



San Diego City Attorney Mara W. Elliott

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Defendant Who Furnished Alcohol to Hit-and-Run Driver Gets 100-Day Sentence

A San Diego man was sentenced to 100 days in custody today for furnishing alcohol to his underage girlfriend in the hours before she ran down and killed 16-year-old Alex Funk as the high-school student walked along Santo Road in Tierrasanta.

City Attorney Mara W. Elliott, whose office prosecuted the case, spoke at the sentencing hearing of 25-year-old Lewis Cornwell, telling Superior Court Judge Peter L. Gallagher:

“As a mother whose sons are close in age to Alex, my heart goes out to his parents and brother. Nothing we do today can fill the hole in their lives created by Alex’s death. As a prosecutor, I hope this sentence deters others from repeating the crime committed by this defendant.”

Prosecutions for furnishing alcohol to minors are rare, but the City Attorney’s Office hopes to avert preventable deaths through enforcement of this underutilized law. Elliott noted that alcohol kills more youth than all illegal drugs combined, and is a factor in nearly half of all teen car crashes.

“Ms. Elliott suggested this should serve as an example and I agree with that 100%,” Judge Gallagher said.

On the night of Alex Funk’s death, 20-year-old Jessica Medsker and Cornwell visited BJ’s Restaurant in La Jolla, where a surveillance camera caught Medsker furtively drinking from Cornwell’s beer glass at least 14 times as the couple monitored the whereabouts of the restaurant employees.

Later, with Cornwell as her passenger, Medsker ran down Alex and drove off, leaving him to die in his best friend’s arms. Medsker and Cornwell concealed the crime for six days before being caught.

Medsker was prosecuted by the District Attorney’s Office, and is serving a four-year prison sentence for felony hit and run causing death. The City Attorney’s Office subsequently charged Cornwell.

“Providing alcohol to a minor is reckless and endangers innocent lives. My office will prosecute anyone who breaks this law, whether it’s a bartender, friend, family member, or significant other, and seek the maximum penalties allowed,” Elliott said.

In another case involving a driving fatality, the City Attorney's Office is prosecuting two adults for furnishing alcohol to a minor who crashed her car while driving on Interstate 5, killing her best friend. The driver had a blood alcohol content of .22, nearly three times the legal limit. The adult who bought her drinks, and the owner of the bar where they drank, face trial in 2018.

Cornwell was taken into custody following today's hearing. In addition to serving 100 days in custody, he was sentenced to three years of probation, and additional conditions that include completion of the San Diego County Medical Examiner's [Beyond the Caution Tape Program](#).

The Southern California Regional Director of Mothers Against Drunk Driving, Patricia Rillera, supported the Cornwell prosecution, saying: **“Adults have to be a part of the underage drinking solution and have to be held accountable if they play a role in providing alcohol to minors. MADD advocates criminalization of actions by adults who provide or allow alcoholic beverages in their homes or at events for underage participants.”**

As a Senior Deputy County Counsel, Elliott wrote the County of San Diego's original Social Host Ordinance, making it a crime for parents and party hosts to provide alcohol to minors. While not the law Cornwell was charged under, the Social Host Ordinance stems from the same need to prevent unnecessary tragedies and hold responsible the adults who help create them.

For more information about underage drinking and the law, visit the City Attorney's website page: <https://www.sandiego.gov/cityattorney/divisions/criminal/underage-drinking>

Chief Deputy City Attorney Mark Skeels prosecuted this case on behalf of the People of the State of California.

(Photo of Alex Funk used by permission)

