

November 24, 2009

The Honorable David M. Gill
San Diego County Superior Court
Department: 28
220 West Broadway
San Diego, CA.

Re: Chambless, David Mark
Court #: MH 99881-01
Current Commitment: WIC 6604
Current Legal Status: WIC 6608

**Written Request for Revocation of Outpatient Status pursuant to Penal Code 1608
And Confinement Pending Hearing pursuant to Penal Code 1610 (Revision)**

Dear Judge Gill:

The following is a request for outpatient revocation pursuant to Penal Code § 1608 for the above named individual.

IDENTIFYING INFORMATION

Mr. Chambless is a 49-year old (8/24/60) unmarried Caucasian male released from Coalinga State Hospital (CSH) to Community Outpatient Treatment on June 26, 2008, pursuant to Welfare and Institutions Code (WIC) Section 6608. He was civilly committed as a Sexually Violent Predator (WIC 6604) by the San Diego County Superior Court on September 4, 1998, and was admitted to Atascadero State Hospital (ASH). On September 11, 2007, he was transferred to CSH.

Mr. Chambless' adult criminal history of convictions began with:

Date	Convictions	Sentence
2/17/81	496 PC receive known stolen property	36 mo. Prob. 180 days jail
2/10/87	3051 WI Narcotic 11380 HS use /etc minor to violate controlled substance act. 647 (a) PC annoy/molest children 459 PC Burglary First degree	100 days jail. SS 5 years Prison 4/24/1990 committed to State Prison.

Mr. Chambless' most recent offenses occurred in 1989. On December 1, 1989, he was convicted and found in violation of Ct. 2, 5, 9, 10 and 13, PC 288(a) Lewd Act on a Child under the age of 14. Mr. Chambless was sentenced to a total of eight years in the California Department of Corrections (CDC).

The Qualifying Offenses:

Victim 1. In the matter of; Case No. CR109103, Mr. Chambless was charged and convicted of a number of sexual offenses in respect to seven-year-old victim 1, and nine-year-old victim No. 2. The specific charges and convictions are as follows:

CT	Date	Charge	Victim	Disposition
2.	6/1/89 – 9/17/89	288(a) PC, lewd and lascivious conduct with a child under the age of 14.	#1	Eight years state prison.
5.	6/1/89 – 9/17/89	288(a) PC, lewd and lascivious conduct with a child under the age of 14	#1	Two years state prison.
9.	9/18/89	288(a) PC, lewd and lascivious conduct with a child under the age of 14	#1	Two years state prison
10.	9/18/89	288(a) PC, lewd and lascivious conduct with a child under the age of 14	#2	Two years state prison
13.	9/18/89	288(a) PC, lewd and lascivious conduct with a child under the age of 14	#2	Two years state prison

Victim 1: The seven year old victim related that between 6/1/89 and 9/17/89, Mr. Chambless was at the victim's home, and victim's mother asked him to watch victim #1 and an older sister while the mother went to the store. After they left, Mr. Chambless pulled up the victim's shirt and began fondling her chest (dismissed counts 3 and 4). He pulled down her pants and, "played with my private parts." (Dismissed count 1) "He put his finger in me, and then licked me down there," referring to her vaginal area (count 2). Mr. Chambless asked her if she liked it, to which the victim replied, "No." He warned the victim that he would get very angry if she told anyone what just happened.

The victim went on to relate that on 9/18/89, she and her nine-year-old sister, victim #2, went to Mr. Chambless' house to go swimming. Afterward they went inside the house, and he showed them "dirty pictures" (Dismissed count 14). He took both girls into his bedroom, where he had

them remove their swimming suits and put on teddies. Victim #1 said she didn't like wearing the teddy, but "Dave made me stay in it." She also said he made her and her sister squeeze his penis. (Count 5) Mr. Chambless showed the girls handcuffs, and, victim #1 relates, "Dave said that he puts his girlfriends in them, and then he does "it to them." All three lay on the bed and Mr. Chambless kept trying to touch victim #1, putting his hand on her thigh. (Dismissed count 6) He showed the girls "dirty magazines and naked pictures of his girlfriends." (Dismissed count 16) Victim #2 left. Mr. Chambless put some "strawberry stuff" in victim #1's hand and had her apply it to his penis. (Count 9) When he attempted to put some of the lotion on her vaginal area, (dismissed count 8), she refused and left.

Victim 2: The nine-year old victim remembers two instances of sexual molest. She said she and her sister were at Mr. Chambless' house on Sunday, 9/17/89. He played a videotape showing "men and women, without their clothes on, doing things." (Dismissed count 14). He sat between the girls and touched victim #2 outside of her "pee," under her panties with his hands. (Count 10) She said it felt weird and hurt a little bit. He also touched her "boobies," and she described skin-to-skin contact. She said he asked her to touch his "pee," referring to his penis, and took her hand and tried to force her to touch him. Victim #2 said while Mr. Chambless was touching her, he was also touching her sister in the same manner. At one point she recalls seeing him put his hand down the back of her sister's panties, touching her buttock. Victim #2 said she left the house, while victim #1 stayed.

Victim #2 said that on 9/18/89, they went over to Mr. Chambless' house in their swimming suits. She said she was in the bedroom watching TV while Mr. Chambless and victim #1 were in another room. They entered the bedroom, and he lay between the girls on the bed. Victim #2 said he touched both her and her sister's "pee" (vagina), over their bathing suits. (Dismissed counts 7 and 11) Mr. Chambless went into the bathroom, and came out wearing his shirt and women's pink panties. After dressing the girls in teddies, he touched victim #2's "boobies" through the teddy, (dismissed count 12), and also touched her sister. Victim #2 said he then tried to force her to touch his "pee" (penis) (count 13). She said she got up, got dressed, and left while victim #1 stayed. Victim #2 said Mr. Chambless told her not to tell, or he would hurt her. She said he had shown her a gun on another occasion, and that she believed he meant he would hurt her with the gun.

As a result of the police investigation it was learned that Mr. Chambless was on parole, officers arranged a parole search. The search of his residence revealed marijuana (dismissed count 16), drug paraphernalia, a shuriken (dismissed count 17), six x-rated video tapes, two bottles of "Emotion Lotion," 59 pairs of women's underwear, a plastic gun, knives, sex ads, miscellaneous lingerie, unprocessed film, 69 miscellaneous adult magazines, assorted dildos and sex toys, and three pairs of handcuffs.

On June 26, 2008, Mr. Chambless was conditionally released to the Liberty California Conditional Release Program, (CONREP) in San Diego County, returning to his County of residence.

RATIONALE FOR REVOCATION REQUEST

- 1) **Mr. Chambless has violated his terms and conditions of outpatient treatment.** On November 20, 2009, Mr. Chambless was administered a maintenance polygraph as scheduled. The results of the examination were **Deception Indicated**. During the polygraph process Mr. Chambless admitted to violations of his conditional release specifically:

D.1 CONDITIONS FOR PERSONS WITH A HISTORY OF SEXUAL OFFENSES INVOLVING MINORS

I will not initiate, establish, or maintain contact with any minor without prior written permission from my Community Program Director. I understand this means that I will have no direct or indirect contact with any minor whether personally, by telephone, "Internet," letter, or through another person. This includes any attempted contact with an adult when I am reasonably aware of the possibility that a minor is likely to be present, as well as my being in the immediate proximity of any minor.

Mr. Chambless admitted to having contact with a 17 year old female that briefly lived with his nephew. He reported that he knew her age and continued to have verbal contact with her anyway.

B.4 CONDITIONS FOR PERSONS WITH A HISTORY OF SEXUAL OFFENSES

b. I will not view television shows, motion pictures, or video tapes which act as stimulus to arouse me.

Mr. Chambless admitted that he watched two sexually stimulating DVDs on no more than 10 occasions and masturbated each time. He also admitted to recording a Sexually stimulating show on his DVR from Cinemax. He reported watching the show 10 times and masturbating each time.

c. I will not view, purchase, have access to, possess or use any type of sexually stimulating, or sexually oriented material, such as, but not limited to, pictures, magazines, video tapes or movies.

Mr. Chambless admitted to purchasing three sexually stimulating magazines; Hustler, Swank, and Young & Sexy. He reported masturbating to the content on two occasions. He also reported ordering three XXX rated movies from an advertisement contained in one of the magazines. This also placed him on a mailing list for catalogs and other sexually explicit material.

a.2 Obey all Laws. I will obey all laws and promptly report to my Community Program Director at the earliest possible time the fact that I have been arrested

for, charged with, or questioned by any law enforcement agent regarding any matter.

Mr. Chambless admitted to two law enforcement contacts. One at the Border Patrol stop near his home and one at his residence by the Sheriff's Officer.

Mr. Chambless admitted during the post-test interview that he purchased 'Pepper Spray' (Oleoresin Capsicom) 16 grams at Harbor Freight for self protection. He did not obtain any authorization from Liberty staff prior to this purchase. This may be an unlawful product to purchase given Mr. Chambless' history .

2). Mr. Chambless has demonstrated an insufficient understanding of, and compliance with, relapse prevention principles including non-transparency/dishonesty with supervision and treatment providers.

Mr. Chambless is not following his relapse prevention plan as is expected of him. In noting his deceptions and omissions in therapy, he has not complied with his recovery plan. The fact that he only admits to violations when confronted with polygraph results is very concerning for Liberty staff and providers. The purchasing of the pepper spray is also concerning, even if it was for self protection, as this constitutes a violation of terms and conditions and may not be legal to possess for a felon. Following the review of the last polygraph information, the CONREP Community Program Director convened an emergency Community Safety Team (CST) conference call which included all CST members. This call led to a decision to recommend revocation and immediate steps to detain the client in a secure facility.

CURRENT CONFINEMENT

On Monday, November 23, 2009 at approximately 5:30 p.m. Mr. Chambless was detained without incident by the San Diego DOJ SAFE Task Force with the assistance of his CONREP supervisor pursuant to Penal Code § 1610. He was then transported via Sheriff's vehicle and admitted to San Diego County Central Jail where he will remain pending a hearing on revocation.

CONCLUSION AND RECOMMENDATION

Given Mr. Chambless' recent non-compliance with treatment, his use of sexually explicit materials, his incidental verbal contact with a 17 year old female, lying and omitting significant information regarding his sexual activities, and purchasing and possessing a product which may be unlawful, it is our opinion that 1) Mr. Chambless has violated his terms and conditions of the CONREP program and needs to develop a greater appreciation of the importance of complete honesty with his outpatient treatment providers and CONREP staff. It is my recommendation that his conditional release be revoked and that he be confined until a hearing can be scheduled on this matter.

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We are now applying to the court for authorization to confine Mr. Chambless at the San Diego County Jail pending the revocation hearing. We respectfully request that a hearing be calendared in this matter.

I declare under penalty of law that the above is true and correct.

Alan Stillman, LCSW
Community Program Director
Liberty Healthcare CA CONREP

cc: Phyllis Shess, Deputy District Attorney
Richard Gates, Deputy Public Defender
Marion Gaston, Deputy Public Defender
Department of Mental Health
Coalinga State Hospital
Community Program Director
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