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For Immediate Release

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DA Opposing Release of Two Violent Inmates Under Elder and Youthful Parole Laws

‘Del Mar Rapist’ and Defendant Who Murdered a Prominent Attorney Both Have Hearings That Could Release Them Early

San Diego County District Attorney [Summer Stephan](#) said today that two defendants have been granted hearings before the Board of Parole tomorrow because of laws that allow early release for inmates under elder and youthful parole laws. The DA’s Office is vigorously opposing the release of both individuals—a convicted murderer and a self-confessed serial rapist.

Last year, the San Diego DA’s Office handled 136 hearings that were scheduled due to Youthful Parole, 202 hearings scheduled under elder parole, and 58 hearings that qualified pursuant to both early parole laws. That means 69% of the parole hearings were scheduled pursuant to elder and/or youthful parole last year.

“In many cases, new parole laws in California have undone the reassurance to murder and rape victims of justly imposed lengthy sentences and the promise of protection of our communities,” DA Stephan said. “In some cases, murderers and rapists get a chance at early parole under youthful parole laws and then have another chance at age 50 under ridiculous elder parole laws. Victims and survivors have zero early parole from their loss and trauma.”

Serial Rapist

Between 1993 and 1996, Robert Dean Rustad, known as the ‘Del Mar Rapist,’ broke into the residences of seven women and brutally sexually assaulted or raped six of them. Most victims were threatened at knifepoint and tied up; one was badly beaten. Rustad was between the ages of 19 and 22 when he committed the crimes and pleaded guilty to 39 criminal counts, including rape, forced oral copulation, sexual battery, false imprisonment, and residential burglary. Rustad received a sentence of 326 years and four months-to-life in 1997.

After a hearing in February 2024 to weigh his suitability for release, parole officials denied Rustad’s request and said he should not be up for consideration again for another three years. However, his next hearing was moved up pursuant to the Board of Parole Hearings’ Administrative Review process. He will receive special consideration at the

hearing under the state's elder parole law because he is 51-years-old and has spent more than 20 years in prison. The District Attorney's Office is vigorously opposing Rustad's parole and will do all it can under the law to keep him in prison.

"This defendant's horrific actions and motivations for his serial rapes were sadistic and cruel and he has not accepted responsibility making him a serious threat to society," said DA Stephan. "Justice was served last year with the board's denial of early parole. Unfortunately, victims will once again suffer through the process of re-living their trauma in an attempt to keep this defendant behind bars."

In 2020, Rustad was eligible for parole early through the state's youthful parole law and was denied release for five years. Due to changes in the law, he is no longer eligible for youthful parole but is now eligible for elder parole. He was eligible again for the 2024 hearing by filing a petition to advance his hearing, which was granted. Two of Rustad's victims were present at the 2024 hearing and gave powerful impact statements, leading to the three-year denial. Rustad has claimed his actions were driven by a desire for a girlfriend-type relationship.

Convicted Murderer

Aerith Asora (the defendant was prosecuted under different legal name) was convicted by a jury of first-degree murder, along with the inmate's sister and co-defendant Brae Hansen. The pair had hatched a plot to kill their stepfather, Timothy McNeil, for financial gain. Asora purchased black clothing at a Goodwill store before driving from Phoenix to McNeil's home in San Diego. When MacNeil arrived home the day after his birthday, he had plans to take Hansen out to eat. Asora was already inside MacNeil's home with Hansen. Asora put on a mask, was armed with a firearm and pretended to commit a robbery of McNeil and Hansen. Asora directed Hansen to zip tie MacNeil's hands, and then Asora zip tied Hansen's hands. McNeil asked to go to the restroom and managed to get free, struggling for his life before Asora shot him four times, including twice in the head at point blank range.

Asora was convicted of murder on April 15, 2009, and sentenced to 25 years-to-life in prison. Asora was 19 years old at the time of the murder. Under California's youth parole law, nearly all defendants sentenced to 15 years or more for a crime that occurred before their 26th birthday are eligible for an advanced parole hearing before the parole board. There are narrow exceptions for sentences imposed under the Three Strikes Law.

"This was a callous, premeditated murder based in greed and the justly imposed lengthy sentence by the court, which weighed all the evidence, should be honored," Stephan said. "While there may be cases where a defendant deserves a second chance based on their age at the time they committed a crime, this is most certainly not one of them. Releasing this inmate early would be an emotional gut punch to the victim's loved ones."

In 2024, there were 577 lifer parole hearings scheduled in San Diego County. Of those, 70 inmates received parole grants from the California Board of Parole Hearings. The remainder of the hearings –507– resulted in denials, postponements, or stipulations to a denial of parole.

The DA's Lifer Hearing Unit, under the leadership of Deputy District Attorney John Cross, has two main goals: to ensure that dangerous prisoners with life sentences are not released carelessly or improvidently, and to ensure that crime victims and their families are given an opportunity to participate in the parole hearing process and have their voices heard. When a defendant is given a life sentence, the Lifer Hearing Unit processes the case to ensure that it is ready for future parole suitability hearings. This involves preserving victims' statements and documenting the gravity of the crimes to ensure the offenders serve sentences proportional to their crimes.

In addition, the Lifer Hearing Unit tracks court activity on lifer cases and assists the Attorney General's Office in opposing writs of habeas corpus seeking release. The Lifer Hearing Unit has submitted amicus briefs on behalf of the California District Attorneys Association on important cases and actively works on legislation concerning the parole hearing process. The Lifer Hearing Unit is the statewide leader in lifer matters and San Diego County serves as the training office for other prosecutors who seek to understand the complex laws governing parole hearings.

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About the San Diego County District Attorney's Office

The San Diego County DA's Office prosecutes all felony crimes in the county and misdemeanor crimes committed outside the City of San Diego. The office files about 40,000 criminal cases a year and balances prosecution with numerous crime prevention programs. District Attorney Summer Stephan leads the office of more than 1,000 dedicated employees who pursue fair and equal justice, and support victims daily across San Diego County.

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