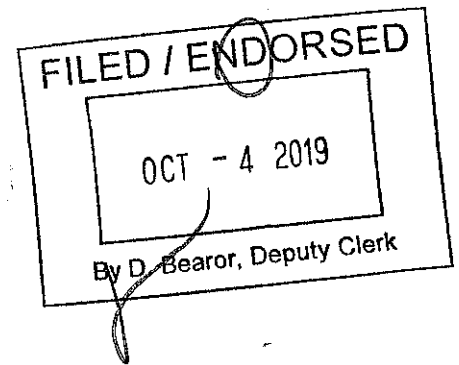


1  
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3 DISTRICT ATTORNEY  
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SPD-06-362363  
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TEAM: (SACA)  
XRef: 5224107



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10 **SUPERIOR COURT OF CALIFORNIA**  
11 **COUNTY OF SACRAMENTO**

12 THE PEOPLE OF THE STATE OF CALIFORNIA,

No. 18FE018342

13  
14  
15 vs.

AMENDED FELONY  
COMPLAINT

16  
17 ROY CHARLES WALLER,

18 Defendant.

19  
20 The People of the State of California upon oath of the undersigned, upon information and belief  
21 complain against the defendant above named for the crime(s) as follows:  
22

23 **COUNT ONE**

24 On or about June 23, 1991, at and in the County of Sonoma, State of California, the defendant,  
25 ROY CHARLES WALLER, did commit a felony, namely: a violation of Section 261(a)(2) of the  
26 Penal Code of the State of California, in that said defendant did unlawfully have and accomplish  
27 an act of sexual intercourse with a person, to wit, N. DOE, not his spouse, against said person's  
28 will, by means of force, violence, duress, menace and fear of immediate and unlawful bodily  
29 injury on said person.  
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32  
33 "NOTICE: The above offense is a serious felony within the meaning of Penal Code Section  
34 1192.7(c)."

35  
36 "NOTICE: Conviction of this offense will require the court to order you to submit to a blood test  
37 for evidence of antibodies to the probable causative agent of Acquired Immune Deficiency  
38 Syndrome (AIDS). Penal Code Section 1202.1."  
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4 "NOTICE: Conviction of this offense will require you to register pursuant to Penal Code Section  
5 290. Willful failure to register is a crime."  
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7

8 It is further alleged that in the commission of the above offense the defendant,  
9 ROY CHARLES WALLER, used a deadly weapon, within the meaning of Penal Code Section  
10 12022.3(a) and also causing the above offense to be a serious felony within the meaning of Penal  
11 Code Section 1192.7(c)(23).  
12

13 It is further alleged that the defendant, ROY CHARLES WALLER, has been convicted in the  
14 present case or cases of committing an offense specified in subdivision (c) against more than one  
15 victim, within the meaning of Penal Code Section 667.61(e)(5).  
16

17  
18 **COUNT TWO**

19 For a further and separate cause of action, being a different offense of the same class of crimes  
20 and offenses as the charges set forth in Count One hereof: On or about June 23, 1991, at and in  
21 the County of Sonoma, State of California, the defendant, ROY CHARLES WALLER, did  
22 commit a felony, namely: a violation of Section 261(a)(2) of the Penal Code of the State of  
23 California, in that said defendant did unlawfully have and accomplish an act of sexual intercourse  
24 with a person, to wit, N. DOE, not his spouse, against said person's will, by means of force,  
25 violence, duress, menace and fear of immediate and unlawful bodily injury on said person.  
26  
27

28 "NOTICE: The above offense is a serious felony within the meaning of Penal Code Section  
29 1192.7(c)."  
30

31  
32 "NOTICE: Conviction of this offense will require the court to order you to submit to a blood test  
33 for evidence of antibodies to the probable causative agent of Acquired Immune Deficiency  
34 Syndrome (AIDS). Penal Code Section 1202.1."  
35

36  
37 "NOTICE: Conviction of this offense will require you to register pursuant to Penal Code Section  
38 290. Willful failure to register is a crime."  
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4 It is further alleged that in the commission of the above offense the defendant,  
5 ROY CHARLES WALLER, used a deadly weapon, within the meaning of Penal Code Section  
6 12022.3(a) and also causing the above offense to be a serious felony within the meaning of Penal  
7 Code Section 1192.7(c)(23).  
8

9  
10 It is further alleged that the defendant, ROY CHARLES WALLER, has been convicted in the  
11 present case or cases of committing an offense specified in subdivision (c) against more than one  
12 victim, within the meaning of Penal Code Section 667.61(e)(5).  
13

### 14 COUNT THREE

15 For a further and separate cause of action, being a different offense of the same class of crimes  
16 and offenses as the charges set forth in Counts One and Two hereof: On or about June 23, 1991,  
17 at and in the County of Sonoma, State of California, the defendant, ROY CHARLES WALLER,  
18 did commit a felony, namely: a violation of Section 261(a)(2) of the Penal Code of the State of  
19 California, in that said defendant did unlawfully have and accomplish an act of sexual intercourse  
20 with a person, to wit, N. DOE, not his spouse, against said person's will, by means of force,  
21 violence, duress, menace and fear of immediate and unlawful bodily injury on said person.  
22  
23

24 "NOTICE: The above offense is a serious felony within the meaning of Penal Code Section  
25 1192.7(c)."  
26

27  
28 "NOTICE: Conviction of this offense will require the court to order you to submit to a blood test  
29 for evidence of antibodies to the probable causative agent of Acquired Immune Deficiency  
30 Syndrome (AIDS). Penal Code Section 1202.1."  
31

32  
33 "NOTICE: Conviction of this offense will require you to register pursuant to Penal Code Section  
34 290. Willful failure to register is a crime."  
35

36 It is further alleged that in the commission of the above offense the defendant,  
37 ROY CHARLES WALLER, used a deadly weapon, within the meaning of Penal Code Section  
38 12022.3(a) and also causing the above offense to be a serious felony within the meaning of Penal  
39 Code Section 1192.7(c)(23).  
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4 It is further alleged that the defendant, ROY CHARLES WALLER, has been convicted in the  
5 present case or cases of committing an offense specified in subdivision (c) against more than one  
6 victim, within the meaning of Penal Code Section 667.61(e)(5).  
7

8  
9 **COUNT FOUR**

10 For a further and separate cause of action, being a different offense of the same class of crimes  
11 and offenses as the charges set forth in Counts One through Three hereof: On or about  
12 June 23, 1991, at and in the County of Sonoma, State of California, the defendant,  
13 ROY CHARLES WALLER, did commit a felony, namely: a violation of Section 209(b)(1) of the  
14 Penal Code of the State of California, in that said defendant did unlawfully kidnap and carry  
15 away N. DOE, to commit Rape.  
16

17  
18 "NOTICE: The above offense is a serious felony within the meaning of Penal Code Section  
19 1192.7(c)."  
20

21  
22 It is further alleged that in the commission and attempted commission of the above offense(s),  
23 the said defendant, ROY CHARLES WALLER, personally used a firearm, within the meaning of  
24 Penal Code Sections 1203.06(a)(1) and 12022.5(a) also causing the above offense to become a  
25 serious felony pursuant to Penal Code Section 1192.7(c)(8) and a violent felony within the  
26 meaning of Penal Code Section 667.5(c)(8).  
27

28 It is further alleged that jurisdiction for the crime(s) charged in Counts One through Four, in  
29 Sonoma County, is established pursuant to Penal Code Section 784.7 based on the following: 1.  
30 Defendant is charged with violations of Penal Code Section 261(a)(2). 2. The defendant,  
31 ROY CHARLES WALLER, and victim(s), N. DOE, are the same for all offenses, and 3. The  
32 offense(s) alleged in Counts Thirty-Two through Forty-Five occurred within the County of  
33 Sacramento.  
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4 The multiple victim circumstance in Penal Code section 667.61, also referred to as the "One  
5 Strike Law," provides for a life sentence and does *not* qualify as an enhancement. (*People v.*  
6 *Perez* (2010) 182 Cal.App.4th 231, 238.) Instead, the multiple victim circumstance in the "One  
7 Strike Law" is "an alternative sentencing scheme that applies to the offense based on other  
8 criminal conduct that the trier of fact has found to have occurred." and makes the unlimited time  
9 frame for prosecution in section 799 applicable to "One Strike" cases involving multiple victims.  
10 (*Id.* at p. 239.)  
11  
12

13  
14 "NOTICE: Counts One through Four were filed pursuant to 1992 Penal Code."  
15

16 **COUNT FIVE**

17 For a further and separate cause of action, being a different offense of the same class of crimes  
18 and offenses as the charges set forth in Counts One through Four hereof: On or about  
19 February 13, 1992, at and in the County of Solano, State of California, the defendant,  
20 ROY CHARLES WALLER, did commit a felony, namely: a violation of Section 209(b)(1) of the  
21 Penal Code of the State of California, in that said defendant did unlawfully kidnap and carry  
22 away T. DOE, to commit Robbery.  
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25 "NOTICE: The above offense is a serious felony within the meaning of Penal Code Section  
26 1192.7(c)."  
27

28 It is further alleged that in the commission and attempted commission of the above offense(s),  
29 the defendant, ROY CHARLES WALLER, personally used a deadly and dangerous weapon(s),  
30 said use not being an element of the above offense, within the meaning of Penal Code Section  
31 12022(b) and causing the above offense to be a serious felony within the meaning of Penal Code  
32 Section 1192.7(c)(23).  
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4 **COUNT SIX**

5 For a further and separate cause of action, being a different offense of the same class of crimes  
6 and offenses as the charges set forth in Counts One through Five hereof: On or about  
7 February 13, 1992, at and in the County of Solano, State of California, the defendant,  
8 ROY CHARLES WALLER, did commit a felony, namely: a violation of Section 289(a)(1) of the  
9 Penal Code of the State of California, in that said defendant did unlawfully cause the penetration  
10 of the genital opening of T. DOE, for the purpose of sexual arousal, gratification, and abuse by a  
11 foreign object, substance, instrument and device, and by an unknown object, accomplished by  
12 force, violence, duress, menace and fear of immediate and unlawful bodily injury on the victim,,  
13 to wit, finger in vagina (first time).  
14  
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16  
17 "NOTICE: The above offense is a serious felony within the meaning of Penal Code Section  
18 1192.7(c)."  
19

20 "NOTICE: Conviction of this offense will require you to register pursuant to Penal Code Section  
21 290. Willful failure to register is a crime."  
22

23  
24 It is further alleged that the defendant, ROY CHARLES WALLER, has been convicted in the  
25 present case or cases of committing an offense specified in subdivision (c) against more than one  
26 victim, within the meaning of Penal Code Section 667.61(e)(5).  
27

28 It is further alleged that in the commission and attempted commission of the above offense(s),  
29 the defendant, ROY CHARLES WALLER, personally used a deadly and dangerous weapon(s),  
30 said use not being an element of the above offense, within the meaning of Penal Code Section  
31 12022(b) and causing the above offense to be a serious felony within the meaning of Penal Code  
32 Section 1192.7(c)(23).  
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4 **COUNT SEVEN**

5 For a further and separate cause of action, being a different offense of the same class of crimes  
6 and offenses as the charges set forth in Counts One through Six hereof: On or about  
7 February 13, 1992, at and in the County of Solano, State of California, the defendant,  
8 ROY CHARLES WALLER, did commit a felony, namely: a violation of Section 261(a)(2) of the  
9 Penal Code of the State of California, in that said defendant did unlawfully have and accomplish  
10 an act of sexual intercourse with a person, to wit, T. DOE, not his spouse, against said person's  
11 will, by means of force, violence, duress, menace and fear of immediate and unlawful bodily  
12 injury on said person (first time).  
13  
14

15  
16 "NOTICE: The above offense is a serious felony within the meaning of Penal Code Section  
17 1192.7(c)."  
18

19 "NOTICE: Conviction of this offense will require the court to order you to submit to a blood test  
20 for evidence of antibodies to the probable causative agent of Acquired Immune Deficiency  
21 Syndrome (AIDS). Penal Code Section 1202.1."  
22

23  
24 "NOTICE: Conviction of this offense will require you to register pursuant to Penal Code Section  
25 290. Willful failure to register is a crime."  
26

27  
28 It is further alleged that the defendant, ROY CHARLES WALLER, has been convicted in the  
29 present case or cases of committing an offense specified in subdivision (c) against more than one  
30 victim, within the meaning of Penal Code Section 667.61(e)(5).  
31

32 It is further alleged that in the commission and attempted commission of the above offense(s),  
33 the defendant, ROY CHARLES WALLER, personally used a deadly and dangerous weapon(s),  
34 said use not being an element of the above offense, within the meaning of Penal Code Section  
35 12022(b) and causing the above offense to be a serious felony within the meaning of Penal Code  
36 Section 1192.7(c)(23).  
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4 **COUNT EIGHT**

5 For a further and separate cause of action, being a different offense of the same class of crimes  
6 and offenses as the charges set forth in Counts One through Seven hereof: On or about  
7 February 13, 1992, at and in the County of Solano, State of California, the defendant,  
8 ROY CHARLES WALLER, did commit a felony, namely: a violation of Section 289(a)(1) of the  
9 Penal Code of the State of California, in that said defendant did unlawfully cause the penetration  
10 of the genital opening of T. DOE, for the purpose of sexual arousal, gratification, and abuse by a  
11 foreign object, substance, instrument and device, and by an unknown object, accomplished by  
12 force, violence, duress, menace and fear of immediate and unlawful bodily injury on the victim,  
13 to wit, finger in vagina (second time).  
14  
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16  
17 "NOTICE: The above offense is a serious felony within the meaning of Penal Code Section  
18 1192.7(c)."  
19

20  
21 "NOTICE: Conviction of this offense will require you to register pursuant to Penal Code Section  
22 290. Willful failure to register is a crime."  
23

24 It is further alleged that the defendant, ROY CHARLES WALLER, has been convicted in the  
25 present case or cases of committing an offense specified in subdivision (c) against more than one  
26 victim, within the meaning of Penal Code Section 667.61(e)(5).  
27

28 It is further alleged that in the commission and attempted commission of the above offense(s),  
29 the defendant, ROY CHARLES WALLER, personally used a deadly and dangerous weapon(s),  
30 said use not being an element of the above offense, within the meaning of Penal Code Section  
31 12022(b) and causing the above offense to be a serious felony within the meaning of Penal Code  
32 Section 1192.7(c)(23).  
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4 **COUNT NINE**

5 For a further and separate cause of action, being a different offense of the same class of crimes  
6 and offenses as the charges set forth in Counts One through Eight hereof: On or about  
7 February 13, 1992, at and in the County of Solano, State of California, the defendant,  
8 ROY CHARLES WALLER, did commit a felony, namely: a violation of Section 261(a)(2) of the  
9 Penal Code of the State of California, in that said defendant did unlawfully have and accomplish  
10 an act of sexual intercourse with a person, to wit, T. DOE, not his spouse, against said person's  
11 will, by means of force, violence, duress, menace and fear of immediate and unlawful bodily  
12 injury on said person (second time).  
13  
14

15  
16 "NOTICE: The above offense is a serious felony within the meaning of Penal Code Section  
17 1192.7(c)."  
18

19 "NOTICE: Conviction of this offense will require the court to order you to submit to a blood test  
20 for evidence of antibodies to the probable causative agent of Acquired Immune Deficiency  
21 Syndrome (AIDS). Penal Code Section 1202.1."  
22

23  
24 "NOTICE: Conviction of this offense will require you to register pursuant to Penal Code Section  
25 290. Willful failure to register is a crime."  
26

27  
28 It is further alleged that the defendant, ROY CHARLES WALLER, has been convicted in the  
29 present case or cases of committing an offense specified in subdivision (c) against more than one  
30 victim, within the meaning of Penal Code Section 667.61(e)(5).  
31

32 It is further alleged that in the commission and attempted commission of the above offense(s),  
33 the defendant, ROY CHARLES WALLER, personally used a deadly and dangerous weapon(s),  
34 said use not being an element of the above offense, within the meaning of Penal Code Section  
35 12022(b) and causing the above offense to be a serious felony within the meaning of Penal Code  
36 Section 1192.7(c)(23).  
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4 **COUNT TEN**

5 For a further and separate cause of action, being a different offense of the same class of crimes  
6 and offenses as the charges set forth in Counts One through Nine hereof: On or about  
7 February 13, 1992, at and in the County of Solano, State of California, the defendant,  
8 ROY CHARLES WALLER, did commit a felony, namely: a violation of Section 261(a)(2) of the  
9 Penal Code of the State of California, in that said defendant did unlawfully have and accomplish  
10 an act of sexual intercourse with a person, to wit, T. DOE, not his spouse, against said person's  
11 will, by means of force, violence, duress, menace and fear of immediate and unlawful bodily  
12 injury on said person (third time).  
13  
14

15  
16 "NOTICE: The above offense is a serious felony within the meaning of Penal Code Section  
17 1192.7(c)."  
18

19 "NOTICE: Conviction of this offense will require the court to order you to submit to a blood test  
20 for evidence of antibodies to the probable causative agent of Acquired Immune Deficiency  
21 Syndrome (AIDS). Penal Code Section 1202.1."  
22

23  
24 "NOTICE: Conviction of this offense will require you to register pursuant to Penal Code Section  
25 290. Willful failure to register is a crime."  
26

27  
28 It is further alleged that the defendant, ROY CHARLES WALLER, has been convicted in the  
29 present case or cases of committing an offense specified in subdivision (c) against more than one  
30 victim, within the meaning of Penal Code Section 667.61(e)(5).  
31

32 It is further alleged that in the commission and attempted commission of the above offense(s),  
33 the defendant, ROY CHARLES WALLER, personally used a deadly and dangerous weapon(s),  
34 said use not being an element of the above offense, within the meaning of Penal Code Section  
35 12022(b) and causing the above offense to be a serious felony within the meaning of Penal Code  
36 Section 1192.7(c)(23).  
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5 It is further alleged that jurisdiction for the crime(s) charged in Counts Five through Ten, in  
6 Solano County, is established pursuant to Penal Code Section 784.7 based on the following: 1.  
7 Defendant is charged with violations of Penal Code Section 209(b), 289(a) and 261(a)(2). 2. The  
8 defendant, ROY CHARLES WALLER, and victim(s), T. DOE, are the same for all offenses, and  
9 3. The offense(s) alleged in Counts Thirty-Two through Forty-Five occurred within the County of  
10 Sacramento.

11  
12 The multiple victim circumstance in Penal Code section 667.61, also referred to as the "One  
13 Strike Law," provides for a life sentence and does *not* qualify as an enhancement. (*People v.*  
14 *Perez* (2010) 182 Cal.App.4th 231, 238.) Instead, the multiple victim circumstance in the "One  
15 Strike Law" is "an alternative sentencing scheme that applies to the offense based on other  
16 criminal conduct that the trier of fact has found to have occurred." and makes the unlimited time  
17 frame for prosecution in section 799 applicable to "One Strike" cases involving multiple victims.  
18 (*Id.* at p. 239.)  
19  
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21  
22 "NOTICE: Counts Five through Ten were filed pursuant to 1992 Penal Code."  
23  
24

25 **COUNT ELEVEN**

26 For a further and separate cause of action, being a different offense of the same class of crimes  
27 and offenses as the charges set forth in Counts One through Ten hereof: On or about and between  
28 October 31, 1996, and November 1, 1996, at and in the County of Contra Costa, State of  
29 California, the defendant, ROY CHARLES WALLER, did commit a felony, namely: a violation  
30 of Section 209(b)(1) of the Penal Code of the State of California, in that said defendant did  
31 unlawfully kidnap and carry away S. DOE, to commit Robbery.  
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34 "NOTICE: The above offense is a serious felony within the meaning of Penal Code Section  
35 1192.7(c)."  
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4 It is further alleged that in the commission and attempted commission of the above offense(s),  
5 the said defendant, ROY CHARLES WALLER, personally used a firearm, within the meaning of  
6 Penal Code Sections 1203.06(a)(1) and 12022.5(a) also causing the above offense to become a  
7 serious felony pursuant to Penal Code Section 1192.7(c)(8) and a violent felony within the  
8 meaning of Penal Code Section 667.5(c)(8).  
9

10  
11 **COUNT TWELVE**

12 For a further and separate cause of action, being a different offense of the same class of crimes  
13 and offenses as the charges set forth in Counts One through Eleven hereof: On or about and  
14 between October 31, 1996, and November 1, 1996, at and in the County of Contra Costa, State of  
15 California, the defendant, ROY CHARLES WALLER, did commit a felony, namely: a violation  
16 of Section 289(a) of the Penal Code of the State of California, in that said defendant did  
17 unlawfully cause the penetration of the genital opening of S. DOE, for the purpose of sexual  
18 arousal, gratification, and abuse by a foreign object, substance, instrument and device, and by an  
19 unknown object, accomplished by force, violence, duress, menace and fear of immediate and  
20 unlawful bodily injury on the victim, to wit, finger in vagina with lubrication.  
21

22  
23 "NOTICE: The above offense is a serious felony within the meaning of Penal Code Section  
24 1192.7(c)."  
25

26  
27 "NOTICE: Conviction of this offense will require you to register pursuant to Penal Code Section  
28 290. Willful failure to register is a crime."  
29

30 It is further alleged that the defendant, ROY CHARLES WALLER, kidnapped the victim of the  
31 present offense substantially increasing the risk of harm, within the meaning of Penal Code  
32 Section 667.61(d)(2).  
33

34  
35 It is further alleged that the defendant, ROY CHARLES WALLER, committed the present  
36 offense during the commission of a burglary with intent to commit an offense listed in 667.61(c),  
37 within the meaning of Penal Code Section 667.61(d)(4).  
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4 It is further alleged that the defendant, ROY CHARLES WALLER, kidnapped the victim of the  
5 present offense, within the meaning of Penal Code Section 667.61(e)(1).  
6

7 It is further alleged that the defendant, ROY CHARLES WALLER, committed the present  
8 offense during the commission of a burglary, within the meaning of Penal Code Section  
9 667.61(e)(2).  
10

11 It is further alleged that the defendant, ROY CHARLES WALLER, personally used a dangerous  
12 or deadly weapon or a firearm, in the commission of the present offense in violation of Section  
13 12022, 12022.3, 12022.5 or 12022.53, within the meaning of Penal Code Section 667.61(e)(4).  
14  
15

16 It is further alleged that the defendant, ROY CHARLES WALLER, has been convicted in the  
17 present case or cases of committing an offense specified in subdivision (c) against more than one  
18 victim, within the meaning of Penal Code Section 667.61(e)(5).  
19

20 It is further alleged that the defendant, ROY CHARLES WALLER, engaged in the tying or  
21 binding of the victim or another person in the commission of the present offense, within the  
22 meaning of Penal Code Section 667.61(e)(6).  
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25 It is further alleged that in the commission of the above offense the defendant,  
26 ROY CHARLES WALLER, used a deadly weapon, within the meaning of Penal Code Section  
27 12022.3(a) and also causing the above offense to be a serious felony within the meaning of Penal  
28 Code Section 1192.7(c)(23).  
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4 **COUNT THIRTEEN**

5 For a further and separate cause of action, being a different offense of the same class of crimes  
6 and offenses as the charges set forth in Counts One through Twelve hereof: On or about and  
7 between October 31, 1996, and November 1, 1996, at and in the County of Contra Costa, State of  
8 California, the defendant, ROY CHARLES WALLER, did commit a felony, namely: a violation  
9 of Section 261(a)(2) of the Penal Code of the State of California, in that said defendant did  
10 unlawfully have and accomplish an act of sexual intercourse with a person, to wit, S. DOE, not  
11 his spouse, against said person's will, by means of force, violence, duress, menace and fear of  
12 immediate and unlawful bodily injury on said person (first time upstairs).  
13  
14

15  
16 "NOTICE: The above offense is a serious felony within the meaning of Penal Code Section  
17 1192.7(c)."  
18

19  
20 "NOTICE: Conviction of this offense will require the court to order you to submit to a blood test  
21 for evidence of antibodies to the probable causative agent of Acquired Immune Deficiency  
22 Syndrome (AIDS). Penal Code Section 1202.1."  
23

24  
25 "NOTICE: Conviction of this offense will require you to register pursuant to Penal Code Section  
26 290. Willful failure to register is a crime."  
27

28 It is further alleged that the defendant, ROY CHARLES WALLER, kidnapped the victim of the  
29 present offense substantially increasing the risk of harm, within the meaning of Penal Code  
30 Section 667.61(d)(2).  
31

32 It is further alleged that the defendant, ROY CHARLES WALLER, committed the present  
33 offense during the commission of a burglary with intent to commit an offense listed in 667.61(c),  
34 within the meaning of Penal Code Section 667.61(d)(4).  
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37 It is further alleged that the defendant, ROY CHARLES WALLER, kidnapped the victim of the  
38 present offense, within the meaning of Penal Code Section 667.61(e)(1).  
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1 It is further alleged that the defendant, ROY CHARLES WALLER, committed the present  
2 offense during the commission of a burglary, within the meaning of Penal Code Section  
3 667.61(e)(2).  
4

5 It is further alleged that the defendant, ROY CHARLES WALLER, personally used a dangerous  
6 or deadly weapon or a firearm, in the commission of the present offense in violation of Section  
7 12022, 12022.3, 12022.5 or 12022.53, within the meaning of Penal Code Section 667.61(e)(4).  
8

9  
10 It is further alleged that the defendant, ROY CHARLES WALLER, has been convicted in the  
11 present case or cases of committing an offense specified in subdivision (c) against more than one  
12 victim, within the meaning of Penal Code Section 667.61(e)(5).  
13

14 It is further alleged that the defendant, ROY CHARLES WALLER, engaged in the tying or  
15 binding of the victim or another person in the commission of the present offense, within the  
16 meaning of Penal Code Section 667.61(e)(6).  
17

18  
19 It is further alleged that in the commission of the above offense the defendant, ROY CHARLES  
20 WALLER, used a deadly weapon, within the meaning of Penal Code Section 12022.3(a) and also  
21 causing the above offense to be a serious felony within the meaning of Penal Code Section  
22 1192.7(c)(23).  
23

#### 24 COUNT FOURTEEN

25 For a further and separate cause of action, being a different offense of the same class of crimes  
26 and offenses as the charges set forth in Counts One through Thirteen hereof: On or about and  
27 between October 31, 1996, and November 1, 1996, at and in the County of Contra Costa, State of  
28 California, the defendant, ROY CHARLES WALLER, did commit a felony, namely: a violation  
29 of Section 261(a)(2) of the Penal Code of the State of California, in that said defendant did  
30 unlawfully have and accomplish an act of sexual intercourse with a person, to wit, S. DOE, not  
31 his spouse, against said person's will, by means of force, violence, duress, menace and fear of  
32 immediate and unlawful bodily injury on said person (second time upstairs).  
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35  
36 "NOTICE: The above offense is a serious felony within the meaning of Penal Code Section  
37 1192.7(c)."  
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4 "NOTICE: Conviction of this offense will require the court to order you to submit to a blood test  
5 for evidence of antibodies to the probable causative agent of Acquired Immune Deficiency  
6 Syndrome (AIDS). Penal Code Section 1202.1."  
7  
8

9 "NOTICE: Conviction of this offense will require you to register pursuant to Penal Code Section  
10 290. Willful failure to register is a crime."  
11

12  
13 It is further alleged that the defendant, ROY CHARLES WALLER, kidnapped the victim of the  
14 present offense substantially increasing the risk of harm, within the meaning of Penal Code  
15 Section 667.61(d)(2).  
16

17 It is further alleged that the defendant, ROY CHARLES WALLER, committed the present  
18 offense during the commission of a burglary with intent to commit an offense listed in 667.61(c),  
19 within the meaning of Penal Code Section 667.61(d)(4).  
20

21  
22 It is further alleged that the defendant, ROY CHARLES WALLER, kidnapped the victim of the  
23 present offense, within the meaning of Penal Code Section 667.61(e)(1).  
24

25 It is further alleged that the defendant, ROY CHARLES WALLER, committed the present  
26 offense during the commission of a burglary, within the meaning of Penal Code Section  
27 667.61(e)(2).  
28

29 It is further alleged that the defendant, ROY CHARLES WALLER, personally used a dangerous  
30 or deadly weapon or a firearm, in the commission of the present offense in violation of Section  
31 12022, 12022.3, 12022.5 or 12022.53, within the meaning of Penal Code Section 667.61(e)(4).  
32

33  
34 It is further alleged that the defendant, ROY CHARLES WALLER, has been convicted in the  
35 present case or cases of committing an offense specified in subdivision (c) against more than one  
36 victim, within the meaning of Penal Code Section 667.61(e)(5).  
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5 It is further alleged that the defendant, ROY CHARLES WALLER, engaged in the tying or  
6 binding of the victim or another person in the commission of the present offense, within the  
7 meaning of Penal Code Section 667.61(e)(6).  
8

9 It is further alleged that in the commission of the above offense the defendant,  
10 ROY CHARLES WALLER, used a deadly weapon, within the meaning of Penal Code Section  
11 12022.3(a) and also causing the above offense to be a serious felony within the meaning of Penal  
12 Code Section 1192.7(c)(23).  
13

#### 14 **COUNT FIFTEEN**

15 For a further and separate cause of action, being a different offense of the same class of crimes  
16 and offenses as the charges set forth in Counts One through Fourteen hereof: On or about and  
17 between October 31, 1996, and November 1, 1996, at and in the County of Contra Costa, State of  
18 California, the defendant, ROY CHARLES WALLER, did commit a felony, namely: a violation  
19 of Section 261(a)(2) of the Penal Code of the State of California, in that said defendant did  
20 unlawfully have and accomplish an act of sexual intercourse with a person, to wit, S. DOE, not  
21 his spouse, against said person's will, by means of force, violence, duress, menace and fear of  
22 immediate and unlawful bodily injury on said person (third time upstairs).  
23  
24  
25

26 "NOTICE: The above offense is a serious felony within the meaning of Penal Code Section  
27 1192.7(c)."  
28

29 "NOTICE: Conviction of this offense will require the court to order you to submit to a blood test  
30 for evidence of antibodies to the probable causative agent of Acquired Immune Deficiency  
31 Syndrome (AIDS). Penal Code Section 1202.1."  
32  
33

34 "NOTICE: Conviction of this offense will require you to register pursuant to Penal Code Section  
35 290. Willful failure to register is a crime."  
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5 It is further alleged that the defendant, ROY CHARLES WALLER, kidnapped the victim of the  
6 present offense substantially increasing the risk of harm, within the meaning of Penal Code  
7 Section 667.61(d)(2).  
8

9 It is further alleged that the defendant, ROY CHARLES WALLER, committed the present  
10 offense during the commission of a burglary with intent to commit an offense listed in 667.61(c),  
11 within the meaning of Penal Code Section 667.61(d)(4).  
12

13  
14 It is further alleged that the defendant, ROY CHARLES WALLER, kidnapped the victim of the  
15 present offense, within the meaning of Penal Code Section 667.61(e)(1).  
16

17 It is further alleged that the defendant, ROY CHARLES WALLER, committed the present  
18 offense during the commission of a burglary, within the meaning of Penal Code Section  
19 667.61(e)(2).  
20

21 It is further alleged that the defendant, ROY CHARLES WALLER, personally used a dangerous  
22 or deadly weapon or a firearm, in the commission of the present offense in violation of Section  
23 12022, 12022.3, 12022.5 or 12022.53, within the meaning of Penal Code Section 667.61(e)(4).  
24

25  
26 It is further alleged that the defendant, ROY CHARLES WALLER, has been convicted in the  
27 present case or cases of committing an offense specified in subdivision (c) against more than one  
28 victim, within the meaning of Penal Code Section 667.61(e)(5).  
29

30 It is further alleged that the defendant, ROY CHARLES WALLER, engaged in the tying or  
31 binding of the victim or another person in the commission of the present offense, within the  
32 meaning of Penal Code Section 667.61(e)(6).  
33

34  
35 It is further alleged that in the commission of the above offense the defendant,  
36 ROY CHARLES WALLER, used a deadly weapon, within the meaning of Penal Code Section  
37 12022.3(a) and also causing the above offense to be a serious felony within the meaning of Penal  
38 Code Section 1192.7(c)(23).  
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4 **COUNT SIXTEEN**

5 For a further and separate cause of action, being a different offense of the same class of crimes  
6 and offenses as the charges set forth in Counts One through Fifteen hereof: On or about and  
7 between October 31, 1996, and November 1, 1996, at and in the County of Contra Costa, State of  
8 California, the defendant, ROY CHARLES WALLER, did commit a felony, namely: a violation  
9 of Section 289(a) of the Penal Code of the State of California, in that said defendant did  
10 unlawfully cause the penetration of the genital opening of S. DOE, for the purpose of sexual  
11 arousal, gratification, and abuse by a foreign object, substance, instrument and device, and by an  
12 unknown object, accomplished by force, violence, duress, menace and fear of immediate and  
13 unlawful bodily injury on the victim, to wit, finger in vagina multiple times during third rape.  
14  
15

16  
17 "NOTICE: The above offense is a serious felony within the meaning of Penal Code Section  
18 1192.7(c)."  
19

20 "NOTICE: Conviction of this offense will require you to register pursuant to Penal Code Section  
21 290. Willful failure to register is a crime."  
22

23  
24 It is further alleged that the defendant, ROY CHARLES WALLER, kidnapped the victim of the  
25 present offense substantially increasing the risk of harm, within the meaning of Penal Code  
26 Section 667.61(d)(2).  
27

28 It is further alleged that the defendant, ROY CHARLES WALLER, committed the present  
29 offense during the commission of a burglary with intent to commit an offense listed in 667.61(c),  
30 within the meaning of Penal Code Section 667.61(d)(4).  
31

32  
33 It is further alleged that the defendant, ROY CHARLES WALLER, kidnapped the victim of the  
34 present offense, within the meaning of Penal Code Section 667.61(e)(1).  
35

36 It is further alleged that the defendant, ROY CHARLES WALLER, committed the present  
37 offense during the commission of a burglary, within the meaning of Penal Code Section  
38 667.61(e)(2).  
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5 It is further alleged that the defendant, ROY CHARLES WALLER, personally used a dangerous  
6 or deadly weapon or a firearm, in the commission of the present offense in violation of Section  
7 12022, 12022.3, 12022.5 or 12022.53, within the meaning of Penal Code Section 667.61(e)(4).  
8

9 It is further alleged that the defendant, ROY CHARLES WALLER, has been convicted in the  
10 present case or cases of committing an offense specified in subdivision (c) against more than one  
11 victim, within the meaning of Penal Code Section 667.61(e)(5).  
12

13 It is further alleged that the defendant, ROY CHARLES WALLER, engaged in the tying or  
14 binding of the victim or another person in the commission of the present offense, within the  
15 meaning of Penal Code Section 667.61(e)(6).  
16

17 It is further alleged that in the commission of the above offense the defendant,  
18 ROY CHARLES WALLER, used a deadly weapon, within the meaning of Penal Code Section  
19 12022.3(a) and also causing the above offense to be a serious felony within the meaning of Penal  
20 Code Section 1192.7(c)(23).  
21  
22

### 23 COUNT SEVENTEEN

24 For a further and separate cause of action, being a different offense of the same class of crimes  
25 and offenses as the charges set forth in Counts One through Sixteen hereof: On or about and  
26 between October 31, 1996, and November 1, 1996, at and in the County of Contra Costa, State of  
27 California, the defendant, ROY CHARLES WALLER, did commit a felony, namely: a violation  
28 of Section 261(a)(2) of the Penal Code of the State of California, in that said defendant did  
29 unlawfully have and accomplish an act of sexual intercourse with a person, to wit, S. DOE, not  
30 his spouse, against said person's will, by means of force, violence, duress, menace and fear of  
31 immediate and unlawful bodily injury on said person (fourth time upstairs).  
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34

35 "NOTICE: The above offense is a serious felony within the meaning of Penal Code Section  
36 1192.7(c)."  
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4 "NOTICE: Conviction of this offense will require the court to order you to submit to a blood test  
5 for evidence of antibodies to the probable causative agent of Acquired Immune Deficiency  
6 Syndrome (AIDS). Penal Code Section 1202.1."  
7

8  
9 "NOTICE: Conviction of this offense will require you to register pursuant to Penal Code Section  
10 290. Willful failure to register is a crime."  
11

12  
13 It is further alleged that the defendant, ROY CHARLES WALLER, kidnapped the victim of the  
14 present offense substantially increasing the risk of harm, within the meaning of Penal Code  
15 Section 667.61(d)(2).  
16

17 It is further alleged  
18 that the defendant, ROY CHARLES WALLER, committed the present offense during the  
19 commission of a burglary with intent to commit an offense listed in 667.61(c), within the  
20 meaning of Penal Code Section 667.61(d)(4).  
21

22  
23 It is further alleged that the defendant, ROY CHARLES WALLER, kidnapped the victim of the  
24 present offense, within the meaning of Penal Code Section 667.61(e)(1).  
25

26 It is further alleged that the defendant, ROY CHARLES WALLER, committed the present  
27 offense during the commission of a burglary, within the meaning of Penal Code Section  
28 667.61(e)(2).  
29

30 It is further alleged that the defendant, ROY CHARLES WALLER, personally used a dangerous  
31 or deadly weapon or a firearm, in the commission of the present offense in violation of Section  
32 12022, 12022.3, 12022.5 or 12022.53, within the meaning of Penal Code Section 667.61(e)(4).  
33

34 It is further alleged that the defendant, ROY CHARLES WALLER, has been convicted in the  
35 present case or cases of committing an offense specified in subdivision (c) against more than one  
36 victim, within the meaning of Penal Code Section 667.61(e)(5).  
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5 It is further alleged that the defendant, ROY CHARLES WALLER, engaged in the tying or  
6 binding of the victim or another person in the commission of the present offense, within the  
7 meaning of Penal Code Section 667.61(e)(6).  
8

9 It is further alleged that in the commission of the above offense the defendant,  
10 ROY CHARLES WALLER, used a deadly weapon, within the meaning of Penal Code Section  
11 12022.3(a) and also causing the above offense to be a serious felony within the meaning of Penal  
12 Code Section 1192.7(c)(23).  
13

14 **COUNT EIGHTEEN**

15 For a further and separate cause of action, being a different offense of the same class of crimes  
16 and offenses as the charges set forth in Counts One through Seventeen hereof: On or about and  
17 between October 31, 1996, and November 1, 1996, at and in the County of Contra Costa, State of  
18 California, the defendant, ROY CHARLES WALLER, did commit a felony, namely: a violation  
19 of Section 289(a) of the Penal Code of the State of California, in that said defendant did  
20 unlawfully cause the penetration of the anal opening of S. DOE, for the purpose of sexual  
21 arousal, gratification, and abuse by a foreign object, substance, instrument and device, and by an  
22 unknown object, accomplished by force, violence, duress, menace and fear of immediate and  
23 unlawful bodily injury on the victim, to wit, finger in rectum.  
24  
25

26  
27 "NOTICE: The above offense is a serious felony within the meaning of Penal Code Section  
28 1192.7(c)."  
29

30  
31 "NOTICE: Conviction of this offense will require you to register pursuant to Penal Code Section  
32 290. Willful failure to register is a crime."  
33

34 It is further alleged that the defendant, ROY CHARLES WALLER, kidnapped the victim of the  
35 present offense substantially increasing the risk of harm, within the meaning of Penal Code  
36 Section 667.61(d)(2).  
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It is further alleged that the defendant, ROY CHARLES WALLER, committed the present offense during the commission of a burglary with intent to commit an offense listed in 667.61(c), within the meaning of Penal Code Section 667.61(d)(4).

It is further alleged that the defendant, ROY CHARLES WALLER, kidnapped the victim of the present offense, within the meaning of Penal Code Section 667.61(e)(1).

It is further alleged that the defendant, ROY CHARLES WALLER, committed the present offense during the commission of a burglary, within the meaning of Penal Code Section 667.61(e)(2).

It is further alleged that the defendant, ROY CHARLES WALLER, personally used a dangerous or deadly weapon or a firearm, in the commission of the present offense in violation of Section 12022, 12022.3, 12022.5 or 12022.53, within the meaning of Penal Code Section 667.61(e)(4).

It is further alleged that the defendant, ROY CHARLES WALLER, has been convicted in the present case or cases of committing an offense specified in subdivision (c) against more than one victim, within the meaning of Penal Code Section 667.61(e)(5).

It is further alleged that the defendant, ROY CHARLES WALLER, engaged in the tying or binding of the victim or another person in the commission of the present offense, within the meaning of Penal Code Section 667.61(e)(6).

It is further alleged that in the commission of the above offense the defendant, ROY CHARLES WALLER, used a deadly weapon, within the meaning of Penal Code Section 12022.3(a) and also causing the above offense to be a serious felony within the meaning of Penal Code Section 1192.7(c)(23).



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4 **COUNT NINETEEN**

5 For a further and separate cause of action, being a different offense of the same class of crimes  
6 and offenses as the charges set forth in Counts One through Eighteen hereof: On or about and  
7 between October 31, 1996, and November 1, 1996, at and in the County of Contra Costa, State of  
8 California, the defendant, ROY CHARLES WALLER, did commit a felony, namely: a violation  
9 of Section 288a(c) of the Penal Code of the State of California, in that said defendant did  
10 unlawfully participate in an act of oral copulation with S. DOE, and did accomplish said act  
11 against said victim's will by force, violence, duress, menace, and fear of immediate and unlawful  
12 bodily injury to said victim.  
13  
14

15  
16 "NOTICE: The above offense is a serious felony within the meaning of Penal Code Section  
17 1192.7(c).  
18

19 "NOTICE: Conviction of this offense will require the court to order you to submit to a blood test  
20 for evidence of antibodies to the probable causative agent of Acquired Immune Deficiency  
21 Syndrome (AIDS). Penal Code Section 1202.1."  
22  
23

24 "NOTICE: Conviction of this offense will require you to register pursuant to Penal Code Section  
25 290. Willful failure to register is a crime."  
26  
27

28 It is further alleged that the defendant, ROY CHARLES WALLER, kidnapped the victim of the  
29 present offense substantially increasing the risk of harm, within the meaning of Penal Code  
30 Section 667.61(d)(2).  
31

32 It is further alleged that the defendant, ROY CHARLES WALLER, committed the present  
33 offense during the commission of a burglary with intent to commit an offense listed in 667.61(c),  
34 within the meaning of Penal Code Section 667.61(d)(4).  
35  
36

37 It is further alleged that the defendant, ROY CHARLES WALLER, kidnapped the victim of the  
38 present offense, within the meaning of Penal Code Section 667.61(e)(1).  
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4 It is further alleged that the defendant, ROY CHARLES WALLER, committed the present  
5 offense during the commission of a burglary, within the meaning of Penal Code Section  
6 667.61(e)(2).  
7

8 It is further alleged that the defendant, ROY CHARLES WALLER, personally used a dangerous  
9 or deadly weapon or a firearm, in the commission of the present offense in violation of Section  
10 12022, 12022.3, 12022.5 or 12022.53, within the meaning of Penal Code Section 667.61(e)(4).  
11

12  
13 It is further alleged that the defendant, ROY CHARLES WALLER, has been convicted in the  
14 present case or cases of committing an offense specified in subdivision (c) against more than one  
15 victim, within the meaning of Penal Code Section 667.61(e)(5).  
16

17 It is further alleged that the defendant, ROY CHARLES WALLER, engaged in the tying or  
18 binding of the victim or another person in the commission of the present offense, within the  
19 meaning of Penal Code Section 667.61(e)(6).  
20

21  
22 It is further alleged that in the commission of the above offense the defendant, ROY CHARLES  
23 WALLER, used a deadly weapon, within the meaning of Penal Code Section 12022.3(a) and also  
24 causing the above offense to be a serious felony within the meaning of Penal Code Section  
25 1192.7(c)(23).  
26

27 It is further alleged that jurisdiction for the crime(s) charged in Counts Eleven through Nineteen,  
28 in Contra Costa County, is established pursuant to Penal Code Section 784.7 based on the  
29 following: 1. Defendant is charged with violations of Penal Code Section 209(b), 289(a),  
30 261(a)(2) and 288a(c). 2. The defendant, ROY CHARLES WALLER, and victim(s), S. DOE, are  
31 the same for all offenses, and 3. The offense(s) alleged in Counts Thirty-Two through Forty-Five  
32 occurred within the County of Sacramento.  
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5 The multiple victim circumstance in Penal Code section 667.61, also referred to as the "One  
6 Strike Law," provides for a life sentence and does *not* qualify as an enhancement. (*People v.*  
7 *Perez* (2010) 182 Cal.App.4th 231, 238.) Instead, the multiple victim circumstance in the "One  
8 Strike Law" is "an alternative sentencing scheme that applies to the offense based on other  
9 criminal conduct that the trier of fact has found to have occurred." and makes the unlimited time  
10 frame for prosecution in section 799 applicable to "One Strike" cases involving multiple victims.  
11 (*Id.* at p. 239.)  
12

13  
14 "NOTICE: Counts Eleven through Nineteen were filed pursuant to 1996 Penal Code."  
15

16 **COUNT TWENTY**

17 For a further and separate cause of action, being a different offense of the same class of crimes  
18 and offenses as the charges set forth in Counts One through Nineteen hereof: On or about and  
19 between January 24, 1997, and January 25, 1997, at and in the County of Yolo, State of  
20 California, the defendant, ROY CHARLES WALLER, did commit a felony, namely: a violation  
21 of Section 261(a)(2) of the Penal Code of the State of California, in that said defendant did  
22 unlawfully have and accomplish an act of sexual intercourse with a person, to wit, T. DOE, not  
23 his spouse, against said person's will, by means of force, violence, duress, menace and fear of  
24 immediate and unlawful bodily injury on said person.  
25  
26

27  
28 "NOTICE: The above offense is a serious felony within the meaning of Penal Code Section  
29 1192.7(c)."  
30

31 "NOTICE: Conviction of this offense will require the court to order you to submit to a blood test  
32 for evidence of antibodies to the probable causative agent of Acquired Immune Deficiency  
33 Syndrome (AIDS). Penal Code Section 1202.1."  
34

35  
36 "NOTICE: Conviction of this offense will require you to register pursuant to Penal Code Section  
37 290. Willful failure to register is a crime."  
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4 It is further alleged that the defendant, ROY CHARLES WALLER, kidnapped the victim of the  
5 present offense, within the meaning of Penal Code Section 667.61(d)(2).  
6

7 It is further alleged that the defendant, ROY CHARLES WALLER, committed the present  
8 offense during the commission of a burglary, within the meaning of Penal Code Section  
9 667.61(d)(4).  
10

11 It is further alleged that the defendant, ROY CHARLES WALLER, kidnapped the victim of the  
12 present offense, within the meaning of Penal Code Section 667.61(e)(1).  
13

14 It is further alleged that the defendant, ROY CHARLES WALLER, committed the present  
15 offense during the commission of a burglary, within the meaning of Penal Code Section  
16 667.61(e)(2).  
17

18 It is further alleged that the defendant, ROY CHARLES WALLER, has been convicted in the  
19 present case or cases of committing an offense specified in subdivision (c) against more than one  
20 victim, within the meaning of Penal Code Section 667.61(e)(5).  
21

22 It is further alleged that the defendant, ROY CHARLES WALLER, engaged in the tying or  
23 binding of the victim or another person in the commission of the present offense, within the  
24 meaning of Penal Code Section 667.61(e)(6).  
25  
26

27  
28 **COUNT TWENTY-ONE**

29 For a further and separate cause of action, being a different offense of the same class of crimes  
30 and offenses as the charges set forth in Counts One through Twenty hereof: On or about and  
31 between January 24, 1997, and January 25, 1997, at and in the County of Yolo, State of  
32 California, the defendant, ROY CHARLES WALLER, did commit a felony, namely: a violation  
33 of Section 261(a)(2) of the Penal Code of the State of California, in that said defendant did  
34 unlawfully have and accomplish an act of sexual intercourse with a person, to wit, T. DOE, not  
35 his spouse, against said person's will, by means of force, violence, duress, menace and fear of  
36 immediate and unlawful bodily injury on said person.  
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4 "NOTICE: The above offense is a serious felony within the meaning of Penal Code Section  
5 1192.7(c)."  
6  
7

8 "NOTICE: Conviction of this offense will require the court to order you to submit to a blood test  
9 for evidence of antibodies to the probable causative agent of Acquired Immune Deficiency  
10 Syndrome (AIDS). Penal Code Section 1202.1."  
11  
12

13 "NOTICE: Conviction of this offense will require you to register pursuant to Penal Code Section  
14 290. Willful failure to register is a crime."  
15

16 It is further alleged that the defendant, ROY CHARLES WALLER, kidnapped the victim of the  
17 present offense, within the meaning of Penal Code Section 667.61(d)(2).  
18

19 It is further alleged that the defendant, ROY CHARLES WALLER, committed the present  
20 offense during the commission of a burglary, within the meaning of Penal Code Section  
21 667.61(d)(4).  
22

23 It is further alleged that the defendant, ROY CHARLES WALLER, kidnapped the victim of the  
24 present offense, within the meaning of Penal Code Section 667.61(e)(1).  
25

26 It is further alleged that the defendant, ROY CHARLES WALLER, committed the present  
27 offense during the commission of a burglary, within the meaning of Penal Code Section  
28 667.61(e)(2).  
29

30 It is further alleged that the defendant, ROY CHARLES WALLER, has been convicted in the  
31 present case or cases of committing an offense specified in subdivision (c) against more than one  
32 victim, within the meaning of Penal Code Section 667.61(e)(5).  
33  
34

35 It is further alleged that the defendant, ROY CHARLES WALLER, engaged in the tying or  
36 binding of the victim or another person in the commission of the present offense, within the  
37 meaning of Penal Code Section 667.61(e)(6).  
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4 **COUNT TWENTY-TWO**

5 For a further and separate cause of action, being a different offense of the same class of crimes  
6 and offenses as the charges set forth in Counts One through Twenty-One hereof: On or about and  
7 between January 24, 1997, and January 25, 1997, at and in the County of Yolo, State of  
8 California, the defendant, ROY CHARLES WALLER, did commit a felony, namely: a violation  
9 of Section 289(a)(1) of the Penal Code of the State of California, in that said defendant did  
10 unlawfully cause the penetration of the genital opening of T. DOE, for the purpose of sexual  
11 arousal, gratification, and abuse by a foreign object, substance, instrument and device, and by an  
12 unknown object, accomplished by force, violence, duress, menace and fear of immediate and  
13 unlawful bodily injury on the victim.  
14  
15

16  
17 "NOTICE: The above offense is a serious felony within the meaning of Penal Code Section  
18 1192.7(c)."  
19

20  
21 "NOTICE: Conviction of this offense will require you to register pursuant to Penal Code Section  
22 290. Willful failure to register is a crime."  
23

24 It is further alleged that the defendant, ROY CHARLES WALLER, kidnapped the victim of the  
25 present offense, within the meaning of Penal Code Section 667.61(d)(2).  
26

27 It is further alleged that the defendant, ROY CHARLES WALLER, committed the present  
28 offense during the commission of a burglary, within the meaning of Penal Code Section  
29 667.61(d)(4).  
30

31 It is further alleged that the defendant, ROY CHARLES WALLER, kidnapped the victim of the  
32 present offense, within the meaning of Penal Code Section 667.61(e)(1).  
33

34 It is further alleged that the defendant, ROY CHARLES WALLER, committed the present  
35 offense during the commission of a burglary, within the meaning of Penal Code Section  
36 667.61(e)(2).  
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5 It is further alleged that the defendant, ROY CHARLES WALLER, has been convicted in the  
6 present case or cases of committing an offense specified in subdivision (c) against more than one  
7 victim, within the meaning of Penal Code Section 667.61(e)(5).  
8

9 It is further alleged that the defendant, ROY CHARLES WALLER, engaged in the tying or  
10 binding of the victim or another person in the commission of the present offense, within the  
11 meaning of Penal Code Section 667.61(e)(6).  
12

13  
14 **COUNT TWENTY-THREE**

15 For a further and separate cause of action, being a different offense of the same class of crimes  
16 and offenses as the charges set forth in Counts One through Twenty-Two hereof: On or about and  
17 between January 24, 1997, and January 25, 1997, at and in the County of Yolo, State of  
18 California, the defendant, ROY CHARLES WALLER, did commit a felony, namely: a violation  
19 of Section 209(b) of the Penal Code of the State of California, in that said defendant did  
20 unlawfully kidnap and carry away T. DOE, to commit Robbery.  
21

22  
23 "NOTICE: The above offense is a serious felony within the meaning of Penal Code Section  
24 1192.7(c)."  
25

26  
27 **COUNT TWENTY-FOUR**

28 For a further and separate cause of action, being a different offense of the same class of crimes  
29 and offenses as the charges set forth in Counts One through Twenty-Three hereof: On or about  
30 and between January 24, 1997, and January 25, 1997, at and in the County of Yolo, State of  
31 California, the defendant, ROY CHARLES WALLER, did commit a felony, namely: a violation  
32 of Section 209(b) of the Penal Code of the State of California, in that said defendant did  
33 unlawfully kidnap and carry away K. DOE, to commit Robbery.  
34

35  
36 "NOTICE: The above offense is a serious felony within the meaning of Penal Code Section  
37 1192.7(c)."  
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5 It is further alleged It is further alleged that jurisdiction for the crime(s) charged in Counts  
6 Twenty through Twenty-Four, in Yolo County, is established pursuant to Penal Code Section  
7 784.7 based on the following: 1. Defendant is charged with violations of Penal Code Sections  
8 261(a)(2), 289(a) and 209(b). 2. The defendant, ROY CHARLES WALLER, and victim(s),  
9 T. DOE, are the same for Counts Twenty through Twenty-Three. 3. Count Twenty-Four is  
10 properly joinable with Counts Twenty through Twenty-Three, and 4. The offense(s) alleged in  
11 Counts Thirty-Two through Forty-Five occurred within the County of Sacramento.  
12

13  
14 The multiple victim circumstance in Penal Code section 667.61, also referred to as the "One  
15 Strike Law," provides for a life sentence and does *not* qualify as an enhancement. (*People v.*  
16 *Perez* (2010) 182 Cal.App.4th 231, 238.) Instead, the multiple victim circumstance in the "One  
17 Strike Law" is "an alternative sentencing scheme that applies to the offense based on other  
18 criminal conduct that the trier of fact has found to have occurred." and makes the unlimited time  
19 frame for prosecution in section 799 applicable to "One Strike" cases involving multiple victims.  
20 (*Id.* at p. 239.)  
21

22  
23 "NOTICE: Counts Twenty through Twenty-Four were filed pursuant to 1997 Penal Code."  
24

25  
26 **COUNT TWENTY-FIVE**

27 For a further and separate cause of action, being a different offense of the same class of crimes  
28 and offenses as the charges set forth in Counts One through Twenty-Four hereof: On or about  
29 July 18, 1997, at and in the County of Butte, State of California, the defendant,  
30 ROY CHARLES WALLER, did commit a felony, namely: a violation of Section 209(a) of the  
31 Penal Code of the State of California, in that said defendant did unlawfully seize, confine,  
32 inveigle, entice, decoy, abduct, conceal, kidnap, and carry away R. DOE with the intent to hold  
33 and detain, and who did hold and detain, the said R. DOE for ransom, reward, extortion, and to  
34 exact from relatives and friends of said R. DOE money and other valuable things.  
35

36  
37 "NOTICE: The above offense is a serious felony within the meaning of Penal Code Section  
38 1192.7(c)."  
39  
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4 It is further alleged that in the commission and attempted commission of the above offense(s),  
5 the defendant, ROY CHARLES WALLER, personally used a deadly and dangerous weapon(s),  
6 said use not being an element of the above offense, within the meaning of Penal Code Section  
7 12022(b)(1) and causing the above offense to be a serious felony within the meaning of Penal  
8 Code Section 1192.7(c)(23).  
9

10 **COUNT TWENTY-SIX**

11 For a further and separate cause of action, being a different offense of the same class of crimes  
12 and offenses as the charges set forth in Counts One through Twenty-Five hereof: On or about  
13 July 18, 1997, at and in the County of Butte, State of California, the defendant,  
14 ROY CHARLES WALLER, did commit a felony, namely: a violation of Section 261(a)(2) of the  
15 Penal Code of the State of California, in that said defendant did unlawfully have and accomplish  
16 an act of sexual intercourse with a person, to wit, R. DOE, not his spouse, against said person's  
17 will, by means of force, violence, duress, menace and fear of immediate and unlawful bodily  
18 injury on said person.  
19  
20

21  
22 "NOTICE: The above offense is a serious felony within the meaning of Penal Code Section  
23 1192.7(c)."  
24

25  
26 "NOTICE: Conviction of this offense will require the court to order you to submit to a blood test  
27 for evidence of antibodies to the probable causative agent of Acquired Immune Deficiency  
28 Syndrome (AIDS). Penal Code Section 1202.1."  
29

30  
31 "NOTICE: Conviction of this offense will require you to register pursuant to Penal Code Section  
32 290. Willful failure to register is a crime."  
33

34 It is further alleged that the defendant, ROY CHARLES WALLER, committed the present  
35 offense during the commission of a burglary with intent to commit an offense listed in 667.61(c),  
36 within the meaning of Penal Code Section 667.61(d)(4).  
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4 It is further alleged that the defendant, ROY CHARLES WALLER, committed the present  
5 offense during the commission of a burglary, within the meaning of Penal Code Section  
6 667.61(e)(2).  
7

8 It is further alleged that the defendant, ROY CHARLES WALLER, has been convicted in the  
9 present case or cases of committing an offense specified in subdivision (c) against more than one  
10 victim, within the meaning of Penal Code Section 667.61(e)(5).  
11

12  
13 It is further alleged that the defendant, ROY CHARLES WALLER, engaged in the tying or  
14 binding of the victim or another person in the commission of the present offense, within the  
15 meaning of Penal Code Section 667.61(e)(6).  
16

17  
18 It is further alleged that in the commission and attempted commission of the above offense(s),  
19 the defendant, ROY CHARLES WALLER, personally used a deadly and dangerous weapon(s),  
20 said use not being an element of the above offense, within the meaning of Penal Code Section  
21 12022(b)(1) and causing the above offense to be a serious felony within the meaning of Penal  
22 Code Section 1192.7(c)(23).  
23

24 It is further alleged that jurisdiction for the crime(s) charged in Counts Twenty-Five and  
25 Twenty-Six, in Butte County, is established pursuant to Penal Code Section 784.7 based on the  
26 following: 1. Defendant is charged with violations of Penal Code Section 209(a). 2. The  
27 defendant, ROY CHARLES WALLER, and victim(s), R. DOE, are the same for all offenses, and  
28 3. The offense(s) alleged in Counts Thirty-Two through Forty-Five occurred within the County of  
29 Sacramento.  
30

31  
32 The multiple victim circumstance in Penal Code section 667.61, also referred to as the "One  
33 Strike Law," provides for a life sentence and does *not* qualify as an enhancement. (*People v.*  
34 *Perez* (2010) 182 Cal.App.4th 231, 238.) Instead, the multiple victim circumstance in the "One  
35 Strike Law" is "an alternative sentencing scheme that applies to the offense based on other  
36 criminal conduct that the trier of fact has found to have occurred." and makes the unlimited time  
37 frame for prosecution in section 799 applicable to "One Strike" cases involving multiple victims.  
38 (*Id.* at p. 239.)  
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4 "NOTICE: Counts Twenty-Five and Twenty-Six was filed pursuant to 1997 Penal Code."  
5  
6

7 **COUNT TWENTY-SEVEN**

8 For a further and separate cause of action, being a different offense of the same class of crimes  
9 and offenses as the charges set forth in Counts One through Twenty-Six hereof: On or about  
10 July 16, 2000, at and in the County of Yolo, State of California, the defendant,  
11 ROY CHARLES WALLER, did commit a felony, namely: a violation of Section 209(b)(1) of the  
12 Penal Code of the State of California, in that said defendant did unlawfully kidnap and carry  
13 away C. DOE, to commit Robbery.  
14

15  
16 "NOTICE: The above offense is a serious felony within the meaning of Penal Code Section  
17 1192.7(c)."  
18

19 **COUNT TWENTY-EIGHT**

20 For a further and separate cause of action, being a different offense of the same class of crimes  
21 and offenses as the charges set forth in Counts One through Twenty-Seven hereof: On or about  
22 July 16, 2000, at and in the County of Yolo, State of California, the defendant,  
23 ROY CHARLES WALLER, did commit a felony, namely: a violation of Section 289(a)(1) of the  
24 Penal Code of the State of California, in that said defendant did unlawfully cause the penetration  
25 of the genital opening of C. DOE, for the purpose of sexual arousal, gratification, and abuse by a  
26 foreign object, substance, instrument and device, and by an unknown object, accomplished by  
27 force, violence, duress, menace and fear of immediate and unlawful bodily injury on the victim.  
28  
29

30  
31 "NOTICE: The above offense is a serious felony within the meaning of Penal Code Section  
32 1192.7(c)."  
33

34  
35 "NOTICE: Conviction of this offense will require you to register pursuant to Penal Code Section  
36 290. Willful failure to register is a crime."  
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4 It is further alleged that the defendant, ROY CHARLES WALLER, kidnapped the victim of the  
5 present offense substantially increasing the risk of harm, within the meaning of Penal Code  
6 Section 667.61(d)(2).  
7

8  
9 It is further alleged that the defendant, ROY CHARLES WALLER, committed the present  
10 offense during the commission of a burglary with intent to commit an offense listed in 667.61(c),  
11 within the meaning of Penal Code Section 667.61(d)(4).  
12

13 It is further alleged that the defendant, ROY CHARLES WALLER, kidnapped the victim of the  
14 present offense, within the meaning of Penal Code Section 667.61(e)(1).  
15

16 It is further alleged that the defendant, ROY CHARLES WALLER, committed the present  
17 offense during the commission of a burglary, within the meaning of Penal Code Section  
18 667.61(e)(2).  
19

20 It is further alleged that the defendant, ROY CHARLES WALLER, has been convicted in the  
21 present case or cases of committing an offense specified in subdivision (c) against more than one  
22 victim, within the meaning of Penal Code Section 667.61(e)(5).  
23

24 It is further alleged that the defendant, ROY CHARLES WALLER, engaged in the tying or  
25 binding of the victim or another person in the commission of the present offense, within the  
26 meaning of Penal Code Section 667.61(e)(6).  
27  
28

29  
30 **COUNT TWENTY-NINE**

31 For a further and separate cause of action, being a different offense of the same class of crimes  
32 and offenses as the charges set forth in Counts One through Twenty-Eight hereof: On or about  
33 July 16, 2000, at and in the County of Yolo, State of California, the defendant,  
34 ROY CHARLES WALLER, did commit a felony, namely: a violation of Section 288a(c)(2) of  
35 the Penal Code of the State of California, in that said defendant did unlawfully participate in an  
36 act of oral copulation with C. DOE, and did accomplish said act against said victim's will by  
37 force, violence, duress, menace, and fear of immediate and unlawful bodily injury to said victim.  
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4 "NOTICE: The above offense is a serious felony within the meaning of Penal Code Section  
5 1192.7(c).  
6  
7

8 "NOTICE: Conviction of this offense will require the court to order you to submit to a blood test  
9 for evidence of antibodies to the probable causative agent of Acquired Immune Deficiency  
10 Syndrome (AIDS). Penal Code Section 1202.1."  
11  
12

13 "NOTICE: Conviction of this offense will require you to register pursuant to Penal Code Section  
14 290. Willful failure to register is a crime."  
15

16 It is further alleged that the defendant, ROY CHARLES WALLER, kidnapped the victim of the  
17 present offense substantially increasing the risk of harm, within the meaning of Penal Code  
18 Section 667.61(d)(2).  
19

20  
21 It is further alleged that the defendant, ROY CHARLES WALLER, committed the present  
22 offense during the commission of a burglary with intent to commit an offense listed in 667.61(c),  
23 within the meaning of Penal Code Section 667.61(d)(4).  
24

25  
26 It is further alleged that the defendant, ROY CHARLES WALLER, kidnapped the victim of the  
27 present offense, within the meaning of Penal Code Section 667.61(e)(1).  
28

29 It is further alleged that the defendant, ROY CHARLES WALLER, committed the present  
30 offense during the commission of a burglary, within the meaning of Penal Code Section  
31 667.61(e)(2).  
32

33 It is further alleged that the defendant, ROY CHARLES WALLER, has been convicted in the  
34 present case or cases of committing an offense specified in subdivision (c) against more than one  
35 victim, within the meaning of Penal Code Section 667.61(e)(5).  
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5 It is further alleged that the defendant, ROY CHARLES WALLER, engaged in the tying or  
6 binding of the victim or another person in the commission of the present offense, within the  
7 meaning of Penal Code Section 667.61(e)(6).  
8

9  
10 **COUNT THIRTY**

11 For a further and separate cause of action, being a different offense of the same class of crimes  
12 and offenses as the charges set forth in Counts One through Twenty-Nine hereof: On or about  
13 July 16, 2000, at and in the County of Yolo, State of California, the defendant,  
14 ROY CHARLES WALLER, did commit a felony, namely: a violation of Section 261(a)(2) of the  
15 Penal Code of the State of California, in that said defendant did unlawfully have and accomplish  
16 an act of sexual intercourse with a person, to wit, C. DOE, not his spouse, against said person's  
17 will, by means of force, violence, duress, menace and fear of immediate and unlawful bodily  
18 injury on said person.  
19

20  
21 "NOTICE: The above offense is a serious felony within the meaning of Penal Code Section  
22 1192.7(c)."  
23

24 "NOTICE: Conviction of this offense will require the court to order you to submit to a blood test  
25 for evidence of antibodies to the probable causative agent of Acquired Immune Deficiency  
26 Syndrome (AIDS). Penal Code Section 1202.1."  
27

28  
29 "NOTICE: Conviction of this offense will require you to register pursuant to Penal Code Section  
30 290. Willful failure to register is a crime."  
31

32 It is further alleged that the defendant, ROY CHARLES WALLER, kidnapped the victim of the  
33 present offense substantially increasing the risk of harm, within the meaning of Penal Code  
34 Section 667.61(d)(2).  
35

36  
37 It is further alleged that the defendant, ROY CHARLES WALLER, committed the present  
38 offense during the commission of a burglary with intent to commit an offense listed in 667.61(c),  
39 within the meaning of Penal Code Section 667.61(d)(4).  
40



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5 It is further alleged that the defendant, ROY CHARLES WALLER, kidnapped the victim of the  
6 present offense, within the meaning of Penal Code Section 667.61(e)(1).  
7

8 It is further alleged that the defendant, ROY CHARLES WALLER, committed the present  
9 offense during the commission of a burglary, within the meaning of Penal Code Section  
10 667.61(e)(2).  
11

12 It is further alleged that the defendant, ROY CHARLES WALLER, has been convicted in the  
13 present case or cases of committing an offense specified in subdivision (c) against more than one  
14 victim, within the meaning of Penal Code Section 667.61(e)(5).  
15

16 It is further alleged that the defendant, ROY CHARLES WALLER, engaged in the tying or  
17 binding of the victim or another person in the commission of the present offense, within the  
18 meaning of Penal Code Section 667.61(e)(6).  
19  
20

21 **COUNT THIRTY-ONE**

22 For a further and separate cause of action, being a different offense of the same class of crimes  
23 and offenses as the charges set forth in Counts One through Thirty hereof: On or about  
24 July 16, 2000, at and in the County of Yolo, State of California, the defendant,  
25 ROY CHARLES WALLER, did commit a felony, namely: a violation of Section 286(c)(2) of the  
26 Penal Code of the State of California, in that said defendant did unlawfully participate in an act  
27 of sodomy with C. DOE, and did accomplish said act against said victim's will by force,  
28 violence, duress, menace and fear of immediate and unlawful bodily injury to said victim.  
29  
30

31  
32 "NOTICE: The above offense is a serious felony within the meaning of Penal Code Section  
33 1192.7(c)."  
34

35 "NOTICE: Conviction of this offense will require the court to order you to submit to a blood test  
36 for evidence of antibodies to the probable causative agent of Acquired Immune Deficiency  
37 Syndrome (AIDS). Penal Code Section 1202.1."  
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4 "NOTICE: Conviction of this offense will require you to register pursuant to Penal Code Section  
5 290. Willful failure to register is a crime."  
6  
7

8 It is further alleged that the defendant, ROY CHARLES WALLER, kidnapped the victim of the  
9 present offense substantially increasing the risk of harm, within the meaning of Penal Code  
10 Section 667.61(d)(2).  
11

12 It is further alleged that the defendant, ROY CHARLES WALLER, committed the present  
13 offense during the commission of a burglary with intent to commit an offense listed in 667.61(c),  
14 within the meaning of Penal Code Section 667.61(d)(4).  
15  
16

17 It is further alleged that the defendant, ROY CHARLES WALLER, kidnapped the victim of the  
18 present offense, within the meaning of Penal Code Section 667.61(e)(1).  
19

20 It is further alleged that the defendant, ROY CHARLES WALLER, committed the present  
21 offense during the commission of a burglary, within the meaning of Penal Code Section  
22 667.61(e)(2).  
23

24 It is further alleged that the defendant, ROY CHARLES WALLER, has been convicted in the  
25 present case or cases of committing an offense specified in subdivision (c) against more than one  
26 victim, within the meaning of Penal Code Section 667.61(e)(5).  
27

28  
29 It is further alleged that the defendant, ROY CHARLES WALLER, engaged in the tying or  
30 binding of the victim or another person in the commission of the present offense, within the  
31 meaning of Penal Code Section 667.61(e)(6).  
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4 **COUNT THIRTY-TWO**

5 For a further and separate cause of action, being a different offense of the same class of crimes  
6 and offenses as the charges set forth in Counts One through Thirty-One hereof: On or about  
7 July 16, 2000, at and in the County of Yolo, State of California, the defendant,  
8 ROY CHARLES WALLER, did commit a felony, namely: a violation of Section 289(a)(1) of the  
9 Penal Code of the State of California, in that said defendant did unlawfully cause the penetration  
10 of the genital opening of C. DOE, for the purpose of sexual arousal, gratification, and abuse by a  
11 foreign object, substance, instrument and device, and by an unknown object, accomplished by  
12 force, violence, duress, menace and fear of immediate and unlawful bodily injury on the victim,  
13 to wit, finger in vagina.  
14  
15

16  
17 "NOTICE: The above offense is a serious felony within the meaning of Penal Code Section  
18 1192.7(c)."  
19

20  
21 "NOTICE: Conviction of this offense will require you to register pursuant to Penal Code Section  
22 290. Willful failure to register is a crime."  
23

24 It is further alleged that the defendant, ROY CHARLES WALLER, kidnapped the victim of the  
25 present offense substantially increasing the risk of harm, within the meaning of Penal Code  
26 Section 667.61(d)(2).  
27

28  
29 It is further alleged that the defendant, ROY CHARLES WALLER, committed the present  
30 offense during the commission of a burglary with intent to commit an offense listed in 667.61(c),  
31 within the meaning of Penal Code Section 667.61(d)(4).  
32

33 It is further alleged that the defendant, ROY CHARLES WALLER, kidnapped the victim of the  
34 present offense, within the meaning of Penal Code Section 667.61(e)(1).  
35

36 It is further alleged that the defendant, ROY CHARLES WALLER, committed the present  
37 offense during the commission of a burglary, within the meaning of Penal Code Section  
38 667.61(e)(2).  
39  
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5 It is further alleged that the defendant, ROY CHARLES WALLER, has been convicted in the  
6 present case or cases of committing an offense specified in subdivision (c) against more than one  
7 victim, within the meaning of Penal Code Section 667.61(e)(5).  
8

9 It is further alleged that the defendant, ROY CHARLES WALLER, engaged in the tying or  
10 binding of the victim or another person in the commission of the present offense, within the  
11 meaning of Penal Code Section 667.61(e)(6).  
12

13  
14 It is further alleged that jurisdiction for the crime(s) charged in Counts Twenty-Six through  
15 Thirty-One, in Yolo County, is established pursuant to Penal Code Section 784.7 based on the  
16 following: 1. Defendant is charged with violations of Penal Code Section 209(b), 289(a),  
17 288a(b)(2), 261(a)(2) and 286(c)(2). 2. The defendant, ROY CHARLES WALLER, and  
18 victim(s), C. DOE, are the same for all offenses, and 3. The offense(s) alleged in Counts Thirty-  
19 Two through Forty-Five occurred within the County of Sacramento.  
20

21  
22 The multiple victim circumstance in Penal Code section 667.61, also referred to as the "One  
23 Strike Law," provides for a life sentence and does *not* qualify as an enhancement. (*People v.*  
24 *Perez* (2010) 182 Cal.App.4th 231, 238.) Instead, the multiple victim circumstance in the "One  
25 Strike Law" is "an alternative sentencing scheme that applies to the offense based on other  
26 criminal conduct that the trier of fact has found to have occurred." and makes the unlimited time  
27 frame for prosecution in section 799 applicable to "One Strike" cases involving multiple victims.  
28 (*Id.* at p. 239.)  
29

30  
31 "NOTICE: Count Twenty-Seven through Thirty-Two were filed pursuant to 2000 Penal Code."  
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4 **COUNT THIRTY-THREE**

5 For a further and separate cause of action, being a different offense of the same class of crimes  
6 and offenses as the charges set forth in Counts One through Thirty-Two hereof: On or about  
7 October 14, 2006, at and in the County of Sacramento, State of California, the defendant,  
8 ROY CHARLES WALLER, did commit a felony, namely: a violation of Section 261(a)(2) of the  
9 Penal Code of the State of California, in that said defendant did unlawfully have and accomplish  
10 an act of sexual intercourse with a person, to wit, K. DOE, not his spouse, against said person's  
11 will, by means of force, violence, duress, menace and fear of immediate and unlawful bodily  
12 injury on said person (first occasion).  
13  
14

15  
16 "NOTICE: The above offense is a serious felony within the meaning of Penal Code Section  
17 1192.7(c)."  
18

19 "NOTICE: Conviction of this offense will require the court to order you to submit to a blood test  
20 for evidence of antibodies to the probable causative agent of Acquired Immune Deficiency  
21 Syndrome (AIDS). Penal Code Section 1202.1."  
22

23  
24 "NOTICE: Conviction of this offense will require you to register pursuant to Penal Code Section  
25 290. Willful failure to register is a crime."  
26

27  
28 It is further alleged that in the commission and attempted commission of the above offense, the  
29 defendant, ROY CHARLES WALLER, personally used a firearm, to wit, an unknown caliber  
30 handgun, within the meaning of Penal Code Section 12022.53(b).  
31

32 It is further alleged that the defendant, ROY CHARLES WALLER, kidnapped the victim of the  
33 present offense substantially increasing the risk of harm, within the meaning of Penal Code  
34 Section 667.61(d)(2).  
35

36  
37 It is further alleged that the defendant, ROY CHARLES WALLER, committed the present  
38 offense during the commission of a burglary with intent to commit an offense listed in 667.61(c),  
39 within the meaning of Penal Code Section 667.61(d)(4).  
40  
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4 It is further alleged that the defendant, ROY CHARLES WALLER, kidnapped the victim of the  
5 present offense, within the meaning of Penal Code Section 667.61(e)(1).  
6

7 It is further alleged that the defendant, ROY CHARLES WALLER, committed the present  
8 offense during the commission of a burglary, within the meaning of Penal Code Section  
9 667.61(e)(2).  
10

11 It is further alleged that the defendant, ROY CHARLES WALLER, personally used a dangerous  
12 or deadly weapon or a firearm, to wit, an unknown caliber handgun, in the commission of the  
13 present offense in violation of Section 12022, 12022.3, 12022.5 or 12022.53, within the meaning  
14 of Penal Code Section 667.61(e)(4).  
15

16  
17 It is further alleged that the defendant, ROY CHARLES WALLER, has been convicted in the  
18 present case or cases of committing an offense specified in subdivision (c) against more than one  
19 victim, within the meaning of Penal Code Section 667.61(e)(5).  
20

21  
22 It is further alleged that the defendant, ROY CHARLES WALLER, engaged in the tying or  
23 binding of the victim or another person in the commission of the present offense, within the  
24 meaning of Penal Code Section 667.61(e)(6).  
25

26  
27 **COUNT THIRTY-FOUR**

28 For a further and separate cause of action, being a different offense of the same class of crimes  
29 and offenses as the charges set forth in Counts One through Thirty-Three hereof: On or about  
30 October 14, 2006, at and in the County of Sacramento, State of California, the defendant,  
31 ROY CHARLES WALLER, did commit a felony, namely: a violation of Section 261(a)(2) of the  
32 Penal Code of the State of California, in that said defendant did unlawfully have and accomplish  
33 an act of sexual intercourse with a person, to wit, K. DOE, not his spouse, against said person's  
34 will, by means of force, violence, duress, menace and fear of immediate and unlawful bodily  
35 injury on said person (second occasion).  
36

37  
38 "NOTICE: The above offense is a serious felony within the meaning of Penal Code Section  
39 1192.7(c)."  
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4 "NOTICE: Conviction of this offense will require the court to order you to submit to a blood test  
5 for evidence of antibodies to the probable causative agent of Acquired Immune Deficiency  
6 Syndrome (AIDS). Penal Code Section 1202.1."  
7  
8

9 "NOTICE: Conviction of this offense will require you to register pursuant to Penal Code Section  
10 290. Willful failure to register is a crime."  
11

12  
13 It is further alleged that the defendant, ROY CHARLES WALLER, kidnapped the victim of the  
14 present offense substantially increasing the risk of harm, within the meaning of Penal Code  
15 Section 667.61(d)(2).  
16

17 It is further alleged that the defendant, ROY CHARLES WALLER, committed the present  
18 offense during the commission of a burglary with intent to commit an offense listed in 667.61(c),  
19 within the meaning of Penal Code Section 667.61(d)(4).  
20

21  
22 It is further alleged that the defendant, ROY CHARLES WALLER, kidnapped the victim of the  
23 present offense, within the meaning of Penal Code Section 667.61(e)(1).  
24

25 It is further alleged that the defendant, ROY CHARLES WALLER, committed the present  
26 offense during the commission of a burglary, within the meaning of Penal Code Section  
27 667.61(e)(2).  
28

29 It is further alleged that the defendant, ROY CHARLES WALLER, personally used a dangerous  
30 or deadly weapon or a firearm, to wit, an unknown caliber handgun, in the commission of the  
31 present offense in violation of Section 12022, 12022.3, 12022.5 or 12022.53, within the meaning  
32 of Penal Code Section 667.61(e)(4).  
33

34  
35 It is further alleged that the defendant, ROY CHARLES WALLER, has been convicted in the  
36 present case or cases of committing an offense specified in subdivision (c) against more than one  
37 victim, within the meaning of Penal Code Section 667.61(e)(5).  
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5 It is further alleged that the defendant, ROY CHARLES WALLER, engaged in the tying or  
6 binding of the victim or another person in the commission of the present offense, within the  
7 meaning of Penal Code Section 667.61(e)(6).  
8

9 It is further alleged that in the commission and attempted commission of the above offense, the  
10 defendant, ROY CHARLES WALLER, personally used a firearm, to wit, an unknown caliber  
11 handgun, within the meaning of Penal Code Section 12022.53(b).  
12

13  
14 **COUNT THIRTY-FIVE**

15 For a further and separate cause of action, being a different offense of the same class of crimes  
16 and offenses as the charges set forth in Counts One through Thirty-Four hereof: On or about  
17 October 14, 2006, at and in the County of Sacramento, State of California, the defendant,  
18 ROY CHARLES WALLER, did commit a felony, namely: a violation of Section 261(a)(2) of the  
19 Penal Code of the State of California, in that said defendant did unlawfully have and accomplish  
20 an act of sexual intercourse with a person, to wit, K. DOE, not his spouse, against said person's  
21 will, by means of force, violence, duress, menace and fear of immediate and unlawful bodily  
22 injury on said person (third occasion).  
23

24  
25 "NOTICE: The above offense is a serious felony within the meaning of Penal Code Section  
26 1192.7(c)."  
27

28  
29 "NOTICE: Conviction of this offense will require the court to order you to submit to a blood test  
30 for evidence of antibodies to the probable causative agent of Acquired Immune Deficiency  
31 Syndrome (AIDS). Penal Code Section 1202.1."  
32

33  
34 "NOTICE: Conviction of this offense will require you to register pursuant to Penal Code Section  
35 290. Willful failure to register is a crime."  
36

37 It is further alleged that in the commission and attempted commission of the above offense, the  
38 defendant, ROY CHARLES WALLER, personally used a firearm, to wit, an unknown caliber  
39 handgun, within the meaning of Penal Code Section 12022.53(b).  
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It is further alleged that the defendant, ROY CHARLES WALLER, kidnapped the victim of the present offense substantially increasing the risk of harm, within the meaning of Penal Code Section 667.61(d)(2).

It is further alleged that the defendant, ROY CHARLES WALLER, committed the present offense during the commission of a burglary with intent to commit an offense listed in 667.61(c), within the meaning of Penal Code Section 667.61(d)(4).

It is further alleged that the defendant, ROY CHARLES WALLER, kidnapped the victim of the present offense, within the meaning of Penal Code Section 667.61(e)(1).

It is further alleged that the defendant, ROY CHARLES WALLER, committed the present offense during the commission of a burglary, within the meaning of Penal Code Section 667.61(e)(2).

It is further alleged that the defendant, ROY CHARLES WALLER, personally used a dangerous or deadly weapon or a firearm, to wit, an unknown caliber handgun, in the commission of the present offense in violation of Section 12022, 12022.3, 12022.5 or 12022.53, within the meaning of Penal Code Section 667.61(e)(4).

It is further alleged that the defendant, ROY CHARLES WALLER, has been convicted in the present case or cases of committing an offense specified in subdivision (c) against more than one victim, within the meaning of Penal Code Section 667.61(e)(5).

It is further alleged that the defendant, ROY CHARLES WALLER, engaged in the tying or binding of the victim or another person in the commission of the present offense, within the meaning of Penal Code Section 667.61(e)(6).



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4 **COUNT THIRTY-SIX**

5 For a further and separate cause of action, being a different offense of the same class of crimes  
6 and offenses as the charges set forth in Counts One through Thirty-Five hereof: On or about  
7 October 14, 2006, at and in the County of Sacramento, State of California, the defendant,  
8 ROY CHARLES WALLER, did commit a felony, namely: a violation of Section 261(a)(2) of the  
9 Penal Code of the State of California, in that said defendant did unlawfully have and accomplish  
10 an act of sexual intercourse with a person, to wit, K. DOE, not his spouse, against said person's  
11 will, by means of force, violence, duress, menace and fear of immediate and unlawful bodily  
12 injury on said person (last occasion).  
13  
14

15  
16 "NOTICE: The above offense is a serious felony within the meaning of Penal Code Section  
17 1192.7(c)."  
18

19 "NOTICE: Conviction of this offense will require the court to order you to submit to a blood test  
20 for evidence of antibodies to the probable causative agent of Acquired Immune Deficiency  
21 Syndrome (AIDS). Penal Code Section 1202.1."  
22

23  
24 "NOTICE: Conviction of this offense will require you to register pursuant to Penal Code Section  
25 290. Willful failure to register is a crime."  
26

27  
28 It is further alleged that the defendant, ROY CHARLES WALLER, kidnapped the victim of the  
29 present offense substantially increasing the risk of harm, within the meaning of Penal Code  
30 Section 667.61(d)(2).  
31

32 It is further alleged that the defendant, ROY CHARLES WALLER, committed the present  
33 offense during the commission of a burglary with intent to commit an offense listed in 667.61(c),  
34 within the meaning of Penal Code Section 667.61(d)(4).  
35  
36

37 It is further alleged that the defendant, ROY CHARLES WALLER, kidnapped the victim of the  
38 present offense, within the meaning of Penal Code Section 667.61(e)(1).  
39  
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41

1 It is further alleged that the defendant, ROY CHARLES WALLER, committed the present  
2 offense during the commission of a burglary, within the meaning of Penal Code Section  
3 667.61(e)(2).  
4

5 It is further alleged that the defendant, ROY CHARLES WALLER, personally used a dangerous  
6 or deadly weapon or a firearm, to wit, an unknown caliber handgun, in the commission of the  
7 present offense in violation of Section 12022, 12022.3, 12022.5 or 12022.53, within the meaning  
8 of Penal Code Section 667.61(e)(4).  
9

10  
11 It is further alleged that the defendant, ROY CHARLES WALLER, has been convicted in the  
12 present case or cases of committing an offense specified in subdivision (c) against more than one  
13 victim, within the meaning of Penal Code Section 667.61(e)(5).  
14

15 It is further alleged that the defendant, ROY CHARLES WALLER, engaged in the tying or  
16 binding of the victim or another person in the commission of the present offense, within the  
17 meaning of Penal Code Section 667.61(e)(6).  
18

19  
20 It is further alleged that in the commission and attempted commission of the above offense, the  
21 defendant, ROY CHARLES WALLER, personally used a firearm, to wit, an unknown caliber  
22 handgun, within the meaning of Penal Code Section 12022.53(b).  
23

#### 24 **COUNT THIRTY-SEVEN**

25 For a further and separate cause of action, being a different offense of the same class of crimes  
26 and offenses as the charges set forth in Counts One through Thirty-Six hereof: On or about  
27 October 14, 2006, at and in the County of Sacramento, State of California, the defendant,  
28 ROY CHARLES WALLER, did commit a felony, namely: a violation of Section 288a(c)(2) of  
29 the Penal Code of the State of California, in that said defendant did unlawfully participate in an  
30 act of oral copulation with K. DOE, and did accomplish said act against said victim's will by  
31 force, violence, duress, menace, and fear of immediate and unlawful bodily injury to said victim.  
32

33  
34 "NOTICE: The above offense is a serious felony within the meaning of Penal Code Section  
35 1192.7(c).  
36

37 "NOTICE: Conviction of this offense will require the court to order you to submit to a blood test  
38 for evidence of antibodies to the probable causative agent of Acquired Immune Deficiency  
39 Syndrome (AIDS). Penal Code Section 1202.1."  
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4 "NOTICE: Conviction of this offense will require you to register pursuant to Penal Code Section  
5 290. Willful failure to register is a crime."  
6

7 It is further alleged that the defendant, ROY CHARLES WALLER, kidnapped the victim of the  
8 present offense substantially increasing the risk of harm, within the meaning of Penal Code  
9 Section 667.61(d)(2).  
10

11  
12 It is further alleged that the defendant, ROY CHARLES WALLER, committed the present  
13 offense during the commission of a burglary with intent to commit an offense listed in 667.61(c),  
14 within the meaning of Penal Code Section 667.61(d)(4).  
15

16  
17 It is further alleged that the defendant, ROY CHARLES WALLER, kidnapped the victim of the  
18 present offense, within the meaning of Penal Code Section 667.61(e)(1).  
19

20 It is further alleged that the defendant, ROY CHARLES WALLER, committed the present  
21 offense during the commission of a burglary, within the meaning of Penal Code Section  
22 667.61(e)(2).  
23

24 It is further alleged that the defendant, ROY CHARLES WALLER, personally used a dangerous  
25 or deadly weapon or a firearm, to wit, an unknown caliber handgun, in the commission of the  
26 present offense in violation of Section 12022, 12022.3, 12022.5 or 12022.53, within the meaning  
27 of Penal Code Section 667.61(e)(4).  
28

29  
30 It is further alleged that the defendant, ROY CHARLES WALLER, has been convicted in the  
31 present case or cases of committing an offense specified in subdivision (c) against more than one  
32 victim, within the meaning of Penal Code Section 667.61(e)(5).  
33

34 It is further alleged that the defendant, ROY CHARLES WALLER, engaged in the tying or  
35 binding of the victim or another person in the commission of the present offense, within the  
36 meaning of Penal Code Section 667.61(e)(6).  
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4 It is further alleged that in the commission and attempted commission of the above offense, the  
5 defendant, ROY CHARLES WALLER, personally used a firearm, to wit, an unknown caliber  
6 handgun, within the meaning of Penal Code Section 12022.53(b).  
7

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9  
10 **COUNT THIRTY-EIGHT**

11 For a further and separate cause of action, being a different offense of the same class of crimes  
12 and offenses as the charges set forth in Counts One through Thirty-Seven hereof: On or about  
13 October 14, 2006, at and in the County of Sacramento, State of California, the defendant,  
14 ROY CHARLES WALLER, did commit a felony, namely: a violation of Section 289(a)(1) of the  
15 Penal Code of the State of California, in that said defendant did unlawfully cause the penetration  
16 of the genital opening of K. DOE, for the purpose of sexual arousal, gratification, and abuse by a  
17 foreign object, substance, instrument and device, and by an unknown object, accomplished by  
18 force, violence, duress, menace and fear of immediate and unlawful bodily injury on the victim.

19 "NOTICE: The above offense is a serious felony within the meaning of Penal Code Section  
20 1192.7(c)."

21  
22 "NOTICE: Conviction of this offense will require you to register pursuant to Penal Code Section  
23 290. Willful failure to register is a crime."  
24

25 It is further alleged that in the commission and attempted commission of the above offense, the  
26 defendant, ROY CHARLES WALLER, personally used a firearm, to wit, an unknown caliber  
27 handgun, within the meaning of Penal Code Section 12022.53(b).  
28

29 It is further alleged that the defendant, ROY CHARLES WALLER, kidnapped the victim of the  
30 present offense substantially increasing the risk of harm, within the meaning of Penal Code  
31 Section 667.61(d)(2).  
32

33  
34 It is further alleged that the defendant, ROY CHARLES WALLER, committed the present  
35 offense during the commission of a burglary with intent to commit an offense listed in 667.61(c),  
36 within the meaning of Penal Code Section 667.61(d)(4).  
37

38  
39 It is further alleged that the defendant, ROY CHARLES WALLER, kidnapped the victim of the  
40 present offense, within the meaning of Penal Code Section 667.61(e)(1).  
41



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4 It is further alleged that the defendant, ROY CHARLES WALLER, committed the present  
5 offense during the commission of a burglary, within the meaning of Penal Code Section  
6 667.61(e)(2).  
7

8 It is further alleged that the defendant, ROY CHARLES WALLER, personally used a dangerous  
9 or deadly weapon or a firearm, to wit, an unknown caliber handgun, in the commission of the  
10 present offense in violation of Section 12022, 12022.3, 12022.5 or 12022.53, within the meaning  
11 of Penal Code Section 667.61(e)(4).  
12

13  
14 It is further alleged that the defendant, ROY CHARLES WALLER, has been convicted in the  
15 present case or cases of committing an offense specified in subdivision (c) against more than one  
16 victim, within the meaning of Penal Code Section 667.61(e)(5).  
17

18 It is further alleged that the defendant, ROY CHARLES WALLER, engaged in the tying or  
19 binding of the victim or another person in the commission of the present offense, within the  
20 meaning of Penal Code Section 667.61(e)(6).  
21

22  
23 **COUNT THIRTY-NINE**

24 For a further and separate cause of action, being a different offense of the same class of crimes  
25 and offenses as the charges set forth in Counts One through Thirty-Eight hereof: On or about  
26 October 14, 2006, at and in the County of Sacramento, State of California, the defendant,  
27 ROY CHARLES WALLER, did commit a felony, namely: a violation of Section 209(b)(1) of the  
28 Penal Code of the State of California, in that said defendant did unlawfully kidnap and carry  
29 away K. DOE, to commit Robbery.  
30

31  
32 "NOTICE: The above offense is a serious felony within the meaning of Penal Code Section  
33 1192.7(c)."  
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4 **COUNT FORTY**

5 For a further and separate cause of action, being a different offense of the same class of crimes  
6 and offenses as the charges set forth in Counts One through Thirty-Nine hereof: On or about  
7 October 14, 2006, at and in the County of Sacramento, State of California, the defendant,  
8 ROY CHARLES WALLER, did commit a felony, namely: a violation of Section 261(a)(2) of the  
9 Penal Code of the State of California, in that said defendant did unlawfully have and accomplish  
10 an act of sexual intercourse with a person, to wit, Y. DOE, not his spouse, against said person's  
11 will, by means of force, violence, duress, menace and fear of immediate and unlawful bodily  
12 injury on said person (first occasion).  
13  
14

15  
16 "NOTICE: The above offense is a serious felony within the meaning of Penal Code Section  
17 1192.7(c)."  
18

19 "NOTICE: Conviction of this offense will require the court to order you to submit to a blood test  
20 for evidence of antibodies to the probable causative agent of Acquired Immune Deficiency  
21 Syndrome (AIDS). Penal Code Section 1202.1."  
22

23  
24 "NOTICE: Conviction of this offense will require you to register pursuant to Penal Code Section  
25 290. Willful failure to register is a crime."  
26

27  
28 It is further alleged that in the commission and attempted commission of the above offense, the  
29 defendant, ROY CHARLES WALLER, personally used a firearm, to wit, an unknown caliber  
30 handgun, within the meaning of Penal Code Section 12022.53(b).  
31

32 It is further alleged that the defendant, ROY CHARLES WALLER, kidnapped the victim of the  
33 present offense substantially increasing the risk of harm, within the meaning of Penal Code  
34 Section 667.61(d)(2).  
35

36 It is further alleged that the defendant, ROY CHARLES WALLER, committed the present  
37 offense during the commission of a burglary with intent to commit an offense listed in 667.61(c),  
38 within the meaning of Penal Code Section 667.61(d)(4).  
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4 It is further alleged that the defendant, ROY CHARLES WALLER, kidnapped the victim of the  
5 present offense, within the meaning of Penal Code Section 667.61(e)(1).  
6

7 It is further alleged that the defendant, ROY CHARLES WALLER, committed the present  
8 offense during the commission of a burglary, within the meaning of Penal Code Section  
9 667.61(e)(2).  
10

11 It is further alleged that the defendant, ROY CHARLES WALLER, personally used a dangerous  
12 or deadly weapon or a firearm, to wit, an unknown caliber handgun, in the commission of the  
13 present offense in violation of Section 12022, 12022.3, 12022.5 or 12022.53, within the meaning  
14 of Penal Code Section 667.61(e)(4).  
15

16  
17 It is further alleged that the defendant, ROY CHARLES WALLER, has been convicted in the  
18 present case or cases of committing an offense specified in subdivision (c) against more than one  
19 victim, within the meaning of Penal Code Section 667.61(e)(5).  
20

21  
22 It is further alleged that the defendant, ROY CHARLES WALLER, engaged in the tying or  
23 binding of the victim or another person in the commission of the present offense, within the  
24 meaning of Penal Code Section 667.61(e)(6).  
25

26  
27 **COUNT FORTY-ONE**

28 For a further and separate cause of action, being a different offense of the same class of crimes  
29 and offenses as the charges set forth in Counts One through Forty hereof: On or about  
30 October 14, 2006, at and in the County of Sacramento, State of California, the defendant,  
31 ROY CHARLES WALLER, did commit a felony, namely: a violation of Section 261(a)(2) of the  
32 Penal Code of the State of California, in that said defendant did unlawfully have and accomplish  
33 an act of sexual intercourse with a person, to wit, Y. DOE, not his spouse, against said person's  
34 will, by means of force, violence, duress, menace and fear of immediate and unlawful bodily  
35 injury on said person (second occasion).  
36

37  
38 "NOTICE: The above offense is a serious felony within the meaning of Penal Code Section  
39 1192.7(c)."  
40

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4 "NOTICE: Conviction of this offense will require the court to order you to submit to a blood test  
5 for evidence of antibodies to the probable causative agent of Acquired Immune Deficiency  
6 Syndrome (AIDS). Penal Code Section 1202.1."  
7  
8

9 "NOTICE: Conviction of this offense will require you to register pursuant to Penal Code Section  
10 290. Willful failure to register is a crime."  
11

12  
13 It is further alleged that in the commission and attempted commission of the above offense, the  
14 defendant, ROY CHARLES WALLER, personally used a firearm, to wit, an unknown caliber  
15 handgun, within the meaning of Penal Code Section 12022.53(b).  
16

17 It is further alleged that the defendant, ROY CHARLES WALLER, kidnapped the victim of the  
18 present offense substantially increasing the risk of harm, within the meaning of Penal Code  
19 Section 667.61(d)(2).  
20

21  
22 It is further alleged that the defendant, ROY CHARLES WALLER, committed the present  
23 offense during the commission of a burglary with intent to commit an offense listed in 667.61(c),  
24 within the meaning of Penal Code Section 667.61(d)(4).  
25

26 It is further alleged that the defendant, ROY CHARLES WALLER, kidnapped the victim of the  
27 present offense, within the meaning of Penal Code Section 667.61(e)(1).  
28

29  
30 It is further alleged that the defendant, ROY CHARLES WALLER, committed the present  
31 offense during the commission of a burglary, within the meaning of Penal Code Section  
32 667.61(e)(2).  
33

34 It is further alleged that the defendant, ROY CHARLES WALLER, personally used a dangerous  
35 or deadly weapon or a firearm, to wit, an unknown caliber handgun, in the commission of the  
36 present offense in violation of Section 12022, 12022.3, 12022.5 or 12022.53, within the meaning  
37 of Penal Code Section 667.61(e)(4).  
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5 It is further alleged that the defendant, ROY CHARLES WALLER, has been convicted in the  
6 present case or cases of committing an offense specified in subdivision (c) against more than one  
7 victim, within the meaning of Penal Code Section 667.61(e)(5).  
8

9 It is further alleged that the defendant, ROY CHARLES WALLER, engaged in the tying or  
10 binding of the victim or another person in the commission of the present offense, within the  
11 meaning of Penal Code Section 667.61(e)(6).  
12

### 13 14 **COUNT FORTY-TWO**

15 For a further and separate cause of action, being a different offense of the same class of crimes  
16 and offenses as the charges set forth in Counts One through Forty-One hereof: On or about  
17 October 14, 2006, at and in the County of Sacramento, State of California, the defendant,  
18 ROY CHARLES WALLER, did commit a felony, namely: a violation of Section 261(a)(2) of the  
19 Penal Code of the State of California, in that said defendant did unlawfully have and accomplish  
20 an act of sexual intercourse with a person, to wit, Y. DOE, not his spouse, against said person's  
21 will, by means of force, violence, duress, menace and fear of immediate and unlawful bodily  
22 injury on said person (third occasion).  
23

24  
25 "NOTICE: The above offense is a serious felony within the meaning of Penal Code Section  
26 1192.7(c)."  
27

28  
29 "NOTICE: Conviction of this offense will require the court to order you to submit to a blood test  
30 for evidence of antibodies to the probable causative agent of Acquired Immune Deficiency  
31 Syndrome (AIDS). Penal Code Section 1202.1."  
32

33  
34 "NOTICE: Conviction of this offense will require you to register pursuant to Penal Code Section  
35 290. Willful failure to register is a crime."  
36

37 It is further alleged that in the commission and attempted commission of the above offense, the  
38 defendant, ROY CHARLES WALLER, personally used a firearm, to wit, an unknown caliber  
39 handgun, within the meaning of Penal Code Section 12022.53(b).  
40

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4 It is further alleged that the defendant, ROY CHARLES WALLER, kidnapped the victim of the  
5 present offense substantially increasing the risk of harm, within the meaning of Penal Code  
6 Section 667.61(d)(2).  
7

8 It is further alleged that the defendant, ROY CHARLES WALLER, committed the present  
9 offense during the commission of a burglary with intent to commit an offense listed in 667.61(c),  
10 within the meaning of Penal Code Section 667.61(d)(4).  
11

12  
13 It is further alleged that the defendant, ROY CHARLES WALLER, kidnapped the victim of the  
14 present offense, within the meaning of Penal Code Section 667.61(e)(1).  
15

16 It is further alleged that the defendant, ROY CHARLES WALLER, committed the present  
17 offense during the commission of a burglary, within the meaning of Penal Code Section  
18 667.61(e)(2).  
19

20 It is further alleged that the defendant, ROY CHARLES WALLER, personally used a dangerous  
21 or deadly weapon or a firearm, to wit, an unknown caliber handgun, in the commission of the  
22 present offense in violation of Section 12022, 12022.3, 12022.5 or 12022.53, within the meaning  
23 of Penal Code Section 667.61(e)(4).  
24

25  
26 It is further alleged that the defendant, ROY CHARLES WALLER, has been convicted in the  
27 present case or cases of committing an offense specified in subdivision (c) against more than one  
28 victim, within the meaning of Penal Code Section 667.61(e)(5).  
29

30 It is further alleged that the defendant, ROY CHARLES WALLER, engaged in the tying or  
31 binding of the victim or another person in the commission of the present offense, within the  
32 meaning of Penal Code Section 667.61(e)(6).  
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4 **COUNT FORTY-THREE**

5 For a further and separate cause of action, being a different offense of the same class of crimes  
6 and offenses as the charges set forth in Counts One through Forty-Two hereof: On or about  
7 October 14, 2006, at and in the County of Sacramento, State of California, the defendant,  
8 ROY CHARLES WALLER, did commit a felony, namely: a violation of Section 261(a)(2) of the  
9 Penal Code of the State of California, in that said defendant did unlawfully have and accomplish  
10 an act of sexual intercourse with a person, to wit, Y. DOE, not his spouse, against said person's  
11 will, by means of force, violence, duress, menace and fear of immediate and unlawful bodily  
12 injury on said person (last occasion).  
13  
14

15  
16 "NOTICE: The above offense is a serious felony within the meaning of Penal Code Section  
17 1192.7(c)."  
18

19 "NOTICE: Conviction of this offense will require the court to order you to submit to a blood test  
20 for evidence of antibodies to the probable causative agent of Acquired Immune Deficiency  
21 Syndrome (AIDS). Penal Code Section 1202.1."  
22

23  
24 "NOTICE: Conviction of this offense will require you to register pursuant to Penal Code Section  
25 290. Willful failure to register is a crime."  
26

27  
28 It is further alleged that in the commission and attempted commission of the above offense, the  
29 defendant, ROY CHARLES WALLER, personally used a firearm, to wit, an unknown caliber  
30 handgun, within the meaning of Penal Code Section 12022.53(b).  
31

32 It is further alleged that the defendant, ROY CHARLES WALLER, kidnapped the victim of the  
33 present offense substantially increasing the risk of harm, within the meaning of Penal Code  
34 Section 667.61(d)(2).  
35

36 It is further alleged that the defendant, ROY CHARLES WALLER, committed the present  
37 offense during the commission of a burglary with intent to commit an offense listed in 667.61(c),  
38 within the meaning of Penal Code Section 667.61(d)(4).  
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4 It is further alleged that the defendant, ROY CHARLES WALLER, kidnapped the victim of the  
5 present offense, within the meaning of Penal Code Section 667.61(e)(1).  
6

7 It is further alleged that the defendant, ROY CHARLES WALLER, committed the present  
8 offense during the commission of a burglary, within the meaning of Penal Code Section  
9 667.61(e)(2).  
10

11 It is further alleged that the defendant, ROY CHARLES WALLER, personally used a dangerous  
12 or deadly weapon or a firearm, to wit, an unknown caliber handgun, in the commission of the  
13 present offense in violation of Section 12022, 12022.3, 12022.5 or 12022.53, within the meaning  
14 of Penal Code Section 667.61(e)(4).  
15

16  
17 It is further alleged that the defendant, ROY CHARLES WALLER, has been convicted in the  
18 present case or cases of committing an offense specified in subdivision (c) against more than one  
19 victim, within the meaning of Penal Code Section 667.61(e)(5).  
20

21  
22 It is further alleged that the defendant, ROY CHARLES WALLER, engaged in the tying or  
23 binding of the victim or another person in the commission of the present offense, within the  
24 meaning of Penal Code Section 667.61(e)(6).  
25

26  
27 **COUNT FORTY-FOUR**

28 For a further and separate cause of action, being a different offense of the same class of crimes  
29 and offenses as the charges set forth in Counts One through Forty-Three hereof: On or about  
30 October 14, 2006, at and in the County of Sacramento, State of California, the defendant,  
31 ROY CHARLES WALLER, did commit a felony, namely: a violation of Section 288a(c)(2) of  
32 the Penal Code of the State of California, in that said defendant did unlawfully participate in an  
33 act of oral copulation with Y. DOE, and did accomplish said act against said victim's will by  
34 force, violence, duress, menace, and fear of immediate and unlawful bodily injury to said victim.  
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36 "NOTICE: The above offense is a serious felony within the meaning of Penal Code Section  
37 1192.7(c).  
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4 "NOTICE: Conviction of this offense will require the court to order you to submit to a blood test  
5 for evidence of antibodies to the probable causative agent of Acquired Immune Deficiency  
6 Syndrome (AIDS). Penal Code Section 1202.1."  
7

8 "NOTICE: Conviction of this offense will require you to register pursuant to Penal Code Section  
9 290. Willful failure to register is a crime."  
10

11 It is further alleged that in the commission and attempted commission of the above offense, the  
12 defendant, ROY CHARLES WALLER, personally used a firearm, to wit, an unknown caliber  
13 handgun, within the meaning of Penal Code Section 12022.53(b).  
14

15 It is further alleged that the defendant, ROY CHARLES WALLER, kidnapped the victim of the  
16 present offense substantially increasing the risk of harm, within the meaning of Penal Code  
17 Section 667.61(d)(2).  
18

19 It is further alleged that the defendant, ROY CHARLES WALLER, committed the present  
20 offense during the commission of a burglary with intent to commit an offense listed in 667.61(c),  
21 within the meaning of Penal Code Section 667.61(d)(4).  
22

23 It is further alleged that the defendant, ROY CHARLES WALLER, kidnapped the victim of the  
24 present offense, within the meaning of Penal Code Section 667.61(e)(1).  
25

26 It is further alleged that the defendant, ROY CHARLES WALLER, committed the present  
27 offense during the commission of a burglary, within the meaning of Penal Code Section  
28 667.61(e)(2).  
29

30 It is further alleged that the defendant, ROY CHARLES WALLER, personally used a dangerous  
31 or deadly weapon or a firearm, to wit, an unknown caliber handgun, in the commission of the  
32 present offense in violation of Section 12022, 12022.3, 12022.5 or 12022.53, within the meaning  
33 of Penal Code Section 667.61(e)(4).  
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5 It is further alleged that the defendant, ROY CHARLES WALLER, has been convicted in the  
6 present case or cases of committing an offense specified in subdivision (c) against more than one  
7 victim, within the meaning of Penal Code Section 667.61(e)(5).  
8

9 It is further alleged that the defendant, ROY CHARLES WALLER, engaged in the tying or  
10 binding of the victim or another person in the commission of the present offense, within the  
11 meaning of Penal Code Section 667.61(e)(6).  
12

13  
14 **COUNT FORTY-FIVE**

15 For a further and separate cause of action, being a different offense of the same class of crimes  
16 and offenses as the charges set forth in Counts One through Forty-Four hereof: On or about  
17 October 14, 2006, at and in the County of Sacramento, State of California, the defendant,  
18 ROY CHARLES WALLER, did commit a felony, namely: a violation of Section 289(a)(1) of the  
19 Penal Code of the State of California, in that said defendant did unlawfully cause the penetration  
20 of the genital opening of Y. DOE, for the purpose of sexual arousal, gratification, and abuse by a  
21 foreign object, substance, instrument and device, and by an unknown object, accomplished by  
22 force, violence, duress, menace and fear of immediate and unlawful bodily injury on the victim.  
23

24 "NOTICE: The above offense is a serious felony within the meaning of Penal Code Section  
25 1192.7(c)."  
26

27 "NOTICE: Conviction of this offense will require you to register pursuant to Penal Code Section  
28 290. Willful failure to register is a crime."  
29

30 It is further alleged that in the commission and attempted commission of the above offense, the  
31 defendant, ROY CHARLES WALLER, personally used a firearm, to wit, an unknown caliber  
32 handgun, within the meaning of Penal Code Section 12022.53(b).  
33

34 It is further alleged that the defendant, ROY CHARLES WALLER, kidnapped the victim of the  
35 present offense substantially increasing the risk of harm, within the meaning of Penal Code  
36 Section 667.61(d)(2).  
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3 It is further alleged that the defendant, ROY CHARLES WALLER, committed the present  
4 offense during the commission of a burglary with intent to commit an offense listed in 667.61(c),  
5 within the meaning of Penal Code Section 667.61(d)(4).  
6  
7

8 It is further alleged that the defendant, ROY CHARLES WALLER, kidnapped the victim of the  
9 present offense, within the meaning of Penal Code Section 667.61(e)(1).  
10

11 It is further alleged that the defendant, ROY CHARLES WALLER, committed the present  
12 offense during the commission of a burglary, within the meaning of Penal Code Section  
13 667.61(e)(2).  
14

15 It is further alleged that the defendant, ROY CHARLES WALLER, personally used a dangerous  
16 or deadly weapon or a firearm, to wit, an unknown caliber handgun, in the commission of the  
17 present offense in violation of Section 12022, 12022.3, 12022.5 or 12022.53, within the meaning  
18 of Penal Code Section 667.61(e)(4).  
19

20  
21 It is further alleged that the defendant, ROY CHARLES WALLER, has been convicted in the  
22 present case or cases of committing an offense specified in subdivision (c) against more than one  
23 victim, within the meaning of Penal Code Section 667.61(e)(5).  
24

25  
26 It is further alleged that the defendant, ROY CHARLES WALLER, engaged in the tying or  
27 binding of the victim or another person in the commission of the present offense, within the  
28 meaning of Penal Code Section 667.61(e)(6).  
29

30 **COUNT FORTY-SIX**

31 For a further and separate cause of action, being a different offense of the same class of crimes  
32 and offenses as the charges set forth in Counts One through Forty-Five hereof: On or about  
33 October 14, 2006, at and in the County of Sacramento, State of California, the defendant,  
34 ROY CHARLES WALLER, did commit a felony, namely: a violation of Section 209(b)(1) of the  
35 Penal Code of the State of California, in that said defendant did unlawfully kidnap and carry  
36 away Y. DOE, to commit Sexual Assault.  
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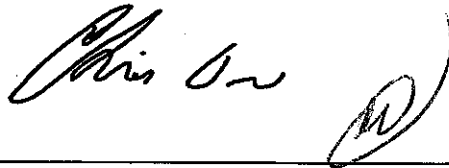
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4 "NOTICE: The above offense is a serious felony within the meaning of Penal Code Section  
5 1192.7(c)."  
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8 The multiple victim circumstance in Penal Code section 667.61, also referred to as the "One  
9 Strike Law," provides for a life sentence and does *not* qualify as an enhancement. (*People v.*  
10 *Perez* (2010) 182 Cal.App.4th 231, 238.) Instead, the multiple victim circumstance in the "One  
11 Strike Law" is "an alternative sentencing scheme that applies to the offense based on other  
12 criminal conduct that the trier of fact has found to have occurred." and makes the unlimited time  
13 frame for prosecution in section 799 applicable to "One Strike" cases involving multiple victims.  
14 (*Id.* at p. 239.)  
15  
16

17 "NOTICE: Counts Thirty-Three through Forty-Six were filed pursuant to 2006 Penal Code."  
18  
19

20 I declare upon information and belief and under penalty of perjury that the foregoing is true and  
21 correct.  
22

23 Executed at Sacramento County, California, the 16th day of September, 2019.  
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28 CHRIS ORE  
29 SACRAMENTO COUNTY DISTRICT ATTORNEY  
30 (916) 874-6218  
31 Telephone Number  
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**HOLDING ORDER**

\_\_\_\_\_ It appearing to me that the offense(s) in the within complaint has/have been committed,  
and that there is sufficient cause to believe that the defendant,  
ROY CHARLES WALLER, is guilty thereof,  
\_\_\_\_\_ The defendant, ROY CHARLES WALLER, having waived preliminary hearing to the  
offense(s) set forth in this complaint,

Exceptions/Additions/Conditions: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I order that the defendant be held to answer to same. In my capacity as Judge of the Superior Court, I deem the within complaint to be an Information and order it filed in the Superior Court.

Date: \_\_\_\_\_ Dept: \_\_\_\_\_  
Judge of the Superior Court Sitting as Magistrate

