

PEOPLE OF CALIFORNIA

v.

ROY WALLER

10th Annual SART Summit
The Evil Among Us



CALIFORNIA
CLINICAL FORENSIC
MEDICAL TRAINING CENTER



CDAAL
CALIFORNIA
DISTRICT ATTORNEYS
ASSOCIATION

1

CASE OVERVIEW

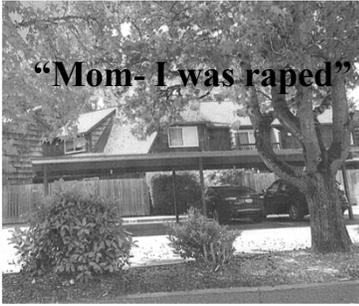


2

Rohnert Park – N. DOE

- Awakened from sleep by an armed, masked man
- “Where’s the money?”
- He had a gun

“Mom- I was raped”




3

Vallejo – T. DOE

February 1992



- Awoke and walked down hall
- “I just want your money.”
- Mask, old knife and gloves
- Duct taped eyes and mouth
- Bound hands & feet

126 Allison Ct.

4



Tied her spread eagle to bed
Between rapes he rummaged

5

CUT CLOTHING - VALLEJO

Ripped open the top. Popping off buttons. Cut off the bottoms with scissors.





6



Davis 1997 –K.H. DOE

- **K.H.** DOE asleep
- After 3:00am awoke to a man with a gun covering her mouth
- Returned with a ski mask on
- Duct taped her eyes with cotton balls
- Zip ties to bind her
- Demanded ATM & PIN
- Fireman's carried her downstairs






13



Chico – R. DOE

- July 18, 1997
- Gloved hand over her mouth
- Gun to the head
- Demanded her ATM & PIN
- Zip ties and duct tape






14



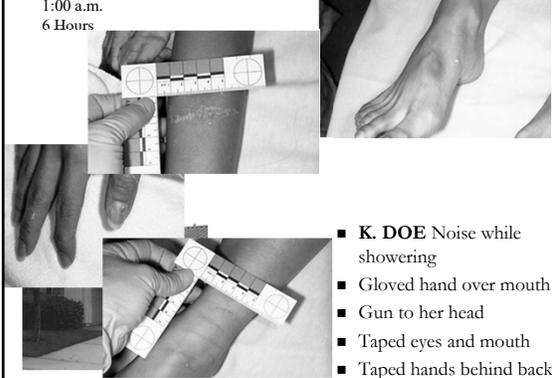
Davis 2000 – C. Doe

- Downstairs for a drink
- Creaking coming from upstairs
- Investigated roommates room
- Pinned to ground
- Taped eyes and mouth
- Zip tied and taped hands/feet
- Carried to car
- Drove to dark area
- Sexually assaulted in back seat
- Ejaculated between thighs

15

October 14, 2006
1:00 a.m.
6 Hours

Sacramento



- **K. DOE** Noise while showering
- Gloved hand over mouth
- Gun to her head
- Taped eyes and mouth
- Taped hands behind back

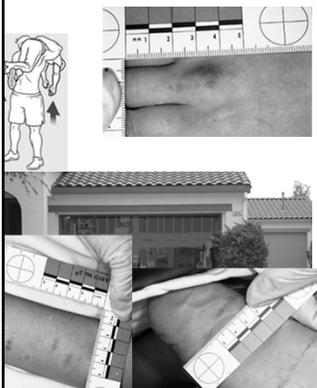
16

“I was so stupid” K. Doe

- Puts K. DOE on bed & tapes ankles
- “Where’s the money?”



17

Y. Doe

- **Y. DOE** 1:40am arrives home
- White SUV in the garage
- Enters to find man with a gun
- Covers her mouth with gloved hand
- “I just want money.”
- Bound her wrists and ankles
- Demanded ATM and PIN
- Fireman's carried to closet
 - Apologized
- Duct tape over her eyes
- Fondles and Kisses in Closet

18



**Y. Doe
& K. Doe**



- Fireman's carried to the bed
- Repeatedly, raped, penetrated
 - "Your blocking me"
- Digitally penetrated
 - "Do you want more"
- Orally copulated them back and forth- "all night long"
- Cut all of her clothes off "skillfully"
- Fireman's carried her to the bath
- Washed her in the bath
- "Have you ever been with a white guy?"

19



20

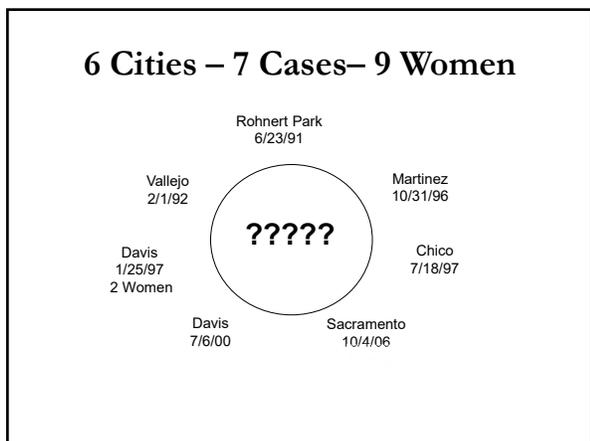
The History of the NorCal Rapist

- 1991- Rohnert Park -No Suspect
- 1992 -Vallejo -No Suspect
- 1996- Martinez - No Suspect but DNA link to Vallejo
- 1997 Davis – No suspect –but MO link
- 1997 Chico- No Suspect but DNA Link to Vallejo.
- 2000 Davis- No suspect but DNA linked to Rohnert Park, Vallejo, Martinez, Chico.
- 2006 Sacramento – No suspect but DNA link to Rohnert Park, Vallejo, Martinez, Chico, Davis

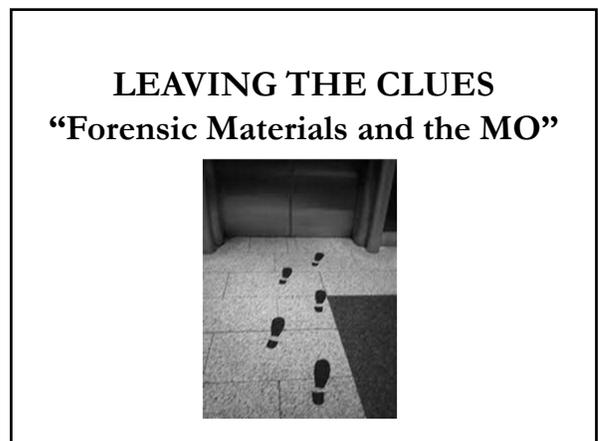
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22



23



24

Method of Operation

- Mask and gloves
- Use of duct tape on eyes and mouth
- Bound with zip ties, duct tape & rope
- Hands bound behind back
- Fireman's carry
- Rummaged the home between rapes
- Similar phrases and demeanor
- Cut off clothing
- Hides/ disables the phone

25

METHOD OF OPERATION

	Rohnert Park	Vallejo	Martinez	Davis 1997	Chico	Davis 2000	Sacramento
Brought Items	<input type="checkbox"/>						
Used cords/wire	<input type="checkbox"/>						
Eyes taped	<input type="checkbox"/>						
Mouth taped	<input type="checkbox"/>						
Used weapon	<input type="checkbox"/>						
Hands behind back	<input type="checkbox"/>						
"Only want money"	<input type="checkbox"/>						
Cut off clothes	<input type="checkbox"/>						
Soft/Calm voice	<input type="checkbox"/>						
Demanded ATM/PIN	<input type="checkbox"/>						
Radio / TV	<input type="checkbox"/>						
Rummaged then raped	<input type="checkbox"/>						
Kissed breast/nipples	<input type="checkbox"/>						
Fireman's Carry	<input type="checkbox"/>						

26

LEAVING THE CLUES Forensic Materials and the MO

- Rohnert Park – Sheet
- Vallejo – Abdominal Swab
- Martinez – Bedspread
- Davis 97' – None / MO only
- Chico - Pillowcase
- Davis 00' – Underwear
- Sacramento – Vaginal Swabs

27

LEAVING THE CLUES Forensic Materials and the MO

- Variety of testing done throughout the years
 - Fingerprints, hair exams, blood ID, ALS, semen ID, ABO, DQA1+PM, Profiler Plus, Pro/Co, Identifiler, Fusion 6C, RMP, LR
- Case to case CODIS hits
 - Six CODIS profiles uploaded between 1999 and 2006

28

INVESTIGATIONS WITH NO CODIS HIT "Boots on the Ground"



29

INVESTIGATION WITH NO CODIS HIT Boots on the Ground

- Operation Forerunner- Sacramento Case- ONLY workable lead



30

INVESTIGATION WITH NO CODIS HIT Boots on the Ground

- No CODIS offender hit?
- Approximately 150 reference samples analyzed and excluded at the Sacramento lab alone
- America's Most Wanted



31

IDENTIFYING THE RAPIST “Genetic Genealogy to the Rescue”



32

IDENTIFYING THE RAPIST Genetic Genealogy

- Uploading SNP sample to non forensic commercial genealogy site
- Building Family Tree
- 20 minutes- Roy Charles Waller

33

THE STAKEOUT AND THE WARRANTS “His House, Arrest and Lockers”



34

THE STAKEOUT AND THE WARRANTS His House, Arrest and Lockers

- Surreptitious garbage collection submitted 9/17/18
- Arrested 9/20/18
- Reference sample worked and released 9/20/18

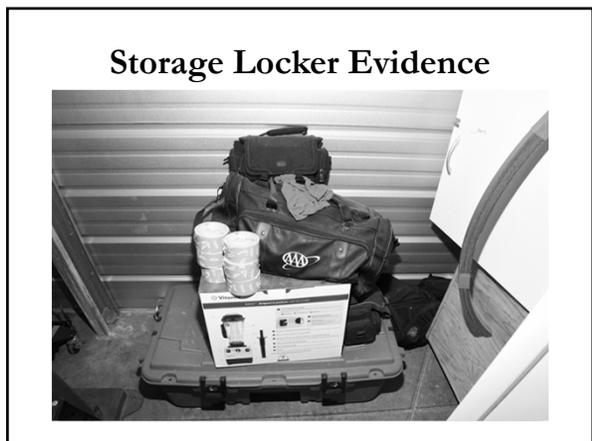


35

Confession is Suicide and Suicide is Confession



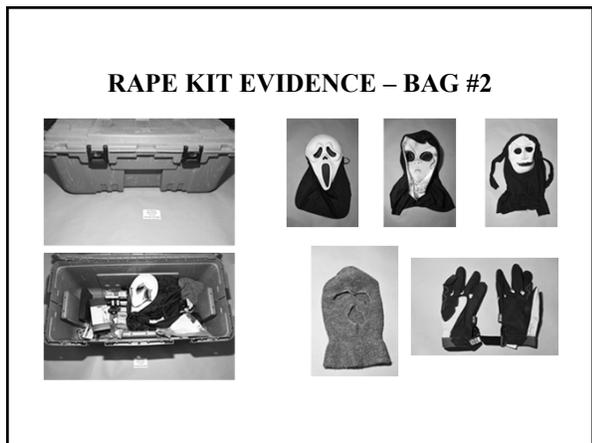
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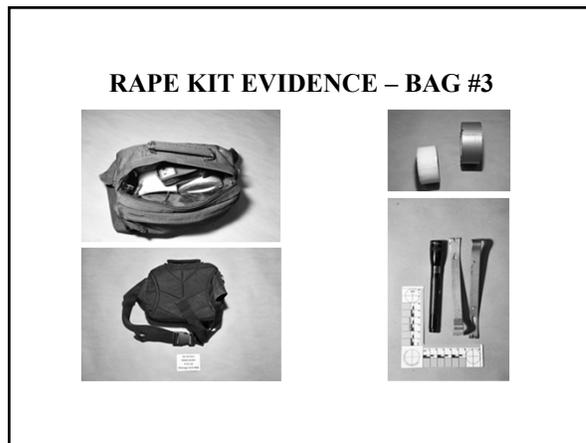
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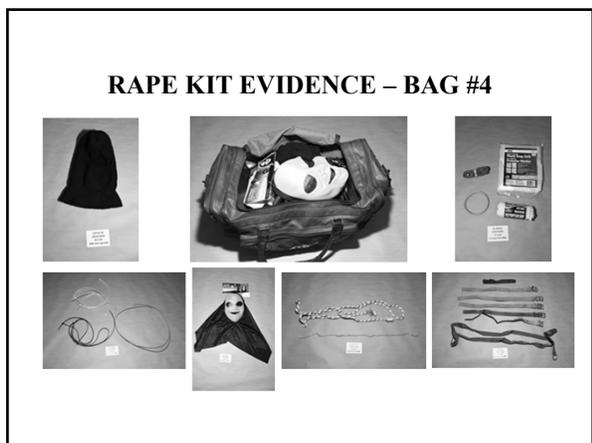
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39



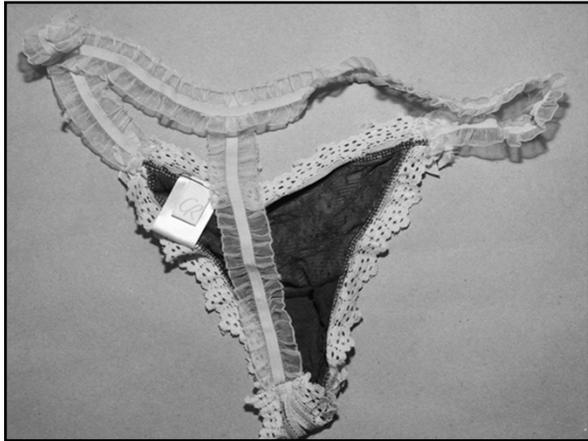
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41



42



43

BINDING ROPES

Vallejo	Martinez	Chico	Waller

Davis 1997 pinky sized cotton/nylon rope

44

ROY WALLER NOTE

TO DO:

- CALL WOODS FOR PENDING CASE
- CALL JONES TO PICK UP TRANSCRIPTIONS RE: EVIDENCE
- CALL GUYSON SERVICE RE: JOURNAL PAGES
- SEND JONES PAGES

RAPIST'S NOTE FROM THE SCENE

DON'T CALL THE COPS OR

DO:

CALL

CALL

COPS

P. SE

45

FILING THE CASE

“The Victims, Charges & SOL”

46

Charges

- 11 Cases originally
 - Woodland – No remaining evidence/ Different MO
 - Sonoma – DNA exclusion

47

Charges

- Penal Code 261, 289, 288a
- Penal Code 209
- Penal Code 667.61

- Penal Code Section 784.7

48

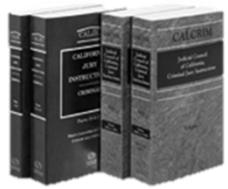
46 Charges

<p>ROHNERT PARK</p> <ul style="list-style-type: none"> ■ Rape – 3 counts ■ Kidnap <p>VALLEJO</p> <ul style="list-style-type: none"> ■ Rape – 3 counts ■ Digital Penetration – 2 Counts ■ Kidnap <p>MARTINEZ</p> <ul style="list-style-type: none"> ■ Rape – 4 counts ■ Digital Penetration – 3 counts ■ Oral Copulation ■ Kidnap <p>DAVIS 1997</p> <ul style="list-style-type: none"> ■ Rape – 2 counts ■ Foreign Penetration ■ Kidnap – 2 Counts 	<p>CHICO</p> <ul style="list-style-type: none"> ■ Rape ■ Kidnap <p>DAVIS 2000</p> <ul style="list-style-type: none"> ■ Rape ■ Digital Penetration – 2 Counts ■ Oral Copulation ■ Sodomy ■ Kidnap <p>SACRAMENTO</p> <ul style="list-style-type: none"> ■ Rape – 8 Counts ■ Oral Copulation – 2 Count ■ Digital Penetration – 2 Counts ■ Kidnap – 2 Counts
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49

The Law & Instructions 1991- 2006

- Two Versions
 - Caljic
 - CalCrim



50

FILING THE CASE Statute of Limitations

- 1996 Forward – DNA filing under 803
- 1991-1996 Penal Code Section 667.61 Lifetime Statute of Limitations
- But 667.61 was not enacted until 1994.

51

209(b) Kidnap Movement required Vs Penal Code 209(a) Detain for Extortion

52

If No Rape- No Chargeable Crime

Any sexual penetration of the vagina or female genitalia, however slight, constitutes engaging in an act of sexual intercourse. Female genitalia includes the labia majora, the labia minora, clitoris, or vestibule of the vagina. Proof of ejaculation is not required.

53

NEEDLES IN A HAYSTACK “Locating and Presenting Decades Old Evidence”



54

NEEDLES IN A HAYSTACK

Locating & Presenting Decades Old Evidence

- Evidence destroyed
- Evidence damaged

- Reel to Reel
- VHS
- Polaroids



55

ATM PHOTOS Foundation

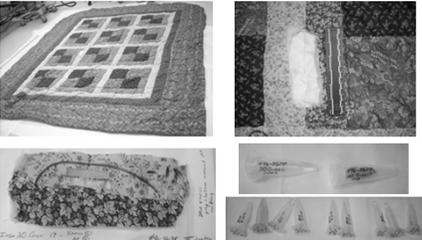


56

NEEDLES IN A HAYSTACK

Locating & Presenting Decades Old Evidence

- Nine intense evidential exams
- Multiple rounds of find-the-derivative



57

PRELIMINARY LITIGATION

“The Preliminary Hearing and Defense Motions”



58

PRELIMINARY LITIGATION

Defense Motions Discovery

- Protection of the Privacy interests
 1. Exculpatory Evidence?
 2. Required by statute?

Evidence Code 1040- “Official Information”
“against the public interest”

59

PRELIMINARY LITIGATION

The Preliminary Hearing and Defense Motions

- Prop 115 Prelim
 - Risks vs Benefits
- Victim considerations
- DNA considerations
- Burden on 115 witness
 - Investigator did 25 115 interviews including all DNA
- Held to answer on all charges and enhancements

60

**TO RETEST OR NOT TO RETEST,
THAT WAS THE QUESTION**



61

**TO RETEST OR NOT TO RETEST
THAT WAS THE QUESTION**

- Was redoing DNA analysis a good idea?
- Original DNA results
 - Many criminalists, some unavailable
 - Variety of testing kits
 - Different types of statistics
- Simplicity of presentation
 - One analyst, one DNA kit, one type of statistic

62

**TO RETEST OR NOT TO RETEST
THAT WAS THE QUESTION**

- Potential risks
 - Consumption of samples
 - Enough DNA? Degradation?
 - More sensitive kit could result in more mixtures
- Convincing the 4th floor

63

DNA RETESTED

- Six cases retested
- No consumption of samples
- Sometimes the results were surprising
- Roy Waller included on all retested samples



64

**IT'S A TEAM EFFORT
"Working With Multiple Counties
and Advocates"**



65

IT'S A TEAM EFFORT

Working With Multiple Counties & Advocates

- Victim Contacts
- Follow up investigations –
- Collection of new reference samples.

66

BEHIND THE MASK “Handling The COVID Hurdles”

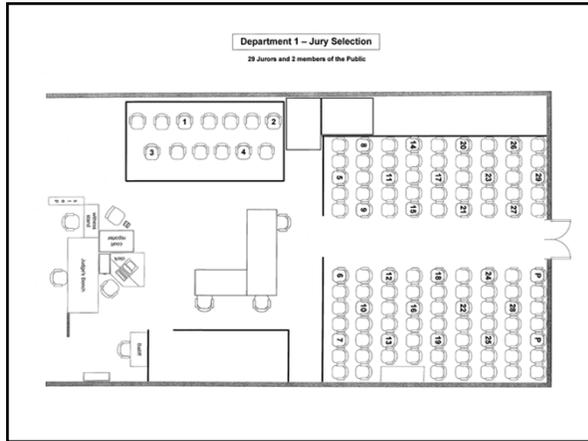


67

BEHIND THE MASK Handling The COVID Hurdles

- Getting into the courthouse
- New reference samples collected from victims
- DNA retesting of five cases took five months in COVID-time!
- Mask and distancing requirements
- Jury selection and courtroom seating

68



69

TRIAL ISSUES “Managing the Case Inside and Outside the Courtroom”



70

TRIAL ISSUES

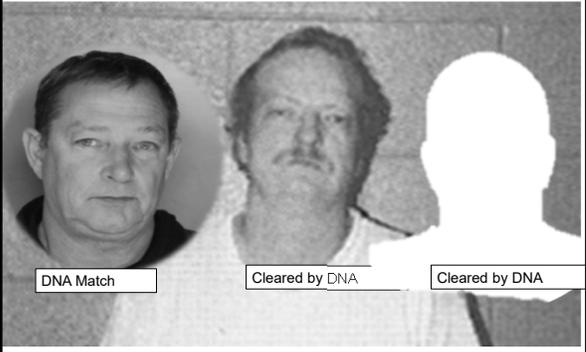
Managing The Case Inside & Outside The Courtroom

- Defense DNA attorney presence
- Witness preparation
- Exhibit handling
- Courtroom technology
- Elderly/sick SART nurse
- Unique DNA presentation
- Handling the media
- Victim Name



71

Identification in Court



72

