



COUNTY OF YOLO
OFFICE OF THE DISTRICT ATTORNEY
JEFF W. REISIG, DISTRICT ATTORNEY

PRESS RELEASE

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26 Year Old Man Convicted of Rape and Burglary – DNA Left at Crime Scenes

On Friday, May 23, 2008, a Yolo County jury convicted 26 year old Robert Mistler, Jr. of West Sacramento of rape and first degree burglary. He was acquitted of three other counts. As a result of the charges in this case, the defendant had two pending probation violations for prior convictions of domestic violence and battery on a police officer.

On October 2, 2004, Mistler returned to a party at the victim's West Sacramento house at 4:30 a.m. He entered her bedroom and raped her while she was asleep. The jury heard testimony from the defendant's ex-girlfriend that two days later, he forcibly raped her at her apartment in Sacramento. Although this rape was not charged in Sacramento County, the jury in the present case was permitted to hear and consider the evidence.

The defendant left semen at the crime scene of the October 2 rape. His DNA profile was uploaded into the Department of Justice DNA Offender Data Bank which contains thousands of DNA profiles of known offenders and unknown suspects. Defendant's DNA matched an unknown DNA profile from an unsolved rape which also occurred in West Sacramento on March 23, 2003. In that case DNA from saliva, which later proved to match DNA from defendant's semen in the October 2 rape, was found on the neck of a third female victim. The nurse who conducted a sexual assault exam on this victim concluded that her injuries were consistent with rape; however, due to her high level of intoxication, she was unable to identify the assailant. The Yolo County jury acquitted the defendant of charges involving this victim.

Assistant Chief Deputy District Attorney Jonathan Raven prosecuted the case. During closing statements Raven pointed towards the defendant as he told the jury "this defendant is a man who preys on the weak and vulnerable. When he decides that he wants it, he will not be denied. Tell him that this must stop. It's not OK in our society. It's against the law. Hold him accountable. Tell him there's a price to pay. Bring justice to this case and the women who have been hurt and violated."

District Attorney Jeff Reisig who recently unveiled the new theme for this year "Justice Finds No Solace in Delay" during April's Crime Victims' Week was pleased with the result. He stated "although I am disappointed that this case was allowed to languish in the system for nearly four years, I am so proud of the dedication and tenacity of my office and the West Sacramento Police Department. I am truly amazed by the courage of the three women who told their horrific nightmares to twelve strangers. They now have at least some measure of satisfaction."

The Honorable Arvid Johnson who presided over the trial remanded the defendant into custody after the clerk read the verdicts. Judge Johnson found that as a result of the evidence and the jury's verdicts, the defendant had violated his probation in the two pending cases. Two of the victims and their family members were present during the reading of the verdict. One victim wept as the guilty verdicts were read. Judge Johnson set sentencing for June 25, 2008. The defendant could be sentenced to over nine years in state prison.

For more information, contact Jonathan Raven at 530-666-8092.