

**INDETERMINATE SENTENCE PAROLE RELEASE REVIEW**  
(Penal Code Section 3041.2)

**THOMAS DUNAWAY, K-55407**

First Degree Murder

**AFFIRM:** \_\_\_\_\_

**MODIFY:** \_\_\_\_\_

**REVERSE:** \_\_\_\_\_ **X** \_\_\_\_\_

**STATEMENT OF FACTS**

On January 22, 1994, Amber Slaughter had sex with Thomas Dunaway, Thomas Winger, and Abraham Gerving. Mr. Gerving heard from Ms. Slaughter's friends that she was gossiping about having sex with the men, so he and his friends decided to kill Ms. Slaughter. On January 23, 1994, Ms. Slaughter snuck out of her house in the middle of the night and met Mr. Dunaway, Mr. Winger, and Mr. Gerving. They drove Ms. Slaughter to an isolated location and got out of the car. Ms. Slaughter was walking on the road in front of Mr. Winger, with Mr. Gerving and Mr. Dunaway trailing behind them. One of the men shot Ms. Slaughter in the head, causing her to collapse. The others also fired the gun at her, but missed. They covered their hands with socks while handling the gun, washed their hands with Coca-Cola to get rid of gunpowder residue, and threw the gun into a nearby bay. They left her on the road, and a pickup truck struck Ms. Slaughter when the driver had been unable to avoid her lying in the roadway, resulting in numerous abrasions and pavement burns to her body. Ms. Slaughter was found on the side of the road later that night. She had a slight pulse but was not breathing. She was transported to the hospital where she was pronounced dead several hours later. The coroner found that she died from the bullet wound.

**GOVERNING LAW**

The question I must answer is whether Mr. Dunaway will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4<sup>th</sup> 1181, 1214.) Additionally, I am required to give "great weight to the diminished culpability of juveniles as compared to adults, the hallmark features of youth, and any subsequent growth and increased maturity of the prisoner" when determining a youthful offender's suitability for parole. (Pen. Code, § 4801, subd. (c).)

**DECISION**

The Board of Parole Hearings found Mr. Dunaway suitable for parole based on his age at the time of the crime, growth and maturity, facilitation of self-help groups, his support network, his

acceptance of responsibility, realistic parole plans, educational and vocational accomplishments, involvement in charitable activities, and his low risk rating for future violence.

I recognize that Mr. Dunaway was just 17 when he committed this murder. He was exposed to violence early in his life, growing up in a low income neighborhood where gangs and drugs were prevalent. He told the 2017 psychologist that his grandfather would take him to the park and demand that he engage in fights with other children. His grandfather would beat him with his fists if he did not fight others. He also reported being raped by a neighbor. By age 12, he started shoplifting, stealing bikes, and vandalizing property. His behavior progressed to his initiation into the Eureka Crips at 15 and this crime.

Mr. Dunaway is now 41 years old and has made efforts to improve himself in over 23 years of incarceration. He routinely received satisfactory to above average work ratings. He participated in self-help programming, including Alcoholics Anonymous, Narcotics Anonymous, and Victim Awareness. He facilitated classes in Anger Responses and Criminal and Gangmembers Anonymous. He earned his GED, and also completed vocational training in cabinet making and building maintenance. In 2017, a staff psychologist commended Mr. Dunaway on his integrity and being a positive example to other inmates. He also donated money to community programs and participated in charitable events. I carefully examined the record for evidence demonstrating his increased maturity and rehabilitation, and gave great weight to all the factors relevant to his diminished culpability as a juvenile, his hallmark features of youth, and his subsequent growth in prison. However, these factors are outweighed by evidence that demonstrates he remains unsuitable for parole.

Ms. Slaughter died a very violent death at a very young age at the hands of Mr. Dunaway and his codefendants. Mr. Dunaway and his codefendants knocked on her window and led her to believe they wanted to hang out with her. Instead, the men shot her at close range in the back of the head and left her to die in the middle of the road. Ms. Slaughter was also hit by a truck driver who did not see her in the dark and in the rain. Mr. Dunaway's crime was clearly premeditated, brutal, and utterly callous. I also note that Ms. Slaughter's family members continue to appear at hearings and express their ongoing pain as a result of her death.

Mr. Dunaway's understanding of the factors that led him to murder 14-year-old Ms. Slaughter is not adequate. Mr. Dunaway told the Board "I was angry and resentful. . . I was constantly trying to be who I thought other people wanted me to be and being involved in stuff that other people seem to value." When asked how he could engage in such a violent act, Mr. Dunaway explained, "It was to get acceptance from the social circle I was involve[d] in and the way to get that was through extreme behavior and the extreme behavior kept escalating over time. And eventually I got to the point to where not only was I okay with having a gun but I was okay with using that gun." These explanations don't add up. Mr. Dunaway's desire for his peers' acceptance does not explain why he killed Ms. Slaughter with such indifference. Furthermore, his explanation that killing Ms. Slaughter would make other people value him does not assure me that he has genuinely taken responsibility for his role in the crime or fully confronted how he came to commit such a heinous crime himself.

I am also concerned that Mr. Dunaway has maintained a record of violent, criminal behavior both in and outside of prison. He joined a gang as a teenager and committed multiple assaults, some with deadly weapons. Once in prison, Mr. Dunaway's violent behavior persisted. He associated with gang members and received eight serious rules violations reports, most recently in 2011 for mutual combat requiring a correctional officer to use pepper spray and another officer to handcuff him. Half of his rules violations were for mutual combat. He also reported in his 2017 hearing that despite being placed in Sensitive Needs Yard in 2004, he trafficked drugs, fought with other inmates, and extorted other prisoners up until 2009. His long period of criminal behavior in prison demonstrates a deeply embedded antisocial and violent attitude. Although Mr. Dunaway is now seriously engaging in vocational training and self-help programs and avoiding fighting and rules violations, I don't think this recent period is long enough to give me confidence that he is ready to be released. I encourage him to continue the positive steps that he is taking and to further deepen his insight.

### CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. Dunaway is currently dangerous. When considered as a whole, I find the evidence shows that he currently poses an unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Mr. Dunaway.

Decision Date: August 11, 2017

  
EDMUND G. BROWN JR.  
Governor, State of California