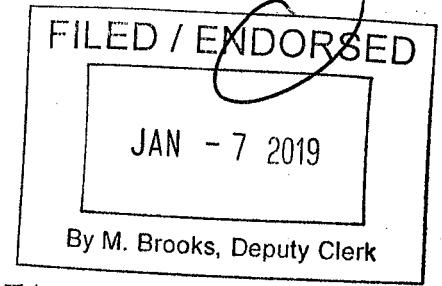


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SPD-06-362363
C. ORE, DDA
TEAM: (SACA)
XRef: 5224107



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

11 THE PEOPLE OF THE STATE OF CALIFORNIA,
12 vs.
13 ROY CHARLES WALLER,
14
15
16 Defendant.

No. 18FE018342
AMENDED FELONY
COMPLAINT

17
18 The People of the State of California upon oath of the undersigned, upon information and belief
19 complain against the defendant above named for the crime(s) as follows:
20

21 **COUNT ONE**

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

29
30 "NOTICE: The above offense is a serious felony within the meaning of Penal Code Section
31 1192.7(c)."
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33
34 "NOTICE: Conviction of this offense will require the court to order you to submit to a blood test
35 for evidence of antibodies to the probable causative agent of Acquired Immune Deficiency
36 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, ROY CHARLES
9 WALLER, used a deadly weapon, within the meaning of Penal Code Section 12022.3(a) and
10 also causing the above offense to be a serious felony within the meaning of Penal Code Section
11 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 **COUNT TWO**

18 For a further and separate cause of action, being a different offense of the same class of crimes
19 and offenses as the charges set forth in Count One hereof: On or about June 23, 1991, at and in
20 the County of Sonoma, State of California, the defendant, ROY CHARLES WALLER, did
21 commit a felony, namely: a violation of Section 261(a)(2) of the Penal Code of the State of
22 California, in that said defendant did unlawfully have and accomplish an act of sexual
23 intercourse with a person, to wit, N. DOE, not his spouse, against said person's will, by means of
24 force, violence, duress, menace and fear of immediate and unlawful bodily injury on said person.
25
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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 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."
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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 in the commission of the above offense the defendant, ROY CHARLES
5 WALLER, used a deadly weapon, within the meaning of Penal Code Section 12022.3(a) and
6 also causing the above offense to be a serious felony within the meaning of Penal Code Section
7 1192.7(c)(23).
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
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
20 intercourse with a person, to wit, N. DOE, not his spouse, against said person's will, by means of
21 force, 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 "NOTICE: Conviction of this offense will require the court to order you to submit to a blood test
28 for evidence of antibodies to the probable causative agent of Acquired Immune Deficiency
29 Syndrome (AIDS). Penal Code Section 1202.1."
30

31
32 "NOTICE: Conviction of this offense will require you to register pursuant to Penal Code Section
33 290. Willful failure to register is a crime."
34

35 It is further alleged that in the commission of the above offense the defendant, ROY CHARLES
36 WALLER, used a deadly weapon, within the meaning of Penal Code Section 12022.3(a) and
37 also causing the above offense to be a serious felony within the meaning of Penal Code Section
38 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 June 23,
12 1991, at and in the County of Sonoma, State of California, the defendant, ROY CHARLES
13 WALLER, did commit a felony, namely: a violation of Section 209(b) of the Penal Code of the
14 State of California, in that said defendant did unlawfully kidnap and carry away N. DOE, to
15 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 It is further alleged that in the commission and attempted commission of the above offense(s),
22 the said defendant, ROY CHARLES WALLER, personally used a firearm, within the meaning
23 of Penal Code Sections 1203.06(a)(1) and 12022.5(a) also causing the above offense to become a
24 serious felony pursuant to Penal Code Section 1192.7(c)(8) and a violent felony within the
25 meaning of Penal Code Section 667.5(c)(8).
26

27 It is further alleged that jurisdiction for the crime(s) charged in Counts One through Four, in
28 Sonoma County, is established pursuant to Penal Code Section 784.7 based on the following: 1.
29 Defendant is charged with violations of Penal Code Section 261(a)(2). 2. The defendant, ROY
30 CHARLES WALLER, and victim(s), N. DOE, are the same for all offenses, and 3. The
31 offense(s) alleged in Counts Twenty-Seven through Forty occurred within the County of
32 Sacramento.
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35 "NOTICE: Counts One through Four were filed pursuant to 1992 Penal Code."
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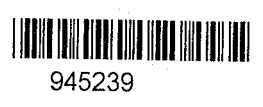
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4 The multiple victim circumstance in Penal Code section 667.61, also referred to as the "One
5 Strike Law," provides for a life sentence and does *not* qualify as an enhancement. (*People v.*
6 *Perez* (2010) 182 Cal.App.4th 231, 238.) Instead, the 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.)
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14 **COUNT 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 Four hereof: On or about February
17 13, 1992, at and in the County of Solano, State of California, the defendant, ROY CHARLES
18 WALLER, did commit a felony, namely: a violation of Section 209(b)(1) of the Penal Code of
19 the State of California, in that said defendant did unlawfully kidnap and carry away T. DOE, to
20 commit Robbery.
21

22 "NOTICE: The above offense is a serious felony within the meaning of Penal Code Section
23 1192.7(c)."
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25
26 It is further alleged that in the commission and attempted commission of the above offense(s),
27 the defendant, ROY CHARLES WALLER, personally used a deadly and dangerous weapon(s),
28 said use not being an element of the above offense, within the meaning of Penal Code Section
29 12022(b) and causing the above offense to be a serious felony within the meaning of Penal Code
30 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 February
7 13, 1992, at and in the County of Solano, State of California, the defendant, ROY CHARLES
8 WALLER, did commit a felony, namely: a violation of Section 289(a) of the Penal Code of the
9 State of California, in that said defendant did unlawfully cause the penetration of the genital
10 opening of T. DOE, for the purpose of sexual arousal, gratification, and abuse by a foreign
11 object, substance, instrument and device, and by an unknown object, accomplished by force,
12 violence, duress, menace and fear of immediate and unlawful bodily injury on the victim, to wit,
13 finger in vagina (first time).
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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 you to register pursuant to Penal Code Section
21 290. Willful failure to register is a crime."
22

23 It is further alleged that the defendant, ROY CHARLES WALLER, has been convicted in the
24 present case or cases of committing an offense specified in subdivision (c) against more than one
25 victim, within the meaning of Penal Code Section 667.61(e)(5).
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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 February 13,
7 1992, at and in the County of Solano, State of California, the defendant, ROY CHARLES
8 WALLER, did commit a felony, namely: a violation of Section 261(a)(2) of the Penal Code of
9 the State of California, in that said defendant did unlawfully have and accomplish an act of
10 sexual intercourse with a person, to wit, T. DOE, not his spouse, against said person's will, by
11 means of force, violence, duress, menace and fear of immediate and unlawful bodily injury on
12 said person (first time).
13

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

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

31 It is further alleged that in the commission and attempted commission of the above offense(s),
32 the defendant, ROY CHARLES WALLER, personally used a deadly and dangerous weapon(s),
33 said use not being an element of the above offense, within the meaning of Penal Code Section
34 12022(b) and causing the above offense to be a serious felony within the meaning of Penal Code
35 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 February
7 13, 1992, at and in the County of Solano, State of California, the defendant, ROY CHARLES
8 WALLER, did commit a felony, namely: a violation of Section 289(a) of the Penal Code of the
9 State of California, in that said defendant did unlawfully cause the penetration of the genital
10 opening of T. DOE, for the purpose of sexual arousal, gratification, and abuse by a foreign
11 object, substance, instrument and device, and by an unknown object, accomplished by force,
12 violence, duress, menace and fear of immediate and unlawful bodily injury on the victim, to wit,
13 finger in vagina (second time).
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 you to register pursuant to Penal Code Section
21 290. Willful failure to register is a crime."
22

23 It is further alleged that the defendant, ROY CHARLES WALLER, has been convicted in the
24 present case or cases of committing an offense specified in subdivision (c) against more than one
25 victim, within the meaning of Penal Code Section 667.61(e)(5).
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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 February
7 13, 1992, at and in the County of Solano, State of California, the defendant, ROY CHARLES
8 WALLER, did commit a felony, namely: a violation of Section 261(a)(2) of the Penal Code of
9 the State of California, in that said defendant did unlawfully have and accomplish an act of
10 sexual intercourse with a person, to wit, T. DOE, not his spouse, against said person's will, by
11 means of force, violence, duress, menace and fear of immediate and unlawful bodily injury on
12 said person (second time).
13

14
15 "NOTICE: The above offense is a serious felony within the meaning of Penal Code Section
16 1192.7(c)."
17

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

26
27 It is further alleged that the defendant, ROY CHARLES WALLER, has been convicted in the
28 present case or cases of committing an offense specified in subdivision (c) against more than one
29 victim, within the meaning of Penal Code Section 667.61(e)(5).
30

31 It is further alleged that in the commission and attempted commission of the above offense(s),
32 the defendant, ROY CHARLES WALLER, personally used a deadly and dangerous weapon(s),
33 said use not being an element of the above offense, within the meaning of Penal Code Section
34 12022(b) and causing the above offense to be a serious felony within the meaning of Penal Code
35 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 February
7 13, 1992, at and in the County of Solano, State of California, the defendant, ROY CHARLES
8 WALLER, did commit a felony, namely: a violation of Section 261(a)(2) of the Penal Code of
9 the State of California, in that said defendant did unlawfully have and accomplish an act of
10 sexual intercourse with a person, to wit, T. DOE, not his spouse, against said person's will, by
11 means of force, violence, duress, menace and fear of immediate and unlawful bodily injury on
12 said person (third time).
13

14
15 "NOTICE: The above offense is a serious felony within the meaning of Penal Code Section
16 1192.7(c)."
17

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

31 It is further alleged that in the commission and attempted commission of the above offense(s),
32 the defendant, ROY CHARLES WALLER, personally used a deadly and dangerous weapon(s),
33 said use not being an element of the above offense, within the meaning of Penal Code Section
34 12022(b) and causing the above offense to be a serious felony within the meaning of Penal Code
35 Section 1192.7(c)(23).
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4 "NOTICE: Counts Five through Ten were filed pursuant to 1992 Penal Code."
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6 It is further alleged that jurisdiction for the crime(s) charged in Counts Five through Ten, in
7 Solano County, is established pursuant to Penal Code Section 784.7 based on the following: 1.
8 Defendant is charged with violations of Penal Code Section 209(b), 289(a) and 261(a)(2). 2. The
9 defendant, ROY CHARLES WALLER, and victim(s), T. DOE, are the same for all offenses, and
10 3. The offense(s) alleged in Counts Twenty-Seven through Forty occurred within the County of
11 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 **COUNT ELEVEN**

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 Ten 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 209(b) of the Penal Code of the State of California, in that said defendant did
29 unlawfully kidnap and carry away S. 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)."
34

35 It is further alleged that in the commission and attempted commission of the above offense(s),
36 the said defendant, ROY CHARLES WALLER, personally used a firearm, within the meaning
37 of Penal Code Sections 1203.06(a)(1) and 12022.5(a) also causing the above offense to become a
38 serious felony pursuant to Penal Code Section 1192.7(c)(8) and a violent felony within the
39 meaning of Penal Code Section 667.5(c)(8).
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4 **COUNT TWELVE**

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 Eleven 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 with lubrication.
14
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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 you to register pursuant to Penal Code Section
21 290. Willful failure to register is a crime."
22

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

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

35 It is further alleged that the defendant, ROY CHARLES WALLER, committed the present
36 offense during the commission of a burglary, within the meaning of Penal Code Section
37 667.61(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
18 It is further alleged that in the commission of the above offense the defendant, ROY CHARLES
19 WALLER, used a deadly weapon, within the meaning of Penal Code Section 12022.3(a) and
20 also causing the above offense to be a serious felony within the meaning of Penal Code Section
21 1192.7(c)(23).
22

23 COUNT THIRTEEN

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

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

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

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

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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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4 It is further alleged that the defendant, ROY CHARLES WALLER, engaged in the tying or
5 binding of the victim or another person in the commission of the present offense, within the
6 meaning of Penal Code Section 667.61(e)(6).
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8
9 It is further alleged that in the commission of the above offense the defendant, ROY CHARLES
10 WALLER, used a deadly weapon, within the meaning of Penal Code Section 12022.3(a) and
11 also causing the above offense to be a serious felony within the meaning of Penal Code Section
12 1192.7(c)(23).
13

14 COUNT FOURTEEN

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 Thirteen 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 (second time upstairs).
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 "NOTICE: Conviction of this offense will require you to register pursuant to Penal Code Section
34 290. Willful failure to register is a crime."
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36
37 It is further alleged that the defendant, ROY CHARLES WALLER, kidnapped the victim of the
38 present offense substantially increasing the risk of harm, within the meaning of Penal Code
39 Section 667.61(d)(2).
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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 with intent to commit an offense listed in 667.61(c),
6 within the meaning of Penal Code Section 667.61(d)(4).
7

8
9 It is further alleged that the defendant, ROY CHARLES WALLER, kidnapped the victim of the
10 present offense, within the meaning of Penal Code Section 667.61(e)(1).
11

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

16 It is further alleged that the defendant, ROY CHARLES WALLER, personally used a dangerous
17 or deadly weapon or a firearm, in the commission of the present offense in violation of Section
18 12022, 12022.3, 12022.5 or 12022.53, within the meaning of Penal Code Section 667.61(e)(4).
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).
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24
25 It is further alleged that the defendant, ROY CHARLES WALLER, engaged in the tying or
26 binding of the victim or another person in the commission of the present offense, within the
27 meaning of Penal Code Section 667.61(e)(6).
28

29 It is further alleged that in the commission of the above offense the defendant, ROY CHARLES
30 WALLER, used a deadly weapon, within the meaning of Penal Code Section 12022.3(a) and
31 also causing the above offense to be a serious felony within the meaning of Penal Code Section
32 1192.7(c)(23).
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4 **COUNT FIFTEEN**

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 Fourteen 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 (third time upstairs).
13

14
15 "NOTICE: The above offense is a serious felony within the meaning of Penal Code Section
16 1192.7(c)."
17

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

31 It is further alleged that the defendant, ROY CHARLES WALLER, committed the present
32 offense during the commission of a burglary with intent to commit an offense listed in 667.61(c),
33 within the meaning of Penal Code Section 667.61(d)(4).
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36 It is further alleged that the defendant, ROY CHARLES WALLER, kidnapped the victim of the
37 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 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 It is further alleged that in the commission of the above offense the defendant, ROY CHARLES
22 WALLER, used a deadly weapon, within the meaning of Penal Code Section 12022.3(a) and
23 also causing the above offense to be a serious felony within the meaning of Penal Code Section
24 1192.7(c)(23).
25

26 27 **COUNT SIXTEEN**

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 Fifteen hereof: On or about and
30 between October 31, 1996, and November 1, 1996, at and in the County of Contra Costa, State of
31 California, the defendant, ROY CHARLES WALLER, did commit a felony, namely: a violation
32 of Section 289(a) of the Penal Code of the State of California, in that said defendant did
33 unlawfully cause the penetration of the genital opening of S. DOE, for the purpose of sexual
34 arousal, gratification, and abuse by a foreign object, substance, instrument and device, and by an
35 unknown object, accomplished by force, violence, duress, menace and fear of immediate and
36 unlawful bodily injury on the victim, to wit, finger in vagina multiple times during third rape.
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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 you to register pursuant to Penal Code Section
9 290. Willful failure to register is a crime."
10

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

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

19
20 It is further alleged that the defendant, ROY CHARLES WALLER, kidnapped the victim of the
21 present offense, within the meaning of Penal Code Section 667.61(e)(1).
22

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

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

31
32 It is further alleged that the defendant, ROY CHARLES WALLER, has been convicted in the
33 present case or cases of committing an offense specified in subdivision (c) against more than one
34 victim, within the meaning of Penal Code Section 667.61(e)(5).
35

36 It is further alleged that the defendant, ROY CHARLES WALLER, engaged in the tying or
37 binding of the victim or another person in the commission of the present offense, within the
38 meaning of Penal Code Section 667.61(e)(6).
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4 It is further alleged that in the commission of the above offense the defendant, ROY CHARLES
5 WALLER, used a deadly weapon, within the meaning of Penal Code Section 12022.3(a) and
6 also causing the above offense to be a serious felony within the meaning of Penal Code Section
7 1192.7(c)(23).
8

9
10 **COUNT SEVENTEEN**

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 Sixteen hereof: On or about and
13 between October 31, 1996, and November 1, 1996, at and in the County of Contra Costa, State of
14 California, the defendant, ROY CHARLES WALLER, did commit a felony, namely: a violation
15 of Section 261(a)(2) of the Penal Code of the State of California, in that said defendant did
16 unlawfully have and accomplish an act of sexual intercourse with a person, to wit, S. DOE, not
17 his spouse, against said person's will, by means of force, violence, duress, menace and fear of
18 immediate and unlawful bodily injury on said person (fourth time upstairs).
19

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

23 "NOTICE: Conviction of this offense will require the court to order you to submit to a blood test
24 for evidence of antibodies to the probable causative agent of Acquired Immune Deficiency
25 Syndrome (AIDS). Penal Code Section 1202.1."
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 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, 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 It is further alleged that the defendant, ROY CHARLES WALLER, has been convicted in the
16 present case or cases of committing an offense specified in subdivision (c) against more than one
17 victim, within the meaning of Penal Code Section 667.61(e)(5).
18

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).
23

24
25 It is further alleged that in the commission of the above offense the defendant, ROY CHARLES
26 WALLER, used a deadly weapon, within the meaning of Penal Code Section 12022.3(a) and
27 also causing the above offense to be a serious felony within the meaning of Penal Code Section
28 1192.7(c)(23).
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4 **COUNT EIGHTEEN**

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 Seventeen 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 anal 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 rectum.
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 you to register pursuant to Penal Code Section
21 290. Willful failure to register is a crime."
22

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

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

35 It is further alleged that the defendant, ROY CHARLES WALLER, committed the present
36 offense during the commission of a burglary, within the meaning of Penal Code Section
37 667.61(e)(2).
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4 It is further alleged that the defendant, ROY CHARLES WALLER, personally used a dangerous
5 or deadly weapon or a firearm, in the commission of the present offense in violation of Section
6 12022, 12022.3, 12022.5 or 12022.53, within the meaning of Penal Code Section 667.61(e)(4).
7
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
18 It is further alleged that in the commission of the above offense the defendant, ROY CHARLES
19 WALLER, used a deadly weapon, within the meaning of Penal Code Section 12022.3(a) and
20 also causing the above offense to be a serious felony within the meaning of Penal Code Section
21 1192.7(c)(23).
22

23 COUNT NINETEEN

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 Eighteen 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 288a(c) of the Penal Code of the State of California, in that said defendant did
29 unlawfully participate in an act of oral copulation with S. DOE, and did accomplish said act
30 against said victim's will by force, violence, duress, menace, and fear of immediate and unlawful
31 bodily injury to said victim.
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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 "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 It is further alleged that the defendant, ROY CHARLES WALLER, kidnapped the victim of the
13 present offense substantially increasing the risk of harm, within the meaning of Penal Code
14 Section 667.61(d)(2).
15

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

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

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

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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4 It is further alleged that the defendant, ROY CHARLES WALLER, engaged in the tying or
5 binding of the victim or another person in the commission of the present offense, within the
6 meaning of Penal Code Section 667.61(e)(6).
7

8
9 It is further alleged that in the commission of the above offense the defendant, ROY CHARLES
10 WALLER, used a deadly weapon, within the meaning of Penal Code Section 12022.3(a) and
11 also causing the above offense to be a serious felony within the meaning of Penal Code Section
12 1192.7(c)(23).
13

14 It is further alleged that jurisdiction for the crime(s) charged in Counts Eleven through Nineteen,
15 in Contra Costa 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),
17 261(a)(2) and 288a(c)(2). 2. The defendant, ROY CHARLES WALLER, and victim(s), S. DOE,
18 are the same for all offenses, and 3. The offense(s) alleged in Counts Twenty-Seven through
19 Forty occurred within the County of Sacramento.
20

21
22 "NOTICE: Counts Eleven through Nineteen were filed pursuant to 1996 Penal Code."
23

24 **COUNT TWENTY**

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 Nineteen hereof: On or about July
27 18, 1997, at and in the County of Butte, State of California, the defendant, ROY CHARLES
28 WALLER, did commit a felony, namely: a violation of Section 209(a) of the Penal Code of the
29 State of California, in that said defendant did unlawfully seize, confine, inveigle, entice, decoy,
30 abduct, conceal, kidnap, and carry away R. DOE with the intent to hold and detain, and who did
31 hold and detain, the said R. DOE for ransom, reward, extortion, and to exact from relatives and
32 friends of said R. DOE money and other valuable things.
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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 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 It is further alleged that jurisdiction for the crime(s) charged in Counts Twenty, in Butte County,
11 is established pursuant to Penal Code Section 784.7 based on the following: 1. Defendant is
12 charged with violations of Penal Code Section 209(a). 2. The defendant, ROY CHARLES
13 WALLER, and victim(s), R. DOE, are the same for all offenses, and 3. The offense(s) alleged in
14 Counts Twenty-Seven through Forty occurred within the County of Sacramento.
15
16

17 "NOTICE: Count Twenty was filed pursuant to 1997 Penal Code."
18

19 **COUNT TWENTY-ONE**

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 hereof: On or about July 16,
22 2000, at and in the County of Yolo, State of California, the defendant, ROY CHARLES
23 WALLER, did commit a felony, namely: a violation of Section 209(b)(1) of the Penal Code of
24 the State of California, in that said defendant did unlawfully kidnap and carry away C. DOE, to
25 commit Robbery.
26

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28 "NOTICE: The above offense is a serious felony within the meaning of Penal Code Section
29 1192.7(c)."
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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
7 July 16, 2000, at and in the County of Yolo, State of California, the defendant, ROY CHARLES
8 WALLER, did commit a felony, namely: a violation of Section 289(a)(1) of the Penal Code of
9 the State of California, in that said defendant did unlawfully cause the penetration of the genital
10 opening of C. DOE, for the purpose of sexual arousal, gratification, and abuse by a foreign
11 object, substance, instrument and device, and by an unknown object, accomplished by force,
12 violence, duress, menace and fear of immediate and unlawful bodily injury on the victim.
13
14

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

18
19 "NOTICE: Conviction of this offense will require you to register pursuant to Penal Code Section
20 290. Willful failure to register is a crime."
21

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

26
27 It is further alleged that the defendant, ROY CHARLES WALLER, committed the present
28 offense during the commission of a burglary with intent to commit an offense listed in 667.61(c),
29 within the meaning of Penal Code Section 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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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 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 **COUNT TWENTY-THREE**

14 For a further and separate cause of action, being a different offense of the same class of crimes
15 and offenses as the charges set forth in Counts One through Twenty-Two hereof: On or about
16 July 16, 2000, at and in the County of Yolo, State of California, the defendant, ROY CHARLES
17 WALLER, did commit a felony, namely: a violation of Section 288a(c)(2) of the Penal Code of
18 the State of California, in that said defendant did unlawfully participate in an act of oral
19 copulation with C. DOE, and did accomplish said act against said victim's will by force,
20 violence, duress, menace, and fear of immediate and unlawful bodily injury to said victim.
21

22
23 "NOTICE: The above offense is a serious felony within the meaning of Penal Code Section
24 1192.7(c).
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 "NOTICE: Conviction of this offense will require you to register pursuant to Penal Code Section
31 290. Willful failure to register is a crime."
32

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

21 For a further and separate cause of action, being a different offense of the same class of crimes
22 and offenses as the charges set forth in Counts One through Twenty-Three hereof: On or about
23 July 16, 2000, at and in the County of Yolo, State of California, the defendant, ROY CHARLES
24 WALLER, did commit a felony, namely: a violation of Section 261(a)(2) of the Penal Code of
25 the State of California, in that said defendant did unlawfully have and accomplish an act of
26 sexual intercourse with a person, to wit, C. DOE, not his spouse, against said person's will, by
27 means of force, violence, duress, menace and fear of immediate and unlawful bodily injury on
28 said person.
29

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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 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 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(e)(1).
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(e)(2).
22

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

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

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-Four hereof: On or about
7 July 16, 2000, at and in the County of Yolo, State of California, the defendant, ROY CHARLES
8 WALLER, did commit a felony, namely: a violation of Section 286(c)(2) of the Penal Code of
9 the State of California, in that said defendant did unlawfully participate in an act of sodomy with
10 C. DOE, and did accomplish said act against said victim's will by force, violence, duress, menace
11 and fear of immediate and unlawful bodily injury to said victim.
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14 "NOTICE: The above offense is a serious felony within the meaning of Penal Code Section
15 1192.7(c)."
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17
18 "NOTICE: Conviction of this offense will require the court to order you to submit to a blood test
19 for evidence of antibodies to the probable causative agent of Acquired Immune Deficiency
20 Syndrome (AIDS). Penal Code Section 1202.1."
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."
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26 It is further alleged that the defendant, ROY CHARLES WALLER, kidnapped the victim of the
27 present offense substantially increasing the risk of harm, within the meaning of Penal Code
28 Section 667.61(d)(2).
29

30 It is further alleged that the defendant, ROY CHARLES WALLER, committed the present
31 offense during the commission of a burglary with intent to commit an offense listed in 667.61(c),
32 within the meaning of Penal Code Section 667.61(d)(4).
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35 It is further alleged that the defendant, ROY CHARLES WALLER, kidnapped the victim of the
36 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, 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 It is further alleged that the defendant, ROY CHARLES WALLER, engaged in the tying or
13 binding of the victim or another person in the commission of the present offense, within the
14 meaning of Penal Code Section 667.61(e)(6).
15

16
17 **COUNT TWENTY-SIX**

18 For a further and separate cause of action, being a different offense of the same class of crimes
19 and offenses as the charges set forth in Counts One through Twenty-Five hereof: On or about
20 July 16, 2000, at and in the County of Yolo, State of California, the defendant, ROY CHARLES
21 WALLER, did commit a felony, namely: a violation of Section 289(a)(1) of the Penal Code of
22 the State of California, in that said defendant did unlawfully cause the penetration of the genital
23 opening of C. DOE, for the purpose of sexual arousal, gratification, and abuse by a foreign
24 object, substance, instrument and device, and by an unknown object, accomplished by force,
25 violence, duress, menace and fear of immediate and unlawful bodily injury on the victim, to wit,
26 finger in vagina.
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30 "NOTICE: The above offense is a serious felony within the meaning of Penal Code Section
31 1192.7(c)."
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 the defendant, ROY CHARLES WALLER, kidnapped the victim of the
37 present offense substantially increasing the risk of harm, within the meaning of Penal Code
38 Section 667.61(d)(2).
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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 with intent to commit an offense listed in 667.61(c),
6 within the meaning of Penal Code Section 667.61(d)(4).
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, has been convicted in the
16 present case or cases of committing an offense specified in subdivision (c) against more than one
17 victim, within the meaning of Penal Code Section 667.61(e)(5).
18

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

24 It is further alleged that jurisdiction for the crime(s) charged in Counts Twenty-One through
25 Twenty-Six, in Yolo 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(b), 289(a),
27 288a(b)(2), 261(a)(2) and 286(c)(2). 2. The defendant, ROY CHARLES WALLER, and
28 victim(s), C. DOE, are the same for all offenses, and 3. The offense(s) alleged in Counts Twenty-
29 Seven through Forty occurred within the County of Sacramento.
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32 "NOTICE: Counts Twenty-One through Twenty-Six were filed pursuant to 2000 Penal Code."
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4 **COUNT TWENTY-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 Twenty-Six hereof: On or about
7 October 14, 2006, at and in the County of Sacramento, State of California, the defendant, ROY
8 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

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

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

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

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

26 **COUNT TWENTY-EIGHT**

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-Seven hereof: On or about
29 October 14, 2006, at and in the County of Sacramento, State of California, the defendant, ROY
30 CHARLES WALLER, did commit a felony, namely: a violation of Section 261(a)(2) of the
31 Penal Code of the State of California, in that said defendant did unlawfully have and accomplish
32 an act of sexual intercourse with a person, to wit, K. DOE, not his spouse, against said person's
33 will, by means of force, violence, duress, menace and fear of immediate and unlawful bodily
34 injury on said person (second occasion).
35

36
37 "NOTICE: The above offense is a serious felony within the meaning of Penal Code Section
38 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 It is further alleged that in the commission and attempted commission of the above offense, the
13 defendant, ROY CHARLES WALLER, personally used a firearm, to wit, an unknown caliber
14 handgun, within the meaning of Penal Code Section 12022.53(b).
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 It is further alleged that the defendant, ROY CHARLES WALLER, kidnapped the victim of the
26 present offense, within the meaning of Penal Code Section 667.61(e)(1).
27

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

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

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-Eight hereof: On or about
17 October 14, 2006, at and in the County of Sacramento, State of California, the defendant, ROY
18 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 "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 and attempted commission of the above offense, the
37 defendant, ROY CHARLES WALLER, personally used a firearm, to wit, an unknown caliber
38 handgun, within the meaning of Penal Code Section 12022.53(b).
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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, 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 THIRTY**

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-Nine hereof: On or about
7 October 14, 2006, at and in the County of Sacramento, State of California, the defendant, ROY
8 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 "NOTICE: The above offense is a serious felony within the meaning of Penal Code Section
16 1192.7(c)."
17

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

26
27 It is further alleged that in the commission and attempted commission of the above offense, the
28 defendant, ROY CHARLES WALLER, personally used a firearm, to wit, an unknown caliber
29 handgun, within the meaning of Penal Code Section 12022.53(b).
30

31 It is further alleged that the defendant, ROY CHARLES WALLER, kidnapped the victim of the
32 present offense substantially increasing the risk of harm, within the meaning of Penal Code
33 Section 667.61(d)(2).
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, 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 It is further alleged that the defendant, ROY CHARLES WALLER, engaged in the tying or
22 binding of the victim or another person in the commission of the present offense, within the
23 meaning of Penal Code Section 667.61(e)(6).
24
25

26 **COUNT THIRTY-ONE**

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 Thirty hereof: On or about October
29 14, 2006, at and in the County of Sacramento, State of California, the defendant, ROY
30 CHARLES WALLER, did commit a felony, namely: a violation of Section 288a(c)(2) of the
31 Penal Code of the State of California, in that said defendant did unlawfully participate in an act
32 of oral copulation with K. DOE, and did accomplish said act against said victim's will by force,
33 violence, duress, menace, and fear of immediate and unlawful bodily injury to said victim.
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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 "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
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(e)(1).
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(e)(2).
30

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

9 **COUNT THIRTY-TWO**

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

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 It is further alleged that the defendant, ROY CHARLES WALLER, committed the present
34 offense during the commission of a burglary with intent to commit an offense listed in 667.61(c),
35 within the meaning of Penal Code Section 667.61(d)(4).
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38 It is further alleged that the defendant, ROY CHARLES WALLER, kidnapped the victim of the
39 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, 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 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).
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23 **COUNT THIRTY-THREE**

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-Two hereof: On or about
26 October 14, 2006, at and in the County of Sacramento, State of California, the defendant, ROY
27 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 sexual assault.
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31 "NOTICE: The above offense is a serious felony within the meaning of Penal Code Section
32 1192.7(c)."
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COUNT THIRTY-FOUR

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

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

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

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

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

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).



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

25
26 **COUNT THIRTY-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 Thirty-Four hereof: On or about
29 October 14, 2006, at and in the County of Sacramento, State of California, the defendant, ROY
30 CHARLES WALLER, did commit a felony, namely: a violation of Section 261(a)(2) of the
31 Penal Code of the State of California, in that said defendant did unlawfully have and accomplish
32 an act of sexual intercourse with a person, to wit, Y. DOE, not his spouse, against said person's
33 will, by means of force, violence, duress, menace and fear of immediate and unlawful bodily
34 injury on said person (second occasion).
35

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

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

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

32 It is further alleged that the defendant, ROY CHARLES WALLER, personally used a dangerous
33 or deadly weapon or a firearm, to wit, an unknown caliber handgun, in the commission of the
34 present offense in violation of Section 12022, 12022.3, 12022.5 or 12022.53, within the meaning
35 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 COUNT THIRTY-SIX

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

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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 "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 and attempted commission of the above offense, the
37 defendant, ROY CHARLES WALLER, personally used a firearm, to wit, an unknown caliber
38 handgun, within the meaning of Penal Code Section 12022.53(b).
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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).
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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, 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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COUNT THIRTY-SEVEN

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

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

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

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

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

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).



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

25
26 **COUNT THIRTY-EIGHT**

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 Thirty-Seven hereof: On or about
29 October 14, 2006, at and in the County of Sacramento, State of California, the defendant, ROY
30 CHARLES WALLER, did commit a felony, namely: a violation of Section 288a(c)(2) of the
31 Penal Code of the State of California, in that said defendant did unlawfully participate in an act
32 of oral copulation with Y. DOE, and did accomplish said act against said victim's will by force,
33 violence, duress, menace, and fear of immediate and unlawful bodily injury to said victim.
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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 "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).
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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4 It is further alleged that the defendant, ROY CHARLES WALLER, engaged in the tying or
5 binding of the victim or another person in the commission of the present offense, within the
6 meaning of Penal Code Section 667.61(e)(6).
7
8

9 **COUNT THIRTY-NINE**

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 Thirty-Eight hereof: On or about
12 October 14, 2006, at and in the County of Sacramento, State of California, the defendant, ROY
13 CHARLES WALLER, did commit a felony, namely: a violation of Section 289(a)(1) of the
14 Penal Code of the State of California, in that said defendant did unlawfully cause the penetration
15 of the genital opening of Y. DOE, for the purpose of sexual arousal, gratification, and abuse by a
16 foreign object, substance, instrument and device, and by an unknown object, accomplished by
17 force, violence, duress, menace and fear of immediate and unlawful bodily injury on the victim.
18

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 It is further alleged that the defendant, ROY CHARLES WALLER, committed the present
34 offense during the commission of a burglary with intent to commit an offense listed in 667.61(c),
35 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 It is further alleged that the defendant, ROY CHARLES WALLER, engaged in the tying or
22 binding of the victim or another person in the commission of the present offense, within the
23 meaning of Penal Code Section 667.61(e)(6).
24

25
26 **COUNT FORTY**

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 Thirty-Nine hereof: On or about
29 October 14, 2006, at and in the County of Sacramento, State of California, the defendant, ROY
30 CHARLES WALLER, did commit a felony, namely: a violation of Section 209(b)(1) of the
31 Penal Code of the State of California, in that said defendant did unlawfully kidnap and carry
32 away Y. DOE, to commit sexual assault.
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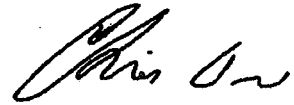
34
35 "NOTICE: The above offense is a serious felony within the meaning of Penal Code Section
36 1192.7(c)."
37

38 "NOTICE: Counts Twenty-Seven through Forty were filed pursuant to 2006 Penal Code."
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4 I declare upon information and belief and under penalty of perjury that the foregoing is true and
5 correct.
6

7 Executed at Sacramento County, California, the 2nd day of January, 2019.
8

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10 

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12 _____
13 CHRIS ORE
14 SACRAMENTO COUNTY DISTRICT ATTORNEY
15 (916) 874-6218
16 Telephone Number

17 AB

18
19 **HOLDING ORDER**

20
21 _____ It appearing to me that the offense(s) in the within complaint has/have been committed,
22 and that there is sufficient cause to believe that the defendant, ROY CHARLES
23 WALLER, is guilty thereof,
24 _____ The defendant, ROY CHARLES WALLER, having waived preliminary hearing to the
25 offense(s) set forth in this complaint,
26

27 Exceptions/Additions/Conditions: _____
28 _____
29 _____
30

31 I order that the defendant be held to answer to same. In my capacity as Judge of the Superior
32 Court, I deem the within complaint to be an Information and order it filed in the Superior Court.
33

34 Date: _____ Dept: _____
35 _____
36 Judge of the Superior Court Sitting as Magistrate
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