his  
10 daughter and his daughter started self-harming, and had to be  
11 hospitalized. I have to consider the possibility that one of  
12 my victims could be doing the same thing. They might be  
13 harming themselves as a result of what I chose to do to them.  
14 So these are some of the things I think about. I think about  
15 my victims and what they could be going through. I think  
16 about the possibility that one of them might be addicted to  
17 drugs, or might have turned to alcohol and have alcohol  
18 problems as a result of the harm might cause them, I think  
19 about the relationship problems. I think about the harm I  
20 caused my half-sister, and I know some of the troubles that  
21 she's faced in her life as a result of what I did to her.  
22 And I think about these things. These are the things that  
23 I'm thinking about.

24 **DEPUTY COMMISSIONER METTE:** Okay. Noting for the  
25 record, Mr. Funston has been showing, uh, considerable amount

1 of emotion during his answer. Um, you want to take a break  
2 or are you still good to go?

3 **DAVID FUNSTON:** Yeah, if we could take a -- a -- a five  
4 minute break or 10 minute break, that would be good.

5 **DEPUTY COMMISSIONER METTE:** Absolutely. Five minute.  
6 Is five minutes okay?

7 **DAVID FUNSTON:** Uh --

8 **DEPUTY COMMISSIONER METTE:** Or you want to do 10?

9 **DAVID FUNSTON:** -- yeah. Five is --

10 **DEPUTY COMMISSIONER METTE:** I think you want to do 10.  
11 I have a feeling.

12 **DAVID FUNSTON:** Let's -- let's do 10.

13 **DEPUTY COMMISSIONER METTE:** All right.

14 **DAVID FUNSTON:** All right. Thank you.

15 **DEPUTY COMMISSIONER METTE:** All right. Time right now.  
16 12:29 p.m. We'll see everybody at, uh, 12:40 p.m.

17 **[RECESS]**

18

19 **DEPUTY COMMISSIONER METTE:** We are back on record. Time  
20 is 12:40 p.m. Mr. Funston, you got everything needed?

21 **DAVID FUNSTON:** Yes, sir. I do --

22 **DEPUTY COMMISSIONER METTE:** Perfect.

23 **DAVID FUNSTON:** -- I did. Thank you.

24 **DEPUTY COMMISSIONER METTE:** Perfect. Okay. You said  
25 you -- before we went on break, I believe you said you review

1 your urge control plan on a daily basis. Is that right?

2 **DAVID FUNSTON:** Yes. So what I do is when I'm watching  
3 TV, uh, I -- I -- whenever an image of a child comes on, I'll  
4 use that as a reminder to practice and rehearse the plan.

5 **DEPUTY COMMISSIONER METTE:** Okay.

6 **DAVID FUNSTON:** So that way I'm rehearsing it multiple  
7 times a day.

8 **DEPUTY COMMISSIONER METTE:** Mm-hmm.

9 **DAVID FUNSTON:** I want it to be automatic so that when I  
10 see a child in the community, I'm already automatically going  
11 through that urge control plan.

12 **DEPUTY COMMISSIONER METTE:** When was the last time you  
13 actually had to tell yourself stop, not necessarily  
14 rehearsal, but you really had to use the plan?

15 **DAVID FUNSTON:** I, uh, I think it was, uh, well, I know  
16 it was about, uh, close to about a year ago, we were doing an  
17 exercise on Road to Freedom, where we were instructed to, uh,  
18 think of a, something that was sexually arousing scene,  
19 something that was sexually arousing for ourselves as part of  
20 the covert conditioning. And, um, so that is the exercise.  
21 And I, um, told myself stop. And I just went through the  
22 whole -- the whole, um, the -- the four steps and, yeah.

23 **DEPUTY COMMISSIONER METTE:** Okay. All right. Do you  
24 use covert conditioning?

25 **DAVID FUNSTON:** I, um, covert conditioning is an

1 aversive conditioning technique that you utilize before you  
2 get into an actual situation. So I just -- I use it as, uh,  
3 a training exercise, uh, in Road to Freedom. And, um, also  
4 I've used it with, uh, the licensed clinical social worker,  
5 uh, had me also --

6 **ATTORNEY EMIG:** It sounds like he uses it.

7 **DAVID FUNSTON:** -- going through this --

8 **ATTORNEY EMIG:** Mr. -- Mr. Funston just answer the  
9 question that's being asked.

10 **DAVID FUNSTON:** Yes, I do. Thank you.

11 **DEPUTY COMMISSIONER METTE:** All right. You mentioned  
12 this daily rehearsal of the urge control plan. How long have  
13 you been doing these daily rehearsals?

14 **DAVID FUNSTON:** Uh -- uh, on a daily basis. Um, I  
15 believe it started back in 2021. Um, I started with -- with,  
16 uh, Ms. Luhan, and I've been continuing it since then.

17 **DEPUTY COMMISSIONER METTE:** Do you think you -- do you --  
18 -- have you missed a day and that you can recall?

19 **DAVID FUNSTON:** Uh, not that I recall, no.

20 **DEPUTY COMMISSIONER METTE:** Okay. All right. Do you  
21 have a plan for pornography?

22 **DAVID FUNSTON:** I, um, I have an online technology plan.  
23 I abstain from pornography, uh, (inaudible) --

24 **DEPUTY COMMISSIONER METTE:** What's the online --

25 **DAVID FUNSTON:** -- pornography --

1           **DEPUTY COMMISSIONER METTE:** -- what's the online  
2 technology plan?

3           **DAVID FUNSTON:** So, the online technology plan outlines  
4 what are healthy, um, activities on the internet for me, what  
5 are not healthy activities. Um, it has a -- a schedule of  
6 when I can engage and be, uh, online activity. And it must  
7 be for a specific purpose. I'm not just going on there when  
8 I'm bored or not late in the evening when I'm more tempted to  
9 -- to click onto the pornography. Um, and it also includes  
10 having a -- a porn blocking app, um, that, and someone else  
11 can monitor my online activity.

12           **DEPUTY COMMISSIONER METTE:** I saw that. As far as when  
13 you were, at least in your writings and you were discussing  
14 using an application, you're going to have other individuals  
15 have control of that app?

16           **DAVID FUNSTON:** Yes -- yes, sir.

17           **DEPUTY COMMISSIONER METTE:** Who are -- who are those  
18 individuals?

19           **DAVID FUNSTON:** So, um, it would be one of my  
20 accountability partners. Um -- um, Reverend Cutis (phonetic)  
21 Mark, uh, Ms. -- Ms. Amack (phonetic) or, uh, could be one of  
22 the accountability team members that Reverend Cutis mark is  
23 setting up for me as well.

24           **DEPUTY COMMISSIONER METTE:** Okay. All right. You  
25 talked about this earlier as far as issues with hostility to

1 women, and I believe with either the social worker or the  
2 psychologist doing the DBI work, you found out what the root  
3 cause was, or at least you said that earlier. What is the  
4 root cause of your hostility towards women?

5 **DAVID FUNSTON:** Sure. So it was, um, you know, my  
6 unprocessed childhood traumas that led to, uh, feelings of,  
7 um, of resentment and anger. It was my distorted beliefs, my  
8 work belief system. It was my blaming women for my life  
9 problems. Um, it was, uh, my own feelings of shame and  
10 inadequacy and, um, feelings of rejection. All of those  
11 things play into it.

12 **DEPUTY COMMISSIONER METTE:** So what do you do now to  
13 make sure that you don't act adversely to any negative  
14 thought towards women?

15 **DAVID FUNSTON:** Um, sure. So it starts with monitoring  
16 my own self-talk. If I, um, am starting to feel upset with,  
17 uh, someone who's female, uh, or -- or woman, I -- I, you  
18 know, go through the, um -- um, reality checking, well,  
19 what's true and what's not true, you know? Um, and so I know  
20 where I'm prone to -- to, um, falling back into that, you  
21 know, blaming other people for my life problems or that  
22 victim mentality that was Mauritius for me in the past.

23 **DEPUTY COMMISSIONER METTE:** Okay. You had an issue with  
24 domestic violence in the past?

25 **DAVID FUNSTON:** I did. I subjected my wife to ongoing

1 domestic violence during our relationship.

2 **DEPUTY COMMISSIONER METTE:** What specific acts?

3 **DAVID FUNSTON:** Um, so in terms of, um, psychological  
4 abuse, I -- I, uh, I threatened her, I threatened to leave  
5 her. In terms of emotional abuse, I called her names, was  
6 belittled her. Um, in terms of, um, financial abuse, I spent  
7 money on things such as sex workers and -- and strip clubs  
8 and the pornography. Um, in terms of the physical abuse, I  
9 did hit her, uh, regrettably one time in the back with my  
10 fist. And then in terms of, uh, sexual abuse, um, there --  
11 when I made sexual advances, there were times when she  
12 rejected my sexual advances. And so I would pout or get  
13 upset, give her the silent treatment. And then on many of  
14 those occasions, she ended up, uh, giving into my sexual  
15 wishes. And so I see that today as, um, you know, that  
16 wasn't consent. That's -- that's -- that's, uh, coercion and  
17 manipulation, manipulating her to get to go along. And I see  
18 that as, uh, a sexual abuse.

19 **DEPUTY COMMISSIONER METTE:** What is the cycle of  
20 domestic violence?

21 **DAVID FUNSTON:** Sure. So there's, um, four phases. The  
22 first phase is tension building the section -- uh, second  
23 phase is, uh, explosion. The third phase is the honeymoon  
24 stage. And the fourth stage is, um, calm denial, also known  
25 as, um, pretend normal, where you -- you're denial that there

1 is a problem. You're just pretending everything's okay. And  
2 then you slip right back into detention building and go  
3 through the whole thing again.

4 **DEPUTY COMMISSIONER METTE:** And looking at your  
5 relationship with your ex-wife, were you in that cycle of  
6 domestic violence?

7 **DAVID FUNSTON:** Uh, yes. Absolutely.

8 **DEPUTY COMMISSIONER METTE:** How do you stop the cycle of  
9 domestic violence?

10 **DAVID FUNSTON:** I, um, so for me, that cycle of domestic  
11 violence starts with, you know, healthier communication.  
12 When you're in that tension building phase, it starts with  
13 not having false expectations of --

14 **DEPUTY COMMISSIONER METTE:** Well, let me, let me ask  
15 this a different way though.

16 **DAVID FUNSTON:** Okay.

17 **DEPUTY COMMISSIONER METTE:** Say you recognize that  
18 you're in the cycle of domestic violence with a future  
19 partner. How do you stop it?

20 **DAVID FUNSTON:** I would immediately seek help. That's  
21 -- that would be, yeah.

22 **DEPUTY COMMISSIONER METTE:** How so?

23 **DAVID FUNSTON:** I would, um, reach out to a mental  
24 health professional and talk about whatever ongoing issues  
25 I'm having in the relationship. Um, I would seek out the

1 reverend of my church who, uh, would provide counseling.

2 **DEPUTY COMMISSIONER METTE:** Um, you, I believe you were  
3 diagnosed with alcohol use disorder?

4 **DAVID FUNSTON:** Yes.

5 **DEPUTY COMMISSIONER METTE:** Do you believe you have an  
6 issue with alcohol?

7 **DAVID FUNSTON:** I, um, no, beyond a shadow of a doubt  
8 that it, uh, contributed to my 1984, um, where I, uh, hit a  
9 woman and broke her nose, it contributed to my, um, sexual  
10 assault of HL in 1985. Um, so, um, it's absolutely  
11 imperative that I remain sober going forward. So, yes, I --  
12 I believe I do have an issue with alcohol.

13 **DEPUTY COMMISSIONER METTE:** Did you have an issue with  
14 any other substances besides alcohol?

15 **DAVID FUNSTON:** I, um, had an issue with marijuana. Um,  
16 I used that for approximately an eight year period. Um, my  
17 last usage is in October 1988. So, um, yeah, when I'm doing  
18 substance abuse, I include -- include the marijuana as well.

19 **DEPUTY COMMISSIONER METTE:** Okay. All right. When was  
20 the last time you used alcohol, marijuana, or any other  
21 illicit substance?

22 **DAVID FUNSTON:** The last time I used alcohol was the day  
23 before my arrest. So it would've been January 25, 1996.  
24 Marijuana was on my birthday in October 1988, and cocaine was  
25 in 1985 after the, um, the sexual assault of -- of HL.

1           **DEPUTY COMMISSIONER METTE:** Got it. That's a  
2 substantial period of time. Do you think it's possible you  
3 could relapse?

4           **DAVID FUNSTON:** Um, relapse is always a possibility.  
5 That's why I have a strong relapse prevention plan. Um, you  
6 know, if I have an urge or desire to use, again, I'm going to  
7 immediately seek help in the community. I have, um, uh --

8           **DEPUTY COMMISSIONER METTE:** Well, let me ask this --  
9 stop you there, and let me ask you this, what's going to do  
10 it? What would actually cause you to relapse?

11           **DAVID FUNSTON:** It would -- it would require me to, um,  
12 ignore my warning signs. It would require me to, um, not  
13 deal with issues in my life. It would require me to, um,  
14 revert back to the, uh, negative cope ways I coped in the  
15 past (inaudible).

16           **DEPUTY COMMISSIONER METTE:** You first said, ignore your  
17 warning signs. What are some warning signs -- say you are  
18 going down that path. What are some warning signs that you  
19 would be ignoring if you're on the path to relapse?

20           **DAVID FUNSTON:** Sure. So, um, of course, number one  
21 would be an urge or desire to drink, but number two is if my  
22 recovery lost prior -- it's priority. If I stop making  
23 recovery a priority, uh, three --

24           **DEPUTY COMMISSIONER METTE:** What does that mean? Stop  
25 making your recovery a priority.

1           **DAVID FUNSTON:** So for me, it's like, um, you know, I'm  
2 continuously working to build on recovery, so I'm, um, as you  
3 know, right at this moment, I'm still involved in, um, a  
4 course that deals with maintenance, maintaining your  
5 sobriety. So I'm continuing to work on that maintenance and  
6 then continuing to -- to be aware of -- of those potential  
7 issues.

8           **DEPUTY COMMISSIONER METTE:** Okay. All right. This is  
9 mentioned earlier with Commissioner Cassady, but, um, do you  
10 think you had anger issues in your life?

11           **DAVID FUNSTON:** I did. I had, um -- um, rage. Um, so  
12 at the time of my commitment offenses, that was definitely  
13 one of my big character defects. Uh, it was a big character  
14 defect, uh, in my marriage. It was impacted my career and --  
15 and jobs impacted my personal relationships. Uh, it was --  
16 it was a huge -- huge problem for me in my life.

17           **DEPUTY COMMISSIONER METTE:** What emotions have caused  
18 you to have rage in your life?

19           **DAVID FUNSTON:** Uh, the single biggest one was a feeling  
20 that I was being persecuted, mistreated, abused. Um, so  
21 yeah, that would be number one. Um -- um -- um, feeling that  
22 someone's causing me harm. Um --

23           **DEPUTY COMMISSIONER METTE:** Well, let me ask you this.  
24 Have you felt persecuted during your almost 30 years of in  
25 custody status?

1           **DAVID FUNSTON:** I have, yes.

2           **DEPUTY COMMISSIONER METTE:** I mean, you're -- let's, you  
3 know, let's not ignore the fact. If you know the reason  
4 you're in prison and how that's treated on the yard, not  
5 great.

6           **DAVID FUNSTON:** Not great.

7           **DEPUTY COMMISSIONER METTE:** How do you deal with that?  
8 How do you deal when people are persecuting you?

9           **DAVID FUNSTON:** Um, well, today, I -- in the past I  
10 would get angry, you know, prior to my coming to CIM, the way  
11 I dealt with that was through anger, through denial, denying  
12 that that's why I was in prison. Um, getting angry at the  
13 individual that was -- would say something to me. Since  
14 coming to CIM since becoming involved in Road to Freedom, um,  
15 yeah, I just say that's, you know, yes. What I did 30 years  
16 ago was horrible. It was horrific. I was a monster. Today,  
17 I'm in recovery. That's why you see me working so hard every  
18 day on my recovery is I don't want to be that person anymore.  
19 And I had this very conversation with a gentleman on my tier  
20 less, you know, less than a year ago. And, um, you know,  
21 that's how I approached it. I'm open about, I work with  
22 people out on the yard on a Road to Freedom. I meet with  
23 them every week, and right out in public, I'm working on a  
24 Road to Freedom. And so my way of dealing with it is I'm in  
25 recovery. I'm changing. That's not who I am today. I am

1 making every effort I can to do ensure that I never harm  
2 another child. I'm ashamed of my past behavior.

3 **DEPUTY COMMISSIONER METTE:** Okay. When was the last  
4 time you felt any sort of anger?

5 **DAVID FUNSTON:** Hmm. The last time I felt anger was  
6 easy. It was, uh, yesterday at, uh, 5:00 p.m. when I  
7 received a text message from my attorney that, um, the Parole  
8 Board hadn't received my documents. I mean, I was -- I had  
9 been trying since July to get documents to the parole Board.  
10 And so I was just frustrated that it appeared at that time  
11 that once again, my efforts to get my documents to the Parole  
12 Board had not been successful. And that was frustrating for  
13 me, and it -- it did trigger my anger.

14 **DEPUTY COMMISSIONER METTE:** How'd you deal with that?

15 **DAVID FUNSTON:** I dealt with it by texting, uh, let's  
16 see, about five different people. I texted them what I was  
17 feeling. I dealt with it by talking about it with my cellie  
18 --

19 **DEPUTY COMMISSIONER METTE:** And I want to --

20 **DAVID FUNSTON:** I dealt with --

21 **DEPUTY COMMISSIONER METTE:** -- I want -- when you say,  
22 and you mentioned texting, this is through your tablet?

23 **DAVID FUNSTON:** Yes.

24 **DEPUTY COMMISSIONER METTE:** Not a cell phone. Right.

25 **DAVID FUNSTON:** I'm not a -- not a cell phone.

1           **DEPUTY COMMISSIONER METTE:** Okay.

2           **DAVID FUNSTON:** I've -- I've -- sir, I've literally  
3 never had a cell phone in my hand.

4           **DEPUTY COMMISSIONER METTE:** Okay.

5           **DAVID FUNSTON:** That literal, right.

6           **DEPUTY COMMISSIONER METTE:** Okay.

7           **DAVID FUNSTON:** Um, so yes, through the GTL on our  
8 tablets, I, um, yeah, I texted my sister, I texted my friend  
9 BJ. I texted, um -- um, the Reverend Cutis Mark. I -- I,  
10 um, I talked with, I texted, uh, the licensed clinical social  
11 worker. I texted my attorney. Um, I, um, talked with my,  
12 um, cellmate, who patiently listened to me, and I, um,  
13 listened to the calm app on and did a guided meditation. I,  
14 um, yeah, I did all of those things.

15           **DEPUTY COMMISSIONER METTE:** Okay.

16           **DAVID FUNSTON:** Yeah.

17           **DEPUTY COMMISSIONER METTE:** Last couple of questions  
18 from me, um, and I'm going to use your words as far as the  
19 person that you were was a monster. Um --

20           **DAVID FUNSTON:** Yes.

21           **DEPUTY COMMISSIONER METTE:** -- and if you're released  
22 from prison, the general public will probably still look at  
23 you like that. You --

24           **DAVID FUNSTON:** Yes.

25           **DEPUTY COMMISSIONER METTE:** How are you going to deal

1 with that?

2 **DAVID FUNSTON:** So, um, I have thought about that. Um,  
3 you know, I have to be honest about my past. I have to,  
4 particularly if I get into a relationship or -- or if I'm  
5 asked about it by a coworker, I have to be upfront with a  
6 boss and, you know, a future employer and tell them about  
7 that. If someone does come out with me with those feelings,  
8 I have to say, yes, you're absolutely right. You have every  
9 right to be angry at me about what I did 30 years ago. What  
10 I did was horrific. That's, um, you know, I can understand  
11 what -- I caused that by my bad choices, I caused that, and I  
12 have to accept that. So if it's a one-time thing someone's  
13 hollering at me, I'm just going to, yes, this is a  
14 consequence of my bad choice. If it's ongoing harassment, I  
15 would talk with somebody and might even have to seek help  
16 from a law enforcement person. Or if it's say -- if it's a  
17 neighbor, I would just move. I don't want to subject this  
18 person to his coffee, so would be causing them trauma. I  
19 would find another place to live where I could live in peace  
20 with the community.

21 **DEPUTY COMMISSIONER METTE:** Okay. Um, as far as  
22 transitional housing, if you're released, do you have a first  
23 choice?

24 **DAVID FUNSTON:** Yes. My first choice is, uh, is Centers  
25 for Living.

1           **DEPUTY COMMISSIONER METTE:** Where is that?

2           **DAVID FUNSTON:** In Fresno -- in Fresno, California.

3           **DEPUTY COMMISSIONER METTE:** Okay.

4           **DAVID FUNSTON:** Um, I have extensive support networks  
5 set up in Fresno. So that's -- that's why.

6           **DEPUTY COMMISSIONER METTE:** Got it. Okay. Um, are you  
7 familiar with the 290 conditions if you're released?

8           **DAVID FUNSTON:** Uh, yes. I've read through those  
9 conditions and, um, I've, um, am working on memorizing all of  
10 them. Um, so yes, I am becoming familiar with them.

11           **DEPUTY COMMISSIONER METTE:** Are 290 conditions  
12 important?

13           **DAVID FUNSTON:** Yes, they absolutely are. They keep the  
14 community safe. They keep me safe. Um, yes, I mean, um, as  
15 someone that had a young daughter, I would want -- I would  
16 want conditions for release, you know? Absolutely. Yes.

17           **DEPUTY COMMISSIONER METTE:** Okay. I have no further  
18 questions at this time. Thank you very much, Mr. Funston.

19           **DAVID FUNSTON:** Thank you.

20           **PRESIDING COMMISSIONER CASSADY:** Thank you. Um, I  
21 really don't have any questions. Well, I do, I have -- I  
22 have one you mentioned and briefly spoke to the Deputy  
23 Commissioner regarding your hostility toward women. You  
24 identified causative -- root causes, I believe you called  
25 them, uh, childhood traumas, distorted beliefs, blame for

1 deformity. What deformation I -- was it the operation that  
2 you had to have? Did you blame your mother in some way?

3 **DAVID FUNSTON:** Yes. With my distorted thinking as a  
4 child and even as a young adult, I was born with a genital  
5 birth defect. I have -- was born with one teste, so I was  
6 born two months prematurely. And I -- so I blamed my mother  
7 for the fact that I was born prematurely. I thought, well,  
8 maybe she was using drugs or maybe she was drinking, or maybe  
9 there was something she did that caused my birth defect with  
10 my distorted thinking at that time, I did in fact blame my  
11 mom, um, for my birth defect, I did.

12 **PRESIDING COMMISSIONER CASSADY:** Okay. So did you think  
13 your birth defect was connected to the being born early?

14 **DAVID FUNSTON:** I, um, so I've done some research on my  
15 birth defect, and though it's very common for boys that are  
16 born prematurely for one or both of their testes not to  
17 descend. And nowadays what they do is they perform that  
18 surgery early on and have, and -- and in my case, that  
19 surgery did not occur until I was four and a half. And so  
20 what happened was my left testy withered and did not develop  
21 properly.

22 **PRESIDING COMMISSIONER CASSADY:** Hmm.

23 **DAVID FUNSTON:** So it's very possible that today if I  
24 had been born with the same condition, they would've done the  
25 surgery earlier, I would've been fine.

1           **PRESIDING COMMISSIONER CASSADY:** Okay.

2           **DAVID FUNSTON:** I -- I did blame my mother for that.

3           Yes.

4           **PRESIDING COMMISSIONER CASSADY:** Did you ever talk to  
5           her about it?

6           **DAVID FUNSTON:** I, um, did after we reconciled in 2007.  
7           Um, and by then I'd also had better understanding of the, uh,  
8           medical, you know, what was involved medically. And I no  
9           longer blamed her for that. Um, but we did in fact discuss  
10          it. Yeah.

11          **PRESIDING COMMISSIONER CASSADY:** Okay. And then you  
12          also indicated, uh, was that the childhood trauma you were --  
13          were referring to, or her death?

14          **DAVID FUNSTON:** Um, so I'm s --

15          **PRESIDING COMMISSIONER CASSADY:** I'm sorry, or she left,  
16          or you were raised by your father after they divorced?

17          **DAVID FUNSTON:** I -- I believe it was a combination of  
18          all of those things. It was the ongoing neglect and abuse in  
19          my home. It was the teasing and bullying of school. It was  
20          my mother, uh, being separated from my mother. It was the  
21          birth defect. It was a combination of all the --

22          **PRESIDING COMMISSIONER CASSADY:** How come -- well, how  
23          come that resulted in hostility toward, uh, females rather  
24          than toward males? 'Cause your father was the one that was  
25          abusive.

1           **DAVID FUNSTON:** Yeah, I, um, the -- for me, what was  
2 more difficult was the emotional abuse and neglect that I  
3 suffered from my mom, my stepmother, um, that I am blaming  
4 her for the problems I was having with my fa -- my -- my  
5 thinking back then was clearly not, um, was distorted. It  
6 was twisted thinking.

7           **PRESIDING COMMISSIONER CASSADY:** Okay.

8           **DAVID FUNSTON:** So I --

9           **PRESIDING COMMISSIONER CASSADY:** So you think -- do you  
10 think that any of your molesting of these young children is  
11 connected to your hostility toward women?

12           **DAVID FUNSTON:** Um, in one regard, I think it is in  
13 that, um, part of my motivation was meeting my emotional  
14 needs. And so the hostility towards women blocked me from  
15 forming healthy relationships with women my own age. And so  
16 I sought out a substitute for that. And one of those  
17 substitutes I sought out was the sexual offending, um, uh,  
18 with or --

19           **PRESIDING COMMISSIONER CASSADY:** Okay. Yeah, that's the  
20 only area that I wanted to -- to go deeper in, um, the --  
21 turning back to the Comprehensive Risk Assessment, the doctor  
22 administered the HCR-20 Version three. Um, that's a tool  
23 that's used to assist the doctors in reaching an opinion  
24 regarding your, uh, risk of violence if you're to be  
25 released. The doctor talks about the historical domain

1 first, um, and talks about high relevance in, um, present  
2 that's partially present, um, being treatment and supervision  
3 response. Maybe you hadn't participated, well, I don't know.  
4 You told the doctor about the programs that you participated  
5 in. Did you and the doctor have much discussion regarding  
6 what you had learned? You had a lengthy discussion with the  
7 Deputy Commissioner. Did you have a discussion with the  
8 doctor about what you had learned in the various programs?

9 **DAVID FUNSTON:** I -- I believe we have, uh, I believe I  
10 did have that discussion with him. I believe I talked -- I  
11 know I talked with him in great detail about my work with,  
12 um, Dr. Mann. I talked about Road to Freedom, a great deal.  
13 So I -- I believe I did, yes.

14 **PRESIDING COMMISSIONER CASSADY:** Okay. The doctor also  
15 talks about his historical considerations and relationships.  
16 So perhaps the doctor's talking about only historical in that  
17 area. And then as far as the, um, clinical risk, and those  
18 are -- that's usually within the last three years. The  
19 doctor says, self-awareness and treatment or supervision  
20 responses, partially present and of high relevance. Uh,  
21 says, while discussing your version of the sex offenses, he  
22 demonstrated acceptance and responsibility, admitted that you  
23 were experiencing fantasies about kidnapping sexually and  
24 molesting children, and that you admitted that that excited  
25 you, you identified four motivating factors for your life

1 crime. Um, and then the doctor lists the four, the, um, one  
2 through four. Um, but I -- I didn't really see where that  
3 was, uh, partially present or of high relevance. Doctor it  
4 says that you admit to exhausting other sexual outlets first,  
5 which that's what you told the Panel today also. And that  
6 the victim pool was, um, there was only one male victim in  
7 the victim pool. Uh, so then the doctor moves on to risk  
8 management factors, and those are usually anticipating future  
9 problem. Doctor says, partially present and of high  
10 relevance, professional services and plans, stress coping and  
11 treatment or supervision. Uh, says that recently you have  
12 been participating in self-help developed Parole Plans and  
13 have aspects of fe -- that have aspects of feasibility, and  
14 that, uh, you have made notable progress towards  
15 strengthening your pro-social values and behaviors to  
16 mitigate future risk for violence. Says that your -- but  
17 however, since your legal history has primarily consisted of  
18 physical and sexual violence toward minors and adult females,  
19 uh, your conduct toward children or adults who are  
20 intoxicated or vulnerable, you need to bolster your plans for  
21 specific places. Um, talking about sex offender treatment,  
22 uh, which you have participated in a lot, it would seem, um,  
23 and that's what we have noted in the Chronos. You do qualify  
24 for elder parole. Um, doctor indicates that there's no  
25 indication that your conditions aggravate or mitigate your

1 risk for violence. Doctor administered the Static 99, which  
2 came out putting you in the average risk category relative to  
3 other sex offenders. The sexual dynamic risk, uh, stable  
4 2007, dynamic risk factors were also used as well as dynamic  
5 risk factors using selected adaptive offense analog behaviors  
6 referred to as OAB. And there's the chart that I'm sure you  
7 went through and looked at saying, what's, you know, high and  
8 what's low? What are -- what's aggravating and what's  
9 mitigating. The doctor indicates in the conclusion that the  
10 review of an individual assessment of aggravating versus  
11 mitigating protective risk factors suggests that your risk  
12 for sexual violence is consistent with the Static 99, which  
13 was an average, and then the risk for, uh, future violence.  
14 The doctor identifies what he or she feels are the most  
15 relevant, salient, violent risk factors, uh, most of which  
16 are historic in nature. The history of sexual fantasies, and  
17 we talked at length about that. Most recent masturbation to  
18 sexual fantasies related to children was in 2021 talks about  
19 expansive victim pool for sexual offending, but most of all  
20 of this is historic in nature except for the, um, sexual  
21 fantasies in 2021, which is more recent. Uh, you did admit  
22 the history of domestic violence, and you've explained to the  
23 Deputy Commissioner what that was all about and what you've  
24 learned from it. The salient assistant or mitigating, uh,  
25 demonstrated responsibility for prior acts. Uh, your

1 extensive involvement in sexual offender treatment  
2 individually and in group settings talks about, uh, your work  
3 with clinicians outside of the CDC are clinicians, um,  
4 transitional housing relapse prevention plans, and what you  
5 refer to as urge control plan. Uh, you completed an AA  
6 degree in the community. Uh, several vocational programs  
7 remain behaviorally stable -- that you have been behaviorally  
8 stable for a prolonged period of time. Doctor comes to a,  
9 um, conclusion that you presently represent a moderate, a  
10 medium moderate risk for violence if released. Says you  
11 haven't engaged in documented active violence throughout your  
12 life term, and you have reportedly increased your involvement  
13 in sex offender treatment, both individually and in group  
14 settings. Is there anything that you wanted to say, say  
15 about, um, the Comprehensive Risk Assessment?

16 **DAVID FUNSTON:** Um, the only thing I would like to bring  
17 up is that I have extensive plans for, uh, sex offender  
18 treatment in the community. I'm going to continue with Dr.  
19 Mann, and I also am well aware that I'll be in the Sex  
20 Offender Management program when I get out. Um, and I'm  
21 looking forward to that. And lastly, I, um, intend to be  
22 involved in SAA, um, I've been trying for three years to get  
23 a sponsor, and I just recently was given a sponsor. So, um,  
24 I tend to continue with the essay out in the community as  
25 well.

1           **PRESIDING COMMISSIONER CASSADY:** Okay. That sounds  
2 good. Okay. Um, Mr. Mette, any additional questions?

3           **DEPUTY COMMISSIONER METTE:** Nothing further.

4           **PRESIDING COMMISSIONER CASSADY:** Mr. Archibald, and I'll  
5 ask both attorneys to keep questioning to 10 minutes.

6           **DEPUTY DISTRICT ATTORNEY ARCHIBALD:** And thank you. Uh,  
7 a question for this Panel for Mr. Funston would be looking at  
8 the 2022 risk assessment, I'm sorry, (inaudible) transcript  
9 on page 24. Uh, there, uh, Commissioner Taira asked Mr.  
10 Funston the end of the longer question. Uh, are there other  
11 victims out there? Uh, Mr. Funston, uh, there are only, uh,  
12 the -- there are -- the only other child victim I have is one  
13 from Roseville, Ms. Samantha B. So -- and then it goes on to  
14 saying the two adult victims. So my question to the Panel  
15 for Mr. Funston is, when -- when did that -- what -- what  
16 happened with regards to that child?

17           **PRESIDING COMMISSIONER CASSADY:** Do you remember that  
18 incident and your answer to -- to Commissioner Taira?

19           **DAVID FUNSTON:** Um, yes, I do.

20           **PRESIDING COMMISSIONER CASSADY:** Okay.

21           **DAVID FUNSTON:** So that incident was in January 2020 --  
22 uh, 20 -- uh, excuse me, let me think of the date. Um,  
23 January 1996. And so it was, um, right about the exact same  
24 time period as, um, the one involving T, um, it was very  
25 close in time to that.

1           **PRESIDING COMMISSIONER CASSADY:** Did you want to know  
2 more about that, Mr. Archibald?

3           **DEPUTY DISTRICT ATTORNEY ARCHIBALD:** Well, I -- I -- my  
4 -- I guess my question would be, ma'am, you know, what --  
5 what did you do? There was -- was, you know, was --

6           **PRESIDING COMMISSIONER CASSADY:** Was that the same type  
7 of activity that you had performed on the -- the girls later?

8           **DAVID FUNSTON:** Um, so I approached, um, this young  
9 child. I, um, groomed the child by being friendly, giving  
10 the child candy. I then, um, sexually molested the child.  
11 Um --

12           **PRESIDING COMMISSIONER CASSADY:** Well, what did you do?  
13 What type of molestation?

14           **DAVID FUNSTON:** I, um, pulled, pulled down her pants,  
15 and I, uh, fondled her genitals.

16           **PRESIDING COMMISSIONER CASSADY:** How old was she?

17           **DAVID FUNSTON:** I am -- I'm not -- I, um, believe she  
18 was, um, six years old.

19           **PRESIDING COMMISSIONER CASSADY:** Okay. That answer your  
20 question, Mr. Archibald?

21           **DEPUTY DISTRICT ATTORNEY ARCHIBALD:** Yes, ma'am. Thank  
22 you. I appreciate it. Uh, then, uh, with regards to, uh,  
23 this is in the 2025 risk assessment on page eight. It's, uh,  
24 sorry, (inaudible) Valley risk assessment, um, uh,  
25 (inaudible). Oh (inaudible).

1           **PRESIDING COMMISSIONER CASSADY:** The only thing on page  
2 eight that I can think that you'd want to ask about was the  
3 purchasing stolen items.

4           **DEPUTY DISTRICT ATTORNEY ARCHIBALD:** No, that's not it.  
5 I'm sorry. I --

6           **PRESIDING COMMISSIONER CASSADY:** Okay.

7           **DEPUTY DISTRICT ATTORNEY ARCHIBALD:** -- I -- I don't  
8 know there in here, and I must have written down the wrong  
9 number. Uh, in -- in one of the documented in (inaudible),  
10 you know, molestations, he did with these four girls, uh, in  
11 the vicinity of where he had molested that particular child.  
12 Uh, the officers where his car, Mr. Funston's car was parked,  
13 they found five, uh, photographs of children, uh, which, uh,  
14 I get on probation. Yes. Okay. I am sorry. It's on page  
15 eight of the probation report. I'm sorry.

16           **PRESIDING COMMISSIONER CASSADY:** Oh.

17           **DEPUTY DISTRICT ATTORNEY ARCHIBALD:** And, uh, I  
18 apologize. Uh, this was the molestation of -- starts out on  
19 page seven. Uh, this is molestation of, uh, Terina  
20 (phonetic) W., uh, this is the girl that, uh, tried to get  
21 her into the laundry room, wanted to look at her bottom.  
22 That's the top of page eight. And it says, when officers  
23 later investigated, they found a strip of five photo  
24 negatives near where defendant's car had been parked. Three  
25 of the pictures were young children wearing panties. One was

1 a female juvenile, and another was an adult female lying on a  
2 bed. So my question to the Panel for Mr. Funston is, what  
3 about those photographs?

4 **PRESIDING COMMISSIONER CASSADY:** What about those  
5 photographs? Do you know anything about them?

6 **DAVID FUNSTON:** Yes. So that came up my -- my trial and  
7 the detective said that they had determined that those were  
8 not related to my case.

9 **PRESIDING COMMISSIONER CASSADY:** Okay. Apparently they  
10 weren't related to his case. Were they in your car?

11 **DAVID FUNSTON:** No, they absolutely were not. They were  
12 -- I guess they were in the -- in the parking lot. They  
13 found them in the parking lot.

14 **PRESIDING COMMISSIONER CASSADY:** Oh, okay.

15 **DEPUTY DISTRICT ATTORNEY ARCHIBALD:** Well, just with  
16 regards to this is -- this is -- this is on page two of the  
17 appellate opinion. So this is the -- the molestation of LI.  
18 You know, what the victim says is when she was first  
19 approached by Mr. Funston, there was a -- a man and a woman  
20 inside the car. And that's when Mr. Funston approaches LI  
21 and asked if she wants candy. LI got into the car, the man  
22 drove away. Uh, then eventually, uh, on page three,  
23 according to the victim, at some part, uh, at some point, uh,  
24 LI depart -- after -- at some point after LI departed with  
25 the man, a woman, the woman got out of the car and LI

1 proceeded it alone with Mr. Funston. So my question to the  
2 Panel for Mr. Funston is, who was that woman?

3 **PRESIDING COMMISSIONER CASSADY:** Who was the woman in  
4 the vehicle with you?

5 **DAVID FUNSTON:** There was never anybody else in the  
6 vehicle with me. I was alone. I don't know where that story  
7 originated, if there being someone with me, but there  
8 absolutely was not. I was alone.

9 **PRESIDING COMMISSIONER CASSADY:** Okay. He -- he's not  
10 sure why the child said that.

11 **DEPUTY DISTRICT ATTORNEY ARCHIBALD:** (inaudible) Panel.  
12 Appreciate that. Uh, yeah. Uh, I -- and -- and perhaps I  
13 missed this. I -- I just, Commissioner Cassady had asked Mr.  
14 Funston early on, are you still attracted to female children?  
15 Mr. Funston gave a very lengthy answer. Which at least to  
16 me, I never heard him say yes or no. So my question is are -  
17 - is he still attracted to female children?

18 **PRESIDING COMMISSIONER CASSADY:** Are you still attracted  
19 to female children?

20 **DAVID FUNSTON:** Um, yes, I am.

21 **PRESIDING COMMISSIONER CASSADY:** Do you want to say yes  
22 or no? Okay.

23 **DAVID FUNSTON:** Yes.

24 **PRESIDING COMMISSIONER CASSADY:** Yes.

25 **DAVID FUNSTON:** Yes, ma'am.

1           **DEPUTY DISTRICT ATTORNEY ARCHIBALD:** Okay, great. Thank  
2 you. Um, yeah, then -- then when -- this is the 2025 risk  
3 assessment, uh, on page four there, uh, the doctor was, uh,  
4 middle, middle paragraph into that middle paragraph. Uh, it  
5 says, during his last year Mr. Funston conceded, he used ex -  
6 - used to experience sexual offenders related disorder, but  
7 never offended against her. Even though he committed acts of  
8 physical violence while offending against children. He said  
9 he, there was no sexual gratification in hurting the  
10 children. So my question to the Panel for Mr. Funston is,  
11 here's someone who, at least on my notes here, going through  
12 all these various experiences, you know, he -- he moves  
13 beyond, uh, sex with, you know, non-sex worker women. 'Cause  
14 he needs more excitement. So he goes to prostitutes and they  
15 -- they provided this additional sort of adrenaline sex eye,  
16 and -- but that's not enough. So he turns to children. And  
17 so that the -- the children thinks you have an additional  
18 adrenaline sex high. And then he's doing that. And -- and  
19 so my -- my question to the Panel is, you know, the -- the --  
20 the fact that Mr. Funston goes and kidnaps children off the  
21 street and then molest them sometimes using violence,  
22 punching them in the face or using a knife, wasn't that part  
23 of the adrenaline on or a new adrenaline?

24           **PRESIDING COMMISSIONER CASSADY:** Was that part of the  
25 adrenaline high? The description of the, um, activities that

1 Mr. Archibald just described?

2 **DAVID FUNSTON:** It was not part of the adrenaline high.  
3 It was -- my behavior was, um, driven by that adrenaline  
4 high. And that I don't believe I would've engaged in that  
5 behavior. If not, if I has not been, um, experiencing that  
6 adrenaline high.

7 **PRESIDING COMMISSIONER CASSADY:** Okay. The adrenaline  
8 high came first.

9 **DEPUTY DISTRICT ATTORNEY ARCHIBALD:** All right. Thank  
10 you, ma'am. I appreciate that. Uh, just make sure, um,  
11 yeah, and then -- my -- my question (inaudible) my last  
12 question. I appreciate Commissioner. Uh, my last question  
13 would be, you know, Mr. Funston has repeatedly referred to  
14 his thinking with regards to his why he committed the crimes  
15 was affected by his father's books, which I guess were  
16 pedophilic books and also, uh, you know, Playboys or  
17 whatever. So my question to the -- the Panel for Mr. Funston  
18 be in -- in -- in -- in any of those books or documents, was  
19 there, you know, descriptions of kidnapping children or  
20 punching children or using a knife on children? Do you  
21 understand the question, sir?

22 **DAVID FUNSTON:** I do. There was -- there was not.

23 **PRESIDING COMMISSIONER CASSADY:** No, there was not, sir.

24 **DEPUTY DISTRICT ATTORNEY ARCHIBALD:** There was not.  
25 (inaudible) have, thank you. I appreciate it.

1           **PRESIDING COMMISSIONER CASSADY:** Thank you. Ms. Emig?

2           **ATTORNEY EMIG:** Thank you, Commissioner. Okay. Um, I'm  
3 going to -- I'm going to keep it less than the 10 and a half  
4 minutes. Um, I just have a couple questions for my client.  
5 Mr. Funston, you can answer me directly. So in the  
6 Comprehensive Risk Assessment, um, under Protective Factors,  
7 there's one of those charts and it talks about financial  
8 stability.

9           **DAVID FUNSTON:** Yes.

10          **ATTORNEY EMIG:** I'll reference the -- for the Panel,  
11 it's on page 17 of 21, and there's a common in there where it  
12 says that it's not present the financial stability and it  
13 doesn't lower your risk. Here the comment is he received an  
14 inheritance after his mother's death, but he does not appear  
15 to have stable employment at the time of his release from  
16 prison. Did you want to comment on that?

17          **DAVID FUNSTON:** Um, yes. I just, um, I am of the  
18 opinion that my having that inheritance will give me a  
19 cushion and give me the time I need to find appropriate  
20 employment. I am willing to accept any job. Um, I have been  
21 told by the people at COSA, uh, that work is available that  
22 they will help me find a job. And I believe that that is at  
23 least as valuable, the inheritance that I have is at least as  
24 valuable as if I had a -- a -- a job lined up at minimum wage  
25 that may or may not ever pan out and may not, you know, and

1 this way I have something that's even more solid. I have --  
2 I actually have financial resources that I can draw upon in  
3 order to cover any expense that may come up in the first year  
4 that I'm released.

5 **ATTORNEY EMIG:** Okay. I don't have any further  
6 questions, Commissioner. Thank you so much.

7 **PRESIDING COMMISSIONER CASSADY:** Thank you. Mr.  
8 Archibald closing again. I'll ask both attorneys for 10  
9 minutes.

10 **DEPUTY DISTRICT ATTORNEY ARCHIBALD:** Thank you, ma'am.  
11 I appreciate it. People say Mr. Funston is not suitable for  
12 parole. Mr. Funston is obviously a very -- very intelligent  
13 man, and, uh, he's done a lot of programming, there's no  
14 doubt about that. And, uh, he's learned a lot. Uh, I -- I --  
15 - I would -- I guess the people's objection or concern is  
16 several points, which I'll try and bring together. One is  
17 Ms. -- Mr. Funston is a very intelligent guy, and I -- I  
18 would submit there's a couple times that he's been untruthful  
19 or just -- just trying to minimize his, you know, maximized  
20 what I've learned from programming and -- and minimized, uh,  
21 what he knew at the time and -- and what he actually talked  
22 about today. You know, he -- he said that, well, uh, you  
23 know, we have saw the emotional response today because he had  
24 heard this person come into the prison there and give a  
25 lecture about when she was molested as a child. And he just

1 didn't realize, you know, it really brought home to it. You  
2 know, Mr. Funston is a very intelligent, so when he was going  
3 around with these children, Mr. Funston is 5'11, a hundred  
4 eighty, at least according to probation report at the time.  
5 He knew, he had to know the kind of pain he was inflicting on  
6 these children. And -- and -- and -- and that's part of the  
7 problem with Mr. Funston is. Is he said, today, I -- I don't  
8 want to harm another child. Well, that's a great goal. And  
9 -- and, but unfortunately, Mr. Funston focuses on harming a  
10 lot of people, including adult women, including the well r --  
11 rape or sexual assault of an adult woman. So it's not just  
12 limited to children, and it's not just limited to -- and this  
13 is -- Mr. Funston is someone who, uh -- uh, minor children, a  
14 minor boy, adult woman, uh, punched an -- another adult  
15 woman, domestic violence against his wife. He's someone who,  
16 in terms of sexual activities or molestations, there's  
17 fondly, there's groping, there's digital penetration, there's  
18 oral copulation by him, there's oral copulation by the child  
19 on him, and -- and -- and -- and there's violence along with  
20 that. All that is part of the big picture. Mr. Funston  
21 wants to talk about all these different programs he has,  
22 which are -- which are good. I -- I'm -- I'm not saying  
23 that, but he has not addressed the issue of violence. I  
24 don't think he's being truthful when he told the psychologist  
25 that, no -- no, the violence had nothing to do about it.

1 This is someone I would submit just from a common sense point  
2 of view and his own statements. He is -- he needs his  
3 constant sexual excitement and he needs it to increase.  
4 That's what he's told us. It increases from just, you know,  
5 having sex with a -- a -- a normal partner or an average  
6 partner, then to prostitutes. That's not enough focuses on  
7 children. And -- and the thing with the children, you know,  
8 we kind of overlook it just because the acts themselves are  
9 so horrible, but the sexual acts, but he's kidnapping  
10 children off the street. That's a violent crime in and of  
11 itself, just driving down prowling for children, sees a  
12 vulnerable child, grabs up that child off the street, puts  
13 them in his car or her in his car, and goes where he is going  
14 to go. And then when he gets there, he accomplishes --  
15 sometimes he accomplishes the acts, the sexual acts by the  
16 use of violence. He punches children in the face or he puts  
17 a knife to the throat I don't believe that. Mr. Funston is a  
18 very intelligent guy. He was asked to take time and again,  
19 different times. When did you first, you know, or when did  
20 you last have this, or when did you first become aware of  
21 this? Well, that was about 2018, 2021. Uh, I don't remember  
22 putting a -- using a knife with regards to that particular  
23 victim. I just don't recall it. And he, you know, and then  
24 he goes and say, you know, if it's sitting on the probation  
25 report, I believe it, but that's unbelievable. Okay, here's

1 a child. He's putting a knife up her throat. He doesn't --  
2 he's threatening to kill her. He doesn't remember. I -- I  
3 mean, and -- and then he's punching this child in the face so  
4 he can accomplish the digital penetration of the child. It --  
5 - it's -- it's beyond belief that it, so why didn't he, why  
6 doesn't he admit to that? Because he is a very intelligent  
7 guy. He knows -- I would suspect this is my theory or my  
8 submission to the Panel based on common sense and other  
9 factors that I've mentioned. Mr. Funston knows that if he  
10 were to say that, yes, I remember putting the knife up there,  
11 that strengthens the case against him to say that, yes, uh,  
12 the violence was part of it that enhanced his sexual  
13 adrenaline junkie feeling. He hasn't really looked at the  
14 violence that's involved in this and the violence that led to  
15 increased sexual excitement for him as a motivation. He has  
16 not addressed that. And I would say that that's a big  
17 problem. Uh, the claim is no sexual gratification there, I  
18 think is untruthful. That's something he needs to address.  
19 He hasn't addressed that because he doesn't want to think  
20 about it, or he is just overlooked at -- I can't say that,  
21 but he needs to address that. He has not done that. Uh,  
22 also, the scope of violence, as I mentioned, that's something  
23 he's an unusual sex offender, is that he does everything he  
24 focuses on I don't want harm other children. Well, that's --  
25 that's good. But he did harm, you know, an adult woman as

1 well. The fact that he is masturbating to an adult woman. I  
2 don't fantasies in sexual fantasies as to adult woman. I  
3 don't see that as an improvement to as fantasies masturbating  
4 to fantasies of sex with children. He -- he -- he is someone  
5 who is a multiple victim -- multiple victim pool offender,  
6 and he has not addressed all of that. And -- and then just  
7 the fact that he blames everything or everything originates  
8 in his childhood, you know, his -- his mother's supposed, uh,  
9 disregard of him, uh, neglect of him, the fact that his  
10 father was apparently, according Mr. Funston, a pedophile, at  
11 least a person who's inter -- interested in pedophilia. And  
12 -- and, but -- so where did all the violence come from? Why  
13 is he kidnapping? Why is he punching children in the face?  
14 Why is he, you know, with the adult women? Why is he raping  
15 or sexually molesting an adult woman by grabbing her off the  
16 street another and dragging her into bushes and then sexually  
17 molesting her there, including digital penetration of her?  
18 So this is someone, there's a lot more violence here that  
19 violence has not been addressed. Uh, this is someone who,  
20 yeah, he's made a lot of progress. He's done a lot of  
21 things, but this is a very dangerous guy in multiple areas.  
22 He has not addressed on that. For those reasons, he's still  
23 on suitable role because he poses unreasonable risk of danger  
24 to the public. Thank you.

25 **PRESIDING COMMISSIONER CASSADY:** Thank you. Ms. Emig?

1           **ATTORNEY EMIG:** Thank you, Commissioner. I've started  
2 my timer. All right. There's a lot to cover here. I want  
3 to start off with the legal standard here. And we are  
4 absolutely arguing for a finding of suitability here. We  
5 believe that the law supports it, and I'm going to outline  
6 all of the reasons why. So first of all, we start off with a  
7 question from In Re Lawrence, and that is whether or not Mr.  
8 Funston poses a current unreasonable risk to public safety.  
9 I would proffer to you that the life crime is remote and  
10 immutable. Um, and as such, the commitment offense will not  
11 provide some evidence inevitably supporting a decision that  
12 the inmate remains a threat to public safety when evidence of  
13 the inmate's rehabilitation and suitability for parole is  
14 overwhelming, which it is here, and the offense is both  
15 temporarily remote and mitigated by circumstances indicating  
16 that the conduct is not likely to reoccur. So where does  
17 that all lead us here? Because there were a number of  
18 questions that started off, and I want to start off with, by  
19 addressing the DA's, um, uh, position. First of all, our --  
20 our position is contrary to, um, the District Attorney's  
21 office. We believe that he is suitable and that we do agree  
22 with the District Attorney's office in that we do think that  
23 Mr. Funston is intelligent and that he has done a lot of  
24 programming. And the intelligence is an important concept  
25 because, you know, Mr. Funston has had to spend this time

1 trying to unravel his criminality and trying to understand  
2 everything. So what did Mr. Funston do is he used his  
3 intelligence and his resources, and he went out and he sought  
4 help from Dr. Mann and the licensed clinical social worker.  
5 And we put off, we signed a one-year waiver. We actually  
6 tried to do a postponement. The Associate Chief Deputy  
7 Commissioner, um, declined, um, to -- to take us up on that  
8 offer. And we were put into a one year waiver, um, which was  
9 fine because Mr. Funston, um, knew that he needed to address  
10 these issues. So what did he do? He got aggressive with Dr.  
11 Mann, um, by upping as many meetings as -- as possible, um,  
12 added on the licensed clinical social worker and put that  
13 into the schematic within the prison environment. And it's  
14 really started going into depth to understand this. And  
15 here's the thing. There was a real shift in -- in the  
16 momentum of this hearing when we went into post-conviction,  
17 because the proof is in the pudding. And what I mean by that  
18 is Mr. Funston is able to talk to you about chapter one,  
19 chapter two, chapter three, chapter four, all the way through  
20 chapter eight, those 346 pages of, um, the Road to Freedom,  
21 because he is actually done the work that's not feigning in  
22 any way, shape, or form when you look at his relapse  
23 prevention plans, and they're extensive, right? I want to  
24 talk to you about that too, because he is actually done the  
25 work. Um, we've -- we've submitted remorse letters, right?

1 Um, and, you know, one of the things that the DA pointed out  
2 to this Panel was, you know, about, you know, um, that he has  
3 responses to victim impact. Yes. That is what happens,  
4 right? And we see that time and time again in Bo -- Board  
5 hearings because that's what happens. They go to these  
6 victim impact groups and they start to see this, and it's  
7 touchable and it's, and it's at a time in their life where  
8 they're open to listening to the message that makes sense  
9 when DA is asking you to use your common sense. So am I --  
10 I'm asking you to do that. Um, his programming extensive,  
11 um, this is no longer theory. It's what he does in practice.  
12 And there were a number of times where those moments shown  
13 through when we were talking about the urge control plan,  
14 when he was able to talk to you about those four steps that  
15 he does, that he goes into his daily rehearsals, and he's  
16 been doing that since 2021. That's where the proof is in the  
17 pudding. Um, and he talked to you about, uh, Ms. Luhan,  
18 right? And the plan for pornography. Well, we've got a  
19 number of plans. We've got relapse prevention plans that  
20 deal with his sexual offending, uh, relapse prevention plan,  
21 his offense chain and prevention strategies. Healthy  
22 sexuality plan, his healthy online technology plan, right?  
23 That's really proof in the pudding that isn't just taking  
24 that, that's using his intelligence and -- and -- and  
25 understanding that he's going to be inundated with

1 pornography that is going to be readily available upon  
2 release. So we've got that. We've got relapse prevention  
3 plan that deals with domestic violence. He was able to talk  
4 to you not just about what we learn here in the Board  
5 hearings as far as the, uh, cycle of abuse, but he added in  
6 also that pretend normal, um, aspect, which is the fourth  
7 category, right? We don't normally hear that. Um, uh,  
8 healthy relationship plan, anger management plan. My guess  
9 is that my -- there was a reason why my ears were ringing at  
10 five o'clock yesterday, by the way. Um, healthy, um, relapse  
11 prevention plans that deal with substance abuse, right? His  
12 mental health management plan, because he acknowledges that  
13 those are challenges as well. We have clear delineation  
14 points, right? We have them for these substances. He was  
15 able to articulate that last time he used marijuana was in  
16 October 1988, cocaine in 1985, the last time that he used  
17 alcohols on January 25, 1986. So we've got all of that. We  
18 also have delineation points from the last time that he  
19 masturbated to a child being in 2021. The last time he  
20 masturbated to the thought of an adult woman, which is a pro-  
21 social thing, uh, was in May 2025. So we've got all of that.  
22 We actually even have really realistic Parole Plans because  
23 in a moment I'm going to be talking to you about structured  
24 decision making, right? We've got Parole Plans, transitional  
25 living, COSA from Fresno, we've got support letters. Um, all

1 you need to do is look at some of these letters. Um, we have  
2 the letter from, um, Mr. Funston's, uh -- uh, sister that  
3 talks about the shift that, um, that she saw in Mr. Funston  
4 with respect to the aggression that he had towards women. I  
5 mean, she stopped having contact with him and then spoke to  
6 him years and years later, and now sees and -- and now is  
7 having a continuous relationship with him. Um, so we have  
8 that from Cindra (phonetic) L. Funston Lewis. We have a  
9 support letter from his father, Bruce. We have the extensive  
10 stuff. All you need to do is go into that eight page, uh,  
11 relapse prevention plan for the sexual components where he  
12 talks about his triggers, his feeling powerless, right?  
13 Feelings of loneliness, feelings of humiliation, right? He's  
14 got not only red flag warning signs, but he also has yellow  
15 flag warning signs, right? He's talked to you about his urge  
16 control plan, which is delineated, um, here. He's got his  
17 first thing he tells himself, stop. Second, I remind myself  
18 of the consequences. Third, I remind myself of my commitment  
19 to never re-offend. Fourth, I made the conscious decision,  
20 right? He's got a 800 number, um, he's got accountability  
21 contracts. So when we're looking at, has he addressed his  
22 issues, right? We already are coming in here with a clean  
23 slate as far as no rule violations, right? So we've got  
24 accountability contracts that Mr. Funston himself, uh, wrote  
25 up and -- and has agreement to. We've got people that have

1 written in, in support of him inside the institution from,  
2 uh, Jackson, from Brower (phonetic), from Vyoid (phonetic),  
3 from, uh, Rhodes, right? We've got -- we've got the Reverend  
4 Timothy Curtis Mark who has -- who -- who wrote to you about  
5 his involvement with Mr. Funston. We've got Revolution,  
6 we've got COSA, we've got Healing Hearts, restoring Hope,  
7 right? We've got the Covina (phonetic) Community Church. We  
8 have all of this stuff. We have a -- we have a Susan Lee  
9 who's a licensed clinical social worker who writes in about  
10 Mr. Funston as well. And then we also have, not only that,  
11 we have the extensive programming. We have 77 hours of  
12 Edovo. The Freedom Fight, sex Addiction Recovery class is 40  
13 hours and 18 minutes. We have that documented for the parole  
14 Board as well. So that's evidence, that's not theory, that  
15 is absolute evidence. So let's go into this very -- very  
16 quickly. I'm going to -- I'm going to really rush through.  
17 Um, okay, so with respect to that, he does have -- he  
18 qualifies as an elderly offender. He's got signs of remorse.  
19 He's at an age that reduces the probability of recidivism.  
20 He's got understanding and plans for his future. His  
21 institutional behavior absolutely indicates an enhanced  
22 ability to function within the law upon release. We're  
23 coming in with a moderate medium, and given all of the  
24 objections that we had, the -- the context of the way that  
25 the clinician saw Mr. Funston, we believe that that moderate

1 is supportive of a finding of suitability. Static factors  
2 are static, static factors in categories two and three, which  
3 is your criminal and parole history and offense, self-  
4 control. Programming, we would offer to you as mitigating.  
5 Extensive -- extensive -- extensive sex offender programming.  
6 Institutional behavior is mitigating, as well as this leaves  
7 you with the crux of everything, offender change, release  
8 plan, solid and mitigating and his offenders, um, change. If  
9 you look at who Mr. Funston was back then and who he is now,  
10 that is the crux of everything. That is not theory, it is  
11 evidence of a finding of suitability. Thank you,  
12 Commissioner.

13 **PRESIDING COMMISSIONER CASSADY:** Thank you. Sir would  
14 you like to make a closing statement to the Panel?

15 **DAVID FUNSTON:** I would. Please.

16 **PRESIDING COMMISSIONER CASSADY:** Go ahead.

17 **DAVID FUNSTON:** Thank you, Commissioner. I wish to  
18 express my deep remorse for the great harm I've caused. LI,  
19 AC, AW, TW OR, and MR. My actions were predatory, abusive,  
20 and evil. Incredibly. I didn't care who I hurt and trying  
21 to satisfy my sick and devious sexual urges. I have read the  
22 statements of the harm I caused my victims and their  
23 families, and today their words penetrate deep into my soul.  
24 I now see them as strong, courageous survivors. While I was  
25 a selfish coward for victimizing them, I am disgusted and

1   ashamed of my behavior and have great remorse for the harm I  
2   caused my victims, their families in the community of  
3   Sacramento. I'm truly sorry. I -- I am genuinely remorseful  
4   for kidnapping, sexually molesting, choking, and hitting you.  
5   It pains me deeply to think about the sexual, physical, and  
6   emotional abuse I inflicted upon you. My callous, violent,  
7   and disgusting behavior destroyed your innocence and set you  
8   back in life. I caused you terror, anxiety, and sadness. I  
9   damaged your mind and spirit. I am so, so sorry that I  
10   didn't control myself. I apologize for the misery and pain I  
11   caused AC I deeply apologized for kidnapping, sexually  
12   molesting and threatening you. My behavior was unbelievably  
13   cruel, heartless, and evil. I can only imagine how  
14   terrifying, humiliating, and degrading this must have been  
15   for you because of my callousness, you experienced  
16   nightmares, panic attacks, and couldn't concentrate in  
17   school. I have emotionally scarred you in ways that will  
18   impact you for the rest of your life. And I not only harmed  
19   you, I tore apart your whole family. I crushed your spirit  
20   and I decimated your young life. I am forever, sorry, AW. I  
21   apologize for sexually molesting you and showing you  
22   pornography. I know I caused you serious lifelong trauma. I  
23   imagine that my actions made you feel confused, terrified,  
24   humiliated, and disgusted. I destroyed your sense of self  
25   and your self-confidence and your peace of mind. My actions

1 have very likely led you to question your own identity. In  
2 your shoes I would be angry, so angry. I truly apologize and  
3 wish I could undo the pain and harm I've caused you. I'm so  
4 sorry I that I wrecked your childhood, polluted your mind,  
5 and forever changed the course of your life. TW, I truly  
6 regret the harm I caused you. I apologize for alluring you  
7 into the laundry room and molesting you. What I chose to do  
8 shattered your life. I ruined your childhood. What I put  
9 you through must have been excruciating, feeling unsafe, and  
10 worried about what might happen next. I destroyed your peace  
11 of mind, leaving you anxious and depressed. I am so sorry I  
12 put you through this. MR I am truly remorseful for  
13 kidnapping you and your sister abducting. Both of you was  
14 unbelievably cruel, heartless, and perverse. I know I hurt  
15 you deeply. I put you through such misery being a little  
16 play outside, feeling unsafe and continually waiting for the  
17 next bad thing to happen. I imagine the stress I caused has  
18 taken a toll on you mentally and physically. What I did was  
19 unexcusable and deprived you of normal childhood. I am truly  
20 sorry. OR I apologize for L you into my carb by offering you  
21 candy. My behavior was deceitful, coldhearted, and sinful.  
22 I was completely out of control. Over these last 29 years, I  
23 have reflected deeply on the harm I caused you. When I think  
24 back to that day and how terrifying this must have been for  
25 you, I feel disgusted with myself. It fills me with anguish

1 to think about how I hurt you and your sister. I am really  
2 sorry that I hurt you. I also want to acknowledge how deeply  
3 I injured the families of my victims. They have suffered  
4 unspeakable pain because of what I chose to do. I shattered  
5 your family's peace and caused trauma to all of you. When I  
6 reflect upon the anguish and pain I caused, I'm heartbroken.  
7 I especially think of the mothers and the suffering I put  
8 them through. I apologize for the sleepless nights when you  
9 were comforting your crying child and trying to help them  
10 make sense of what I did to them. I robbed each of you of  
11 the joy and happy memories you should have shared. Instead,  
12 I destroyed your child's lives and tore apart your families.  
13 Because I harmed your child, I have caused you devastating  
14 emotional pain, stress, and feelings of helplessness. I wish  
15 I could take it all away. I'm deeply remorseful over the  
16 harm I caused. I apologize. I am so, so sorry. Knowing how  
17 deeply I've harmed each of you has motivated me to change. I  
18 have made a decision that I will absolutely never harm  
19 another child. I work daily to honor this commitment. My  
20 life will always be a living amends to those I've harmed as I  
21 remain forever in recovery. I also want to acknowledge how  
22 painful this parole hearing is for those I harmed in their  
23 families. The thought that I could have the opportunity to  
24 leave prison must be difficult. I want to assure each of you  
25 that I've worked hard for many years to ensure I -- I will

1 never harm another soul. I am firmly committed to a life of  
2 nonviolence. Again, I want to express my sincerest apologies  
3 for the harm I caused. LI, AC, KW, TW, OR, MR, their  
4 families in the community of Sacramento. I sincerely regret  
5 my actions and wish I hadn't done it. I'm truly sorry. I  
6 want to thank everyone for giving me this opportunity to  
7 speak. Thank you.

8 **PRESIDING COMMISSIONER CASSADY:** Thank you. With that,  
9 we're going to go into deliberations. The time is 1:51 p.m.  
10 and we will return at 2:05 p.m. Off record, please.

11 **[RECESS]**

12

13

14

15

16

17

18

19

20

21

22

23

24

25

**CALIFORNIA BOARD OF PAROLE HEARINGS****DECISION**

**DEPUTY COMMISSIONER METTE:** We're back on record.

**PRESIDING COMMISSIONER CASSADY:** Time is 2:09 p.m.

All parties previously identified a return for the reading of the decision in the matter of David Funston, P37790.

Located at CIM in Chino. Commitment offense is out of Sacramento County. We have two counts, kidnapping fraud child under 14. Additional counts include, uh, prior -- oh, I'm sorry, include four counts of lewd and lascivious acts on a child under 14 with force and violence. The sentence is 20 -- 68 years, eight months to life and the victims in this case are LI five-year-old female KW, four-year-old male, MR four-year-old female OR, five-year-old female, AC four-year-old female and TW seven-year-old female. In considering parole suitability, the Panel reviewed the prior transcript, the Comprehensive Risk Assessment, Electronic Central File WatchDox files, additional documents submitted letters and responses received. The testimony presented at the hearing by Mr. Funston, as well as the input of the Sacramento Deputy District Attorney and Mr. Funston's attorney. Additional considerations include that Mr. Funston qualifies for elder offender consideration. Therefore, the Panel

**DAVID FUNSTON            P37790            09/24/2025            DECISION PAGE 1**

1 assigned special consideration to the elder offender  
2 factors of age, length of incarceration and medical  
3 conditions. The legal standard applicable to Life Parole  
4 Consideration Hearings is whether the incarcerated  
5 individual poses an unreasonable current risk to public  
6 safety. In this case, the Panel finds that the mitigating  
7 factors outweigh the aggravating factors and conclude that  
8 Mr. Funston is suitable for parole and does not pose an  
9 unreasonable current risk to danger if release. The Board  
10 of Parole Hearings re decision review unit has up to 120  
11 days to review the decision, the Governor then has an  
12 additional 30 days during which time he may review the  
13 decision and that will occur before the deci -- decision  
14 becomes final, sir. The Comprehensive Risk Assessment  
15 authored by Dr. Koranda in 2025 took into consideration  
16 your elder parole factors and concluded that you presently  
17 represent a medium moderate risk of violence if released  
18 to the free community. We didn't agree with all of the  
19 conclusions. There were a couple of areas that the doctor  
20 identified as high-risk areas, but um, specifically  
21 treatment and supervision. And we felt that your, uh,  
22 supervision and your response to treatment has been  
23 excellent. So we didn't agree with that portion. Uh, as  
24 far as social history, we do recognize that your home was

25 **DAVID FUNSTON P37790 09/24/2025 DECISION PAGE 2**

1 dysfunctional. You suffered childhood traumas during a  
2 time that you were unable to extricate yourself from your  
3 environment. Uh, your childhood was marred with multiple  
4 challenges and stability of parental relationships, misuse  
5 of intoxicants, physical and verbal abuse and emotional  
6 abuse. And your father was verbally, financially and  
7 emotionally abusive. Your parents divorced, your father  
8 remarried. You didn't see your mother a lot. Um, you do  
9 have an older sister. Uh, you also have maternal and  
10 paternal half-sisters who are younger than you, both.  
11 The, uh, you were sexually abused or you sexually abused  
12 your paternal half-sister at a young age. You were  
13 married one time and you have a daughter. As far as these  
14 static domains, your criminal history, parole and  
15 antisocial behavior history, we found to be aggravating.  
16 You have -- you started shoplifting between ages of 10 and  
17 12 as a juvenile. It doesn't appear that you have any  
18 legal involvement. Um, but then as an adult there was  
19 theft defenses, assaults and sexual assaults. Your self-  
20 control mental state leading up to and at the time of the  
21 life crime, we also found to be aggravating. You had a  
22 history of violating the conditions of supervised release.  
23 You were associating with others that engaged in substance  
24 use and criminality. You were manipulative, you failed to

25 **DAVID FUNSTON**

**P37790**

**09/24/2025**

**DECISION PAGE 3**

1 consider or care about the consequences for your victims  
2 at that time. And you responded to anger, callousness,  
3 criminal thinking, uh, sexual addiction, the need for  
4 control and sexual desire. All of the above led to poor  
5 decision making and resulted in the commitment offense.  
6 You, uh, over a period of approximately six months, you  
7 molested a number of children between the ages of four to  
8 seven years old. You lured them into your car and then  
9 committed, um, mole -- molesting acts upon them. Motive  
10 for the crime was sexual gratification. Uh, you had  
11 multiple victim -- victims were involved and molested.  
12 The crimes were carried out in a manner showing a  
13 disregard for the suffering of others. And it was  
14 dispassionate and certainly calculated. We had a number  
15 of issues whether you were, um, you --s were you -- I'm  
16 sorry, whether you engaged in treatment to address  
17 domestic violence, anger, controlling behaviors, sex  
18 offender treatment, your hostilities toward women. You  
19 indicated that you had blamed your mother for your birth  
20 defect and your mother had also left at an early age. So  
21 we turned to, uh, dynamic domains, uh, specifically  
22 starting with disciplinary and other institutional  
23 behavior. You don't have any 115s, but you did admit to  
24 as recently as 2019 purchasing stolen items from peers

25 **DAVID FUNSTON P37790 09/24/2025 DECISION PAGE 4**

1 that worked in the kitchen. You've discontinued doing  
2 that. Uh, as far as drugs and alcohol, you have nothing  
3 in prison. Uh, your last use of drugs or alcohol was back  
4 in 1986. You had no gang involvement. As far as your  
5 self-help programming, we find that to be mitigating you  
6 participated more than adequate. It's been robust and  
7 relevant to past character defects and concerns. Self-  
8 help programming has assisted you in the identification of  
9 other character defects and it's helped you gain tools and  
10 coping skills to address those defects, which will in turn  
11 help you avoid repeating past mistakes or resorting to bad  
12 habits when in the community. It would appear that you  
13 have been able to also incorporate the lessons that you  
14 have learned. You've talked to the Panel at length about  
15 what you do and what those coping skills are. And when  
16 given hypothetical situations, you're able to identify the  
17 coping skills that would be used in -- used in those  
18 situations. You've participated in CBI victims Impact.  
19 You've also participated in multiple sex offender  
20 treatment groups, including Pathways through Lighthouse 9  
21 Consulting. You've done freedom, uh, for education, I  
22 believe you said four times. You've also participated in  
23 Freedom Fight, sex Addiction Recovery, uh, on the Edovo  
24 tablet that you all have now. And the ACCI sex offender  
25 **DAVID FUNSTON P37790 09/24/2025 DECISION PAGE 5**

1 cognitive life skills. And those are just, um, basically  
2 talking about the sex offender treatment classes. You've  
3 also participated in GOGI domestic violence, um, a couple  
4 of times at least. And so you participated in very  
5 targeted group. Uh, you've also paid for out of the  
6 pocket treatment through a couple of clinicians, um,  
7 outside of the department. And you've also met with  
8 multiple clinicians in the department. So you're in  
9 community through telehealth, which you pay for out of  
10 your pocket and you're to be commended for that, for  
11 taking the extra steps as far as your education, vocation  
12 and work. You upgraded, not while you were in prison.  
13 You already had an AA when you were in the community. You  
14 have gained marketable skills through vocational training  
15 and work assignments that hopefully will help you secure  
16 employment in the community. You've worked as a porter, a  
17 barber yard worker, and in-building maintenance. You've  
18 also participated in CRT Drug and Alcohol Treatment  
19 Specialist Substance abuse again. Um, you had a  
20 significant history of alcohol and marijuana use that was  
21 discontinued prior to coming to prison. There's  
22 insufficient evidence, according to the doctors, to  
23 conclude that you meet any criteria for mood anxiety or  
24 psychotic disorder. Um, you do meet the criteria for a

25 **DAVID FUNSTON P37790 09/24/2025 DECISION PAGE 6**

1 specified personality disorder with mixed personality  
2 features, pedophilic disorder non-exclusive type. The  
3 doctor put down sexually attracted to both. It would seem  
4 that the primary attraction is to females, um, both adult  
5 and children. The pedophilic would be to children of  
6 course. And then we looked at additional considerations,  
7 um, which, you know, we did take into consideration, you  
8 know, in mitigation that you, um, do meet with out of CDCR  
9 clinicians on a regular basis. Uh, you plan on continuing  
10 that when you get to the community. One of them is a  
11 social worker and you've been working with that person on  
12 causative factors. You also meet with a licensed  
13 psychologist and you're doing DBT with that doctor. You  
14 received Laudatory Chronos. Your testimony seemed  
15 forthright and honest to this Panel, and that reflects on  
16 credibility. You do take full responsibility for your  
17 actions. And on more than one occasion, you expressed  
18 remorse and shame. Legal mitigating factors are the elder  
19 offender factors. You were 33, 34, uh, when you committed  
20 these crimes. You're now 63. You've been in prison for  
21 over 30 years. Uh, at this time, uh, the doctor indicated  
22 there's no indication that any condition that you have  
23 would aggravate or mitigate your risk of violence. We  
24 didn't see anything today that would lean either way

25 **DAVID FUNSTON P37790 09/24/2025 DECISION PAGE 7**

1 either. So hopefully you'll be able to work when you get  
2 into the community. As far as offender change, we found  
3 that to be mitigating, we believe the present self-  
4 awareness, self-control attitude, and mental state on  
5 insight into past and present character defects and  
6 causative factors such as your alcohol use, domestic  
7 violence, criminal thinking, childhood traumatic --  
8 traumas, excuse me, dysfunctional relationship and  
9 pedophilic disorder have been addressed and no longer  
10 remain the same type of concern. You have an adequate  
11 understanding of the connection between the past defects  
12 and choices that you made that led to criminality and  
13 ultimately to the commitment offense. You've demonstrated  
14 today that you've explored what's needed in these areas  
15 and that your present mental state is not the same as the  
16 mental state you had at the time of the crime. You didn't  
17 have the coping skills that you have now. And so you have  
18 gained sufficient coping skills and tools to address  
19 defects in order to avoid repeating past mistakes. You  
20 have worked with the doctors and social workers on issues  
21 related to sex offenses. Um, positive factors, you know,  
22 triggers for sex offending. And you have coping skills to  
23 avoid acting on any fantasies. Uh, you have not engaged  
24 in documented act of violence throughout your life term,

25 **DAVID FUNSTON P37790 09/24/2025 DECISION PAGE 8**

1 and you have reportedly increased your involvement in sex  
2 offender treatment, both individually and in group  
3 settings. You have a -- a really good develop --  
4 developed urge control plan. You have steps that you  
5 take, you practice it every day so that it'll be second  
6 nature to you if the, um, high risk -- high risk, um,  
7 situation develops. You tell yourself to stop. You  
8 include consequential thinking, um, and that goes to the  
9 harm you'll create for the victim. And then you use  
10 distraction as far as your release plans. You have  
11 sufficient, um, more than adequate support in the  
12 community. Your father, your sister, you have a friend,  
13 uh, member of the church. People affiliated with support  
14 groups. There's a lot of support in the file. Uh, you  
15 also have plans for transitional housing. Transform --  
16 you have transformational living homes in Long Beach, who  
17 also has CSIS in Fresno. Um, and you plan on continuing  
18 your Road to Freedom as well as sex offender treatment, AA  
19 and NA and your, um, psychiatric assistance. We did  
20 review the confidential. We didn't use anything in  
21 confidential. The last entry is August 14, 2014 and it's  
22 a log. If you'll turn your attention to the Deputy  
23 Commissioner, he may have something to add.

24 **DEPUTY COMMISSIONER METTE:** Thank -- thank you. This is

25 **DAVID FUNSTON P37790 09/24/2025 DECISION PAGE 9**

1 a joint decision by the Panel and I concur with the findings.  
2 I wish you the best of luck, Mr. Funston.

3 **DAVID FUNSTON:** Thank you. Appreciate it.

4 **PRESIDING COMMISSIONER CASSADY:** Okay, the last thing we  
5 look at are the conditions of parole. You'll be subject to  
6 all general conditions of parole found in California. Code  
7 of Regulations section 2512, California Code of Regulations  
8 Section 2513 authorizes the Board and the parole division to  
9 impose special conditions of parole. We're going to impose  
10 that you participate in psychiatric evaluation and any  
11 treatment deemed appropriate for successful adjustment on  
12 parole. Those are in the parole division offices, so, uh,  
13 it'll make somebody available to you in the event that you  
14 can't get to the people that you're working with. It'll also  
15 help you, um, have access to the various types or the various  
16 places that you can get emergency assistance if you need it.  
17 Uh, they will have where you can go in the event that  
18 everybody's sleeping or out and you can't get ahold of  
19 anybody, it will have an emergency for you. Uh, you're to  
20 abstain from alcoholic beverages and primary -- and places  
21 where the primary resource is from alcohol such as bars and  
22 liquor stores. You're also to participate in antinarcotic  
23 testing, and that's to include alcohol and marijuana based on  
24 the fact that those were the substances you used in the

25 **DAVID FUNSTON P37790 09/24/2025 DECISION PAGE 10**

1 community during the time you were committing the crimes.  
2 You're to not have any contact with the victim or the  
3 victim's next of kin in any manner, direct or indirect,  
4 personally by telephone, in writing, electronic media,  
5 computer or through any other person. You're not to have  
6 contact with minors and that will be firmed up with the  
7 parole condition. It'll give you sex offender, um, special  
8 conditions and they're pretty lengthy. And it'll include  
9 that you're to participate in sex offender treatment for the  
10 entire period of your parole. You're to participate in  
11 transitional housing for a period of six months, um, or  
12 minimally six months. And your first choice we're putting  
13 down as COSA. And if that's not available for some reason,  
14 work with your Parole Agent to get to either some place that  
15 you can, um, participate in the programs until it becomes  
16 available or another placement that you feel would be  
17 satisfactory. With that, that'll conclude the hearing. I  
18 want to thank everybody for their participation and I want to  
19 wish you luck, sir. Off record, please.

20 **ADJOURNMENT**

21  
22  
23  
24  
25 **DAVID FUNSTON P37790 09/24/2025 DECISION PAGE 11**

1 THIS TRANSCRIPT CONTAINS THE PROPOSED DECISION OF THE  
2 BOARD OF PAROLE HEARINGS (BOARD) ANNOUNCED AT YOUR RECENT  
3 BOARD HEARING AND IS PROVIDED TO YOU IN COMPLIANCE WITH  
4 PENAL CODE SECTION 3041.5, SUBDIVISION (A) (4), AND  
5 CALIFORNIA CODE OF REGULATIONS, TITLE 15, SECTION 2254.  
6 THIS PROPOSED DECISION WILL BECOME FINAL WITHIN 120 DAYS  
7 OF THE DATE OF THE HEARING AS REQUIRED BY PENAL CODE  
8 SECTION 3041, SUBDIVISION (B), UNLESS THE BOARD NOTIFIES  
9 YOU IN WRITING BEFORE THEN THAT THE PROPOSED DECISION HAS  
10 BEEN MODIFIED, VACATED OR REFERRED TO THE FULL BOARD,  
11 SITTING EN BANC, DUE TO AN ERROR OF LAW, ERROR OF FACT OR  
12 NEW INFORMATION PURSUANT TO CALIFORNIA CODE OF  
13 REGULATIONS, TITLE 15, SECTION 2042. THEREAFTER, THE  
14 GOVERNOR HAS AUTHORITY TO REVIEW THE BOARD'S DECISION AND  
15 AFFIRM, MODIFY, OR REVERSE IT PURSUANT TO PENAL CODE  
16 SECTIONS 3041.1 AND 3041.2.

17  
18  
19  
20  
21  
22  
23  
24  
25 **DAVID FUNSTON P37790 09/24/2025 DECISION PAGE 12**

**CERTIFICATE AND DECLARATION OF TRANSCRIBER**

I, Dwight Terry, am a disinterested party, and have no interest in the outcome of the hearing. Further, I certify this transcript is a true, complete, and accurate record, to the best of my ability, of the recorded material provided for transcription of proceeding for:

In the matter of the Parole CDCR Number: **P37790**  
Consideration Hearing of:

**DAVID FUNSTON**

CALIFORNIA INSTITUTION FOR MEN

CHINO, CALIFORNIA

SEPTEMBER 24, 2025

10:37 AM

Signed: *Dwight Terry*

Transcribed by: Dwight Terry

Dictate Express Transcription

Copyright 2025 / All Rights Reserved by BPH