

1 **INTRODUCTION**

2 Defendant, Joseph James DeAngelo, was charged by First Amended Complaint with 26
3 felony counts, to which he has pleaded guilty, and numerous related allegations which he has
4 admitted, as set forth below. The charges include 13 murders and 13 counts of kidnapping for
5 robbery in 6 different counties. The sentencing for those violations is discussed below and is
6 summarized in the Table attached hereto as **Exhibit 1**. The factual basis for the charges was
7 presented at the time of the change of plea hearing on June 29, 2020, and is contained in Exhibit
8
9 2. The reasons for the disposition were stated at the June 29 hearing and are set forth at pages
10 14-15 of the reporter's transcript for that date.
11
12

13 At the change of plea hearing, defendant DeAngelo also admitted to being the perpetrator
14 of numerous other, uncharged, crimes involving the use of force and violence, occurring both at
15 the time of the charged offenses, as well as on 32 additional occasions, in 8 different counties,
16 which the People had intended to present at the penalty phase pursuant to Penal Code section
17 190.3(b).¹ The factual basis for those crimes also was presented at the June 29 hearing. It is set
18 forth in **Exhibit 3** for those incidents that were independent of the charged counts. It is included
19 in **Exhibit 2** for those uncharged crimes that also were committed at the time of the charged
20 counts. Including both the charged and uncharged incidents, defendant DeAngelo admitted
21 committing crimes of violence against a total of 87 different victims on 53 separate occasions in
22
23 11 counties. At the Judgment and Sentencing hearing set to commence on August 18, 2020,
24
25
26

27 _____
28 ¹ Under that section, the statute of limitations does not bar the presentation of evidence on crimes that otherwise
would be too old to prosecute.

1 victims and victim family members from the charged and uncharged offenses will present
2 victim-impact statements.

3
4 **TERMS FOR COUNTS AND ENHANCEMENTS**

5 **COUNT ONE:**

6 The murder of CLAUDE SNELLING in Tulare County on or about September 11, 1975,
7 in violation of Penal Code section 187(a); and an allegation that defendant personally used a
8 firearm, pursuant to Penal Code section 12022.5.

9
10 The sentence for this offense, which was committed prior to the enactment of the 1977
11 death penalty law and the 1978 death penalty initiative that superseded it, is imprisonment for
12 life (with a 7-year minimum parole eligibility (MPE) date). The use allegation carries a term of
13 not less than 5 years, but would be required to run concurrent to the murder sentence under the
14 terms of Penal Code section 669, prior to it being amended in 1978. (See *In re Monigold* (1983)
15 139 Cal.App.3d 485, 491-492; *People v. Walker* (1976) 18 Cal.3d 232, 244.) Under the pre-
16 January 1, 1979, version of section 669, the sentence on Count One also would merge and run
17 concurrently with the sentences on Counts Two and Three, as well as Counts 14-25, since the
18 dates of violation pre-date the amendment to section 669, which eliminated the requirement of
19 concurrent sentencing where a defendant was sentenced to a life term.
20
21

22 **COUNT TWO:**

23 The murder of KATIE MAGGIORE in Sacramento County on or about February 2,
24 1978, in violation of Penal Code section 187(a); and an allegation that defendant personally used
25 a firearm, pursuant to Penal Code sections 1203.06(a)(1) and 12022.5; and a special
26 circumstance allegation that defendant committed multiple murders, pursuant to Penal Code
27 sections 190.2(a)(3) and 190.2(c)(5).
28

1 The punishment for this offense, under Penal Code section 190 *et seq.*, enacted in 1977,
2 is life without parole. The firearm use enhancement can only be imposed as a concurrent two-
3 year term under the provisions of Penal Code section 669 prior to it being amended in 1978,
4 effective January 1, 1979. The sentence would be concurrent to the sentences on all of the pre-
5 1979 offenses.
6

7 **COUNT THREE:**

8 The murder of BRIAN MAGGIORE in Sacramento County on or about February 2,
9 1978, in violation of Penal Code section 187(a); and an allegation that defendant personally used
10 a firearm, pursuant to Penal Code sections 1203.06(a)(1) and 12022.5; and a special
11 circumstance allegation that defendant committed multiple murders, pursuant to Penal Code
12 sections 190.2(a)(3) and 190.2(c)(5).
13

14 The punishment for this offense, under Penal Code section 190 *et seq.*, enacted in 1977,
15 is life without parole. The firearm use enhancement can only be imposed as a concurrent two-
16 year term under the provisions of Penal Code section 669 prior to it being amended in 1978,
17 effective January 1, 1979. The sentence would be concurrent to the sentences on all of the pre-
18 1979 offenses.
19

20 **COUNT FOUR:**

21 The murder of DEBRA ALEXANDRIA MANNING in Santa Barbara County on or
22 about December 30, 1979, in violation of Penal Code section 187(a); and an allegation that
23 defendant personally used a firearm, pursuant to Penal Code sections 1203.06(a)(1) and 12022.5;
24 and special circumstance allegations that the murder was committed during the commission of
25 rape and of burglary, pursuant to Penal Code sections 190.2(c)(3)(iii) and 190.2(c)(3)(v), in
26
27
28

1 effect on that date, and that defendant committed multiple murders, pursuant to Penal Code
2 sections 190.2(a)(3) and 190.2(c)(5).

3 The punishment for this offense, under Penal Code section 190.3, enacted in 1978, is life
4 without parole. The firearm use allegation adds a consecutive, determinate 2-year term. Under
5 section 669 as amended effective January 1, 1979, the sentence also can run consecutive to the
6 sentences for all the crimes committed after that date—Counts Five through Thirteen and Count
7 Twenty-Six.
8

9 **COUNT FIVE:**

10 The murder of ROBERT OFFERMAN in Santa Barbara County on or about December
11 30, 1979, in violation of Penal Code section 187(a); and an allegation that defendant personally
12 used a firearm, pursuant to Penal Code sections 1203.06(a)(1) and 12022.5; and special
13 circumstance allegations that the murder was committed during the commission of burglary,
14 pursuant to Penal Code section 190.2(c)(3)(v), in effect on that date, and that defendant
15 committed multiple murders, pursuant to Penal Code sections 190.2(a)(3) and 190.2(c)(5).
16
17

18 The punishment for this offense, under Penal Code section 190.3, is life without parole.
19 The firearm use allegation adds a consecutive, determinate 2-year term. The sentence would be
20 consecutive to the sentences on all of the post-January 1, 1979, offenses.
21

22 **COUNT SIX:**

23 The murder of CHERI DOMINGO in Santa Barbara County on or about July 27, 1981, in
24 violation of Penal Code section 187(a); and special circumstance allegations that the murder was
25 committed during the commission of rape and of burglary, pursuant to Penal Code sections
26 190.2(a)(17)(iii) and 190.2(a)(17)(vii), in effect on that date, and that defendant committed
27 multiple murders, pursuant to Penal Code sections 190.2(a)(3) and 190.2(c)(5).
28

1 The punishment for this offense, under Penal Code section 190.3, is life without parole.
2 The sentence would be consecutive to the sentences on all of the post-January 1, 1979, offenses.

3 **COUNT SEVEN:**

4 The murder of GREG SANCHEZ in Santa Barbara County on or about July 27, 1981, in
5 violation of Penal Code section 187(a); and an allegation that defendant personally used a
6 firearm pursuant to Penal Code sections 1203.06(a)(1) and 12022.5; and special circumstance
7 allegations that the murder was committed during the commission of burglary, pursuant to Penal
8 Code section 190.2(a)(17)(vii), in effect on that date, and that defendant committed multiple
9 murders, pursuant to Penal Code sections 190.2(a)(3) and 190.2(c)(5).
10

11 The punishment for this offense, under Penal Code section 190.3, is life without parole.
12 The firearm use allegation adds a consecutive, determinate 2-year term. The sentence would be
13 consecutive to the sentences on all of the post-January 1, 1979, offenses.
14

15 **COUNT EIGHT:**

16 The murder of CHARLENE SMITH in Ventura County on or about March 13-March 16,
17 1980, in violation of Penal Code section 187(a); and special circumstance allegations that the
18 murder was committed during the commission of rape and of burglary, pursuant to Penal Code
19 sections 190.2(a)(17)(iii) and 190.2(a)(17)(vii), in effect on that date, and that defendant
20 committed multiple murders, pursuant to Penal Code sections 190.2(a)(3) and 190.2(c)(5).
21

22 The punishment for this offense, under Penal Code section 190.3, is life without parole.
23 The sentence would be consecutive to the sentences on all of the post-January 1, 1979, offenses.
24

25 **COUNT NINE:**

26 The murder of LYMAN SMITH in Ventura County on or about March 13- March 16,
27 1980, in violation of Penal Code section 187(a): and special circumstance allegations that the
28

1 murder was committed during the commission of burglary, pursuant to Penal Code section
2 190.2(a)(17)(vii), in effect on that date, and that defendant committed multiple murders, pursuant
3 to Penal Code sections 190.2(a)(3) and 190.2(c)(5).
4

5 The punishment for this offense, under Penal Code section 190.3, is life without parole.
6 The sentence would be consecutive to the sentences on all of the post-January 1, 1979, offenses.

7 **COUNT TEN:**

8 The murder of PATRICE HARRINGTON in Orange County on or about August 21,
9 1980, in violation of Penal Code section 187(a); and special circumstance allegations that the
10 murder was committed during the commission of rape and of burglary, pursuant to Penal Code
11 sections 190.2(a)(17)(iii) and 190.2(a)(17)(vii), in effect on that date, and that defendant
12 committed multiple murders, pursuant to Penal Code sections 190.2(a)(3) and 190.2(c)(5).
13

14 The punishment for this offense, under Penal Code section 190.3, is life without parole.
15 The sentence would be consecutive to the sentences on all of the post-January 1, 1979, offenses.
16

17 **COUNT ELEVEN:**

18 The murder of KEITH HARRINGTON in Orange County on or about August 21, 1980,
19 in violation of Penal Code section 187(a); and special circumstance allegations that the murder
20 was committed during the commission of burglary, pursuant to Penal Code section
21 190.2(a)(17)(vii), in effect on that date, and that defendant committed multiple murders, pursuant
22 to Penal Code sections 190.2(a)(3) and 190.2(c)(5).
23

24 The punishment for this offense, under Penal Code section 190.3, is life without parole.
25 The sentence would be consecutive to the sentences on all of the post-January 1, 1979, offenses.
26

27 //

28 //

1 **COUNT TWELVE:**

2 The murder of MANUELA WITTHUHN in Orange County on or about February 6,
3 1981, in violation of Penal Code section 187(a); and special circumstance allegations that the
4 murder was committed during the commission of rape, of burglary and of robbery, pursuant to
5 Penal Code sections 190.2(a)(17)(iii), 190.2(a)(17)(vii) and 190.2(a)(17)(i), in effect on that date,
6 and that defendant committed multiple murders, pursuant to Penal Code sections 190.2(a)(3) and
7 190.2(c)(5).
8

9 The punishment for this offense, under Penal Code section 190.3, is life without parole.
10 The sentence would be consecutive to the sentences on all of the post-January 1, 1979, offenses.
11

12 **COUNT THIRTEEN:**

13 The murder of JANELLE CRUZ in Orange County on or about May 5, 1986, in violation
14 of Penal Code section 187(a); and special circumstance allegations that the murder was
15 committed during the commission of rape and of burglary, pursuant to Penal Code sections
16 190.2(a)(17)(iii) and 190.2(a)(17)(vii), in effect on that date, and that defendant committed
17 multiple murders, pursuant to Penal Code sections 190.2(a)(3) and 190.2(c)(5).
18

19 The punishment for this offense, under Penal Code section 190.3, is life without parole.
20 The sentence would be consecutive to the sentences on all of the post-January 1, 1979, offenses.
21

22 **COUNT FOURTEEN:**

23 The kidnapping for robbery of JANE DOE #1 in Sacramento County on or about
24 September 4, 1976, in violation of Penal Code section 209; and an allegation that defendant
25 personally used a knife and/or dirk or dagger, within the meaning of Penal Code section 12022.
26

27 The sentence for this offense is imprisonment for life (with a 7-year MPE). The use
28 allegation carries a term of not less than 5 nor more than 10 years, which would be concurrent to

1 the life term under the pre-1979 version of Penal Code section 669. The sentence would be
2 concurrent to the sentences on Counts One, Two, Three and Fifteen through Twenty-Five (i.e.,
3 the pre-1979 offenses).

4
5 **COUNT FIFTEEN:**

6 The kidnapping for robbery of JANE DOE #2 in Sacramento County on or about April 2,
7 1977, in violation of Penal Code section 209; and an allegation that defendant personally used a
8 firearm, within the meaning of Penal Code sections 1203.06(a)(1)(v) and 12022.5.

9 The sentence for this offense is imprisonment for life (with a 7-year MPE). The use
10 allegation carries a term of not less than 5 years, concurrent. The sentence would be concurrent
11 to the sentences on the pre-1979 offenses.

12
13 **COUNT SIXTEEN:**

14 The kidnapping for robbery of JANE DOE #3 in Sacramento County on or about April
15 15, 1977, in violation of Penal Code section 209; and allegations that defendant personally used
16 a firearm, and a knife and/or dirk or dagger, within the meaning of Penal Code sections
17 1203.06(a)(1)(v) and 12022.5, and 12022.

18 The sentence for this offense is imprisonment for life (with a 7-year MPE). The use
19 allegations carry concurrent terms of not less than 5 years, and not less than 5 nor more than 10
20 years, respectively. The sentence would be concurrent to the sentences on the pre-1979 offenses.

21
22
23 **COUNT SEVENTEEN:**

24 The kidnapping for robbery of JANE DOE #4 in Sacramento County on or about May 3,
25 1977, in violation of Penal Code section 209; and an allegation that defendant personally used a
26 firearm, within the meaning of Penal Code sections 1203.06(a)(1)(v) and 12022.5.

1 The sentence for this offense is imprisonment for life (with a 7-year MPE). The use
2 allegation carries a term of not less than 5 years, concurrent. The sentence would be concurrent
3 to the sentences on the pre-1979 offenses.
4

5 **COUNT EIGHTEEN:**

6 The kidnapping for robbery of JANE DOE #5 in Sacramento County on or about May 14,
7 1977, in violation of Penal Code section 209; and allegations that defendant personally used a
8 firearm, and a knife and/or dirk or dagger, within the meaning of Penal Code sections
9 1203.06(a)(1)(v) and 12022.5, and 12022.
10

11 The sentence for this offense is imprisonment for life (with a 7-year MPE). The use
12 allegations carry concurrent terms of not less than 5 years, and not less than 5 nor more than 10
13 years, respectively. The sentence would be concurrent to the sentences on the pre-1979 offenses.
14

15 **COUNT NINETEEN:**

16 The kidnapping for robbery of JANE DOE #6 in Sacramento County on or about May 17,
17 1977, in violation of Penal Code section 209; and allegations that defendant personally used a
18 firearm, and a knife and/or dirk or dagger, within the meaning of Penal Code sections
19 1203.06(a)(1)(v) and 12022.5, and 12022.
20

21 The sentence for this offense is imprisonment for life (with a 7-year MPE). The use
22 allegations carry concurrent terms of not less than 5 years, and not less than 5 nor more than 10
23 years, respectively. The sentence would be concurrent to the sentences on the pre-1979 offenses.
24

25 **COUNT TWENTY:**

26 The kidnapping for robbery of JANE DOE #7 in Sacramento County on or about May 28,
27 1977, in violation of Penal Code section 209; and allegations that defendant personally used a
28

1 firearm, and a knife and/or dirk or dagger, within the meaning of Penal Code sections
2 1203.06(a)(1)(v) and 12022.5, and 12022.

3 The sentence for this offense is imprisonment for life (with a 7-year MPE). The use
4 allegations carry concurrent terms of not less than 5 years, and not less than 5 nor more than 10
5 years, respectively. The sentence would be concurrent to the sentences on the pre-1979 offenses.

6
7 **COUNT TWENTY-ONE:**

8 The kidnapping for robbery of JANE DOE #8 in Sacramento County on or about October
9 1, 1977, in violation of Penal Code section 209(b); and allegations that defendant personally used
10 a firearm, and a knife and/or dirk or dagger, within the meaning of Penal Code sections
11 1203.06(a)(1)(v) and 12022.5, and 12022.

12 The sentence for this offense is imprisonment for life (with a 7-year MPE). The use
13 allegations carry concurrent terms of 2 years and 1 year, respectively (following enactment of
14 determinate sentencing laws, effective July 1, 1977). The sentence would be concurrent to the
15 sentences on the pre-1979 offenses.
16

17
18 **COUNT TWENTY-TWO:**

19 The kidnapping for robbery of JANE DOE #9 in Sacramento County on or about October
20 21, 1977, in violation of Penal Code section 209(b); and allegations that defendant personally
21 used a firearm, and a knife and/or dirk or dagger, within the meaning of Penal Code sections
22 1203.06(a)(1)(v) and 12022.5, and 12022.

23 The sentence for this offense is imprisonment for life (with a 7-year MPE). The use
24 allegations carry concurrent terms of 2 years and 1 year, respectively. The sentence would be
25 concurrent to the sentences on the pre-1979 offenses.
26

27 //
28

1 **COUNT TWENTY-THREE:**

2 The kidnapping for robbery of JANE DOE #10 in Contra Costa County on or about
3 October 7, 1978, in violation of Penal Code section 209(b); and allegations that defendant
4 personally used a firearm, and a knife and/or dirk or dagger, within the meaning of Penal Code
5 sections 1203.06(a)(1)(v) and 12022.5, and 12022.

7 The sentence for this offense is imprisonment for life (with a 7-year MPE). The use
8 allegations carry concurrent terms of 2 years and 1 year, respectively. The sentence would be
9 concurrent to the sentences on the pre-1979 offenses.

10 **COUNT TWENTY-FOUR:**

11
12 The kidnapping for robbery of JANE DOE #11 in Contra Costa County on or about
13 October 13, 1978, in violation of Penal Code section 209(b); and an allegation that defendant
14 personally used a firearm, within the meaning of Penal Code sections 1203.06(a)(1)(v) and
15 12022.5.

16
17 The sentence for this offense is imprisonment for life (with a 7-year MPE). The use
18 allegation carries a concurrent term of 2 years. The sentence would be concurrent to the
19 sentences on the pre-1979 offenses.

20 **COUNT TWENTY-FIVE:**

21
22 The kidnapping for robbery of JANE DOE #12 in Contra Costa County on or about
23 October 28, 1978, in violation of Penal Code section 209(b); and allegations that defendant
24 personally used a firearm, and a knife and/or dirk or dagger, within the meaning of Penal Code
25 sections 1203.06(a)(1)(v) and 12022.5, and 12022.

26 //
27
28

1 The sentence for this offense is imprisonment for life (with a 7-year MPE). The use
2 allegations carry concurrent terms of 2 years and 1 year, respectively. The sentence would be
3 concurrent to the sentences on the pre-1979 offenses.
4

5 **COUNT TWENTY-SIX:**

6 The kidnapping for robbery of JANE DOE #13 in Contra Costa County on or about June
7 11, 1979, in violation of Penal Code section 209(b); and an allegation that defendant personally
8 used a firearm, within the meaning of Penal Code sections 1203.06(a)(1)(v) and 12022.5.
9

10 The sentence for this offense is imprisonment for life (with a 7-year MPE). The use
11 allegation carries a term of 2 years. Since the offense occurred after the effective date of the
12 amendments to Penal Code section 669, the 2-year enhancement can be imposed consecutive to
13 the life term, and the sentence on this count can be imposed consecutive to the sentences on the
14 post-1978 offenses.
15

16 Therefore, the Defendant's **total aggregate term is 11 consecutive LWOP sentences**
17 **and one Life sentence plus an additional determinate term of 8 years.**
18

19 **ADDITIONAL SENTENCING PROVISIONS**

20 **RESTITUTION:**

21 A restitution fine not to exceed \$10,000 is required pursuant to Government Code section
22 13967(a), enacted in 1983, and applicable to Count 13 (murder of Janelle Cruz). Prior to January
23 1, 1984, there were no provisions in the law for restitution fines or direct restitution to victims
24 from defendants sentenced to state prison.² Also, restitution and restitution fines have been
25
26

27
28 ² This did not change until after the enactment of article I, section 28(b) of the California
Constitution in June 1982 (aka the Victims' Bill of Rights, Proposition 8.) Pursuant to that

1 characterized as "punishment" and thus are subject to *ex post facto* prohibitions on their
2 application to defendants whose criminal conduct occurred before the enactment of the law
3 authorizing the fine or the restitution order. (*People v. Zito* (1992) 8 Cal.App. 4th 736, 740-742;
4 *People v. Saelee* (1995) 35 Cal.App.4th 27, 30-31.) Accordingly, there is no other restitution-
5 related component available for sentencing in the present case since all of the remaining charged
6 offenses were perpetrated before 1984.
7

8 As set forth in section 13967(a) and observed by the Court in *People v. Vega-Hernandez*
9 (1986) 179 Cal.App.3d 1084, 1090, the factors to consider in setting the amount of the fine are
10 "any relevant factors including, but not limited to, the seriousness and gravity of the offense and
11 the circumstances of its commission, any economic gain derived by the defendant as a result of
12 the crime, and the extent to which others suffered losses as a result of the crime,' including
13 'pecuniary losses to the victim or his or her dependents as well as intangible losses, such as
14 psychological harm caused by the crime.'" Given the obvious seriousness and brutality of the
15 Cruz murder, there would be no reason to impose anything but the \$10,000 maximum.
16

17 //

18 //

19 //

20
21
22 initiative, the Legislature established the Crime Victim Restitution Program of 1983, which
23 became operative on January 1, 1984. (Pen. Code sec. 1202.4, Gov. Code sec's 13959-13969.1.)
24 Later, subsection (c) was added to section 13967 to provide for direct restitution to victims for
25 their economic losses (still not to exceed \$10,000), but this did not become operative until
26 January 1, 1987, seven months after the murder of Janelle Cruz. (*People v. Flaherty* (1990) 223
27 Cal.App.3d 1139, 1142.) As time went on, numerous improvements were made to the restitution
28 provisions so that the amounts ordered were more reflective of the victims' losses.

1 **FINES:**

2 Penal Code section 672 authorizes a fine of up to \$10,000 upon conviction for a felony.

3 This amount would apply to Count 13. Prior to January 1, 1984, the section provided for fines of
4 up to \$5,000 for felonies. This amount would apply to Counts 1-12 and 14-26.

5
6 **OTHERS:**

7 The People would respectfully ask the Court to impose additional terms and conditions:

- 8 (1) Lifetime registration as a sex offender (Penal Code section 290)
9 (2) Submit blood and saliva samples, thumbprints and palm prints (Penal Code section 296)
10 (3) Submit to blood test for AIDS (Penal Code section 1202.1)
11 (4) Lifetime prohibition from owning, purchasing, receiving, possessing, or having under his
12 custody or control, any firearm (Penal Code sections 29800, 29810)

13
14 **JOSEPH DEANGELO'S PHYSICAL AND MENTAL HEALTH**

15 With his slow gait, the distorted twist of his hands, and his head turned and cocked to the
16 side as he haltingly answered the judge's questions, Joseph DeAngelo presented an appearance
17 of feebleness at his plea on June 29, 2020. However, DeAngelo's agile movement and behavior
18 in his jail cell indicate an individual who is healthy and physically active. See Exhibit 4.³

19
20 //

21 //

22 //

23 //

24 //

25 //

26 //

27
28

³ Video of Joseph DeAngelo's movement and behavior in his jail cell.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CONCLUSION

Accordingly, and for all the above reasons, the People respectfully request that the Court impose the sentence and the terms and conditions listed above.

Dated:

James Mulgrew signed by Thienvu Ho
James Mulgrew
Senior Deputy District Attorney

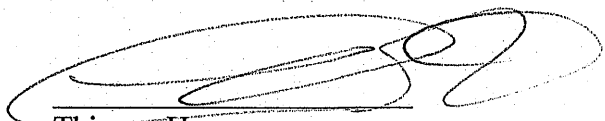

Thienvu Ho
Assistant Chief Deputy District Attorney

EXHIBIT 1

Exhibit #1: Sentencing Calculation for People vs. Joseph DeAngelo

Count	County	Charge	Allegations	Date	Victim	Sentence
1	Tulare	PC 187	12022.5 (gun)	9/11/75	Claude Snelling	Life with 7-year MPE for PC 187; plus not less than five years for 12022.5 <i>concurrent</i> to the murder in Ct. 1, the total time on Ct. 1 to run <i>concurrent</i> with Ct. 2
2	Sacramento	PC 187	12022.5 (gun)	2/2/78	Katie Maggiore	LWOP for multiple murder spec. circ. plus 2 years for 12022.5 <i>concurrent</i> to the murder in Ct. 2
3	Sacramento	PC 187	12022.5 (gun)	2/2/78	Brian Maggiore	LWOP for multiple murder spec. circ. plus 2 years for 12022.5 <i>concurrent</i> to the murder in Ct. 2
4	Santa Barbara	PC 187	12022.5 (gun) 190.2(c)(3)(iii) (rape) 190.2(c)(3)(v) (burg)	12/30/79	Debra Manning	LWOP for multiple murder spec. circ. plus 2 years for 12022.5 <i>concurrent</i> to the murder in Ct. 3, the total time on Ct. 3 to run <i>concurrent</i> to Ct. 2
5	Santa Barbara	PC 187	12022.5 (gun) 190.2(c)(3)(v) (burg)	12/30/79	Robert Offerman	LWOP plus 2 years for 12022.5 <i>consecutive</i> to Ct. 4, the total time on Ct. 4 to run <i>consecutive</i> to Cts. 2, 5-13, 26
6	Santa Barbara	PC 187	190.2(a)(17)(iii) (rape) 190.2(a)(17)(vii) (burg)	7/27/81	Cheri Domingo	LWOP plus 2 years for 12022.5 <i>consecutive</i> to Ct. 5, the total time on Ct. 5 to run <i>consecutive</i> to Cts. 2, 4, 6-13, 26
7	Santa Barbara	PC 187	12022.5 (gun) 190.2(a)(17)(vii) (burg)	7/27/81	Greg Sanchez	LWOP <i>consecutive</i> to Cts. 2, 4-5, 7-13, 26
8	Ventura	PC 187	190.2(a)(17)(iii) (rape) 190.2(a)(17)(vii) (burg)	3/13- 3/16/80	Charlene Smith	LWOP plus 2years for 12022.5 <i>consecutive</i> to Ct. 7, total time on Ct. 7 to run <i>consecutive</i> to Cts. 2, 4-6, 8-13, 26
9	Ventura	PC 187	190.2(a)(17)(vii) (burg)	3/13- 3/16/80	Lyman Smith	LWOP <i>consecutive</i> to Cts. 2,4-8, 10-13, 26
10	Orange	PC 187	190.2(a)(17)(iii) (rape) 190.2(a)(17)(vii) (burg)	8/21/80	Patrice Harrington	LWOP <i>consecutive</i> to Cts. 2,4-9,11-13,26
11	Orange	PC 187	190.2(a)(17)(vii) (burg)	8/21/80	Keith Harrington	LWOP <i>consecutive</i> to Cts. 2,4-10,12-13,26
12	Orange	PC 187	190.2(a)(17)(iii) (rape) 190.2(a)(17)(vii) (burg) 190.2(a)(17)(i) (robbery)	2/6/81	Manuela Withuhn	LWOP <i>consecutive</i> to Cts. 2,4-11,13,26
13	Orange	PC 187	190.2(a)(17)(iii) (rape) 190.2(a)(17)(vii) (burg)	5/5/86	Janelle Cruz	LWOP <i>consecutive</i> to Cts. 2,4-12,26

			190.2(a)(3) (multiple 187)			Applicable to Counts 2-13
14	Sacramento	PC 209	12022 (knife)	9/4/76	Jane Doe #1	Life with 7-year MPE for PC 209 plus not less than 5 nor more than 10 years for knife, total time <i>concurrent</i> with Cts. 1-3, 15-25
15	Sacramento	PC 209	12022.5 (gun)	4/2/77	Jane Doe #2	Life with 7-year MPE for PC 209 plus not less than five years for gun, total time <i>concurrent</i> with Cts. 1-3,14,16-25
16	Sacramento	PC 209	12022.5 (gun) 12022 (knife)	4/15/77	Jane Doe #3	Life with 7-year MPE for PC 209 plus not less than five years for gun and not less than 5 nor more than 10 years for knife, total time <i>concurrent</i> with Cts. 1-3, 14-15,17-25
	Sacramento	PC 209	12022.5 (gun)	5/3/77	Jane Doe #4	Life with 7-year MPE for PC 209 plus not less than five years for gun, total time <i>concurrent</i> with Cts. 1-3,14-16, 18-25
18	Sacramento	PC 209	12022.5 (gun) 12022 (knife)	5/14/77	Jane Doe #5	Life with 7-year MPE for PC 209 plus not less than five years for gun and not less than 5 nor more than 10 years for knife, total time <i>concurrent</i> with Cts. 1-3,14-17, 19-25
19	Sacramento	PC 209	12022.5 (gun) 12022 (knife)	5/17/77	Jane Doe #6	Life with 7-year MPE for PC 209 plus not less than five years for gun and not less than 5 nor more than 10 years for knife, total time <i>concurrent</i> with Cts. 1-3,14-18, 20-25
20	Sacramento	PC 209	12022.5 (gun) 12022 (knife)	5/28/77	Jane Doe #7	Life with 7-year MPE for PC 209 plus not less than five years for gun and not less than 5 nor more than 10 years for knife, total time <i>concurrent</i> with Cts. 1-3,14-19,21-25
21	Sacramento	PC 209	12022.5 (gun) 12022 (knife)	10/1/77	Jane Doe #8	Life with 7-year MPE for PC 209 plus 2 years for gun and 1 year for knife, total time <i>concurrent</i> with Cts. 1-3, 14-20,22-25
22	Sacramento	PC 209	12022.5 (gun) 12022 (knife)	10/21/77	Jane Doe #9	Life with 7-year MPE for PC 209 plus 2 years for gun and 1 year for knife, total time <i>concurrent</i> with Cts. 1-3,14-21,23-25
23	Contra Costa	PC 209	12022.5 (gun) 12022 (knife)	10/7/78	Jane Doe #10	Life with 7-year MPE for PC 209 plus 2 years for gun and 1 year for knife, total time <i>concurrent</i> with Cts. 1-3,14-22,24-25
24	Contra Costa	PC 209	12022.5 (gun)	10/13/78	Jane Doe #11	Life with 7-year MPE for PC 209 plus 2 years for gun, total time <i>concurrent</i> with Cts. 1-3,14-23,25

25	Contra Costa	PC 209	12022.5 (gun) 12022 (knife)	10/28/78	Jane Doe #12	Life with 7-year MPE for PC 209 plus 2 years for gun and 1 year for knife, total time <i>concurrent</i> with Cts. 1-3, 14-24
26	Contra Costa	PC 209	12022.5 (gun)	6/11/79	Jane Doe #13	Life with 7-year MPE for PC 209 plus 2 years for gun <i>consecutive</i> to Ct. 26, total time on Ct. 26 consecutive to Cts. 2, 4-13
						Total Aggregate: 11 LWOP and one Life sentence plus an additional determinate term of 8 years

EXHIBIT 2

EXHIBIT 2

FACTUAL BASIS ON CHARGED COUNTS (AND CRIMES OF FORCE & VIOLENCE ON SAME OCCASION)

INTRODUCTORY FACTUAL BASIS:

The scope of Joseph DeAngelo's crime spree is simply staggering, encompassing 13 known murders and almost 50 rapes between 1975 and 1986. His monikers reflect the sweeping geographical impact of his crimes: The Visalia Ransacker, the East Area Rapist, the Original Night Stalker and the Golden State Killer. Each time, he escaped, slipping away silently into the night, leaving communities terrified for years. For over 40 years the biggest question remained unanswered: Who was the serial killer and rapist?

Detectives from counties throughout the state poured endless resources into answering that one question. Even after retiring, detectives continued to investigate the case that haunted. Generations of law enforcement never gave up and neither did the Prosecutors from those counties. In June of 2016, the Sacramento Sheriff's Department partnered with the FBI and other law enforcement agencies by offering a \$50,000 reward for information leading to the identification of this person. This announcement came at a press conference held 40 years after the first known rape in Sacramento. Within months of that press conference, Sacramento District Attorney Anne Marie Schubert convened a meeting of all involved counties, including the elected District Attorneys, asking each to dedicate more resources to answer that question. Those DAs' offices responded. Ventura, Orange, Santa Barbara, Tulare, Alameda, Contra Costa, Stanislaus, San Joaquin, Santa Clara and Sacramento answered the call.

hurt me. Oh, my God. Don't hurt me." DeAngelo removed the ski cap and started running through the back yard of the residence towards the fence. Detective McGowen shot into the ground as a warning, but DeAngelo continued to run. Eventually DeAngelo stopped on the other side of a slate fence, and Detective McGowen illuminated his face. DeAngelo stated, "I give up. See, see. I've got my hands up."

Detective McGowen observed DeAngelo's right hand and demanded DeAngelo raise his left hand that was out of view. Detective McGowen began to climb the fence to detain DeAngelo. DeAngelo pulled a revolver from his left jacket pocket and shot at McGowen, hitting his flashlight. DeAngelo then ran off into the dark. Detective McGowen received several cuts to his face that required medical attention. (6/29/20 Reporter's Transcript [hereinafter R.T.], pp. 34-35.)

INCIDENT 28: The 6/18/76 rape and false imprisonment of Jane Doe #14 in Rancho Cordova, Sacramento County

On June 18th, 1976, Jane Doe Number 14 was sleeping in her bedroom at her Paseo Drive residence in the City of Rancho Cordova, County of Sacramento. She lived with her father, who was retired from the military and on vacation out of state. At approximately 4:00 a.m. she awoke to a male figure standing in the doorway of her bedroom. The male was wearing a ski mask, a T-shirt and gloves, but was nude from the waist down and had an erection. The male was Joseph DeAngelo.

DeAngelo was armed with a knife. He jumped on the bed next to her and held the knife to her right temple. While speaking through clenched teeth, DeAngelo said, "If you move or make one sound, I'll stick this knife in you." DeAngelo told Jane Doe Number 14 he was going to rape her and ordered her to take off her nightgown. He looked around the room and in the

The Sacramento Sheriff's Department began following Joseph DeAngelo. On April the 23rd, 2018, using an empty garbage truck, detectives collected trash discarded by Joseph DeAngelo from his garbage can, which was placed on the public street for collection. The Sacramento County District Attorney Crime Lab tested tissue found in that trash and developed a DNA profile that matched not only the defendant, but also matched the DNA profile of the perpetrator in three Contra Costa rapes and eight murders in Southern California. On April the 24th, 2018, Joseph DeAngelo was arrested while standing on the driveway of his residence in Citrus Heights.

Detectives interviewed the defendant after his arrest, confronting him with the sexual assaults in the East Area Rapist series and in the murder of Brian and Katie Maggiore. They mentioned the overwhelming DNA evidence against him regarding the murders of the Smiths in Ventura and Cheri Domingo and Greg Sanchez in Santa Barbara. Just a few hours before the interview, detectives observed DeAngelo vigorously working in the yard, jumping in and out of his truck and lifting heavy objects. Just the week before, he was seen racing his motorcycle on the freeway at high rates of speed, weaving in and out of traffic and performing sophisticated counter-surveillance maneuvers. Now, sitting in the interview room, he feigned feeble incoherence, but this wasn't the first time he did so.

When store security detained DeAngelo in 1979 for shoplifting dog repellent and a hammer, he pretended to suffer a heart attack and then fought with them, to the point where they had to tie him down to a chair. When the deputies arrived he rolled around in his chair, talked in circles and screamed incoherently. Later that day, DeAngelo admitted to the deputies that he just pretended to act crazy to avoid getting in trouble.

string and gagging her with a pair of stockings. She was able to see the suspect had a knit mask covering his entire head. Before leaving the room DeAngelo said, "Don't you move or I'll kill you. I'm going to steal some stuff, and I'll be done in half an hour."

DeAngelo then went into the bedroom of Jane Doe Number 16. Once in the room, DeAngelo placed his hand over her mouth. She screamed, and he said, "Shut up. I have a knife, and if you don't shut up, I'll kill you." He attempted to restrain her, but she ran out of the room. He caught up to her and hit her in the back of the head, and she fell. Jane Doe Number 16 pretended to be unconscious while DeAngelo bound her hands behind her back, bound her legs, gagged her with a sock and dragged her back to her bedroom.

He then left her in the room and can be heard rummaging throughout the house, but eventually returned to Jane Doe Number 16, unbound her legs, straddled her back and forced her to use her hands to masturbate him. He placed some type of lotion on his penis prior to that time. DeAngelo then came close to her ear and asked, "Have you ever fucked before?" She shook her head, no. DeAngelo then repeatedly vaginally raped her. In between the rapes he would rummage through the house and then return only to rape her again. When he was finished, DeAngelo asked her where the money was in the house. Eventually the house was quiet, and she was able to loosen her bindings and call for assistance. DeAngelo took money and an opal ring from the residence. (R.T., pp. 145-146.)

INCIDENTS 31--33: The 8/29/76 residential burglary and attempted rapes of Jane Does #17, 18 and 19 in Rancho Cordova, Sacramento County

Jane Doe Number 17 lived with her husband and their two daughters, Jane Doe 18 and 19, at their residence on Malaga Way in the City of Rancho Cordova, in the County of Sacramento. Her husband worked the night shift and was away from home most nights.

A bullet collected from Claude Snelling during the autopsy matched bullets fired from a .38 Miroku revolver stolen from Patrick Mono's residence on August 31st, 1975, during a prior ransacking. Mr. Mono identified Joseph DeAngelo from a photo stack in 2018 from a face-to-face contact that he had with DeAngelo when he had interrupted him during a prowling and chased him afterwards, and he got to look at his face. That prowling took place on November 23rd, 1975. Beth Snelling also identified DeAngelo from a photo stack in 2018 from an incident where she had observed him peeking into her bedroom window approximately one month prior to the murder of her father. Five other witnesses also identified DeAngelo in 2018 from photo stacks based on individual face-to-face contacts with DeAngelo during prowling and ransacking events occurring around Visalia in 1975.

Defendant also admitted violating the Penal Code by kidnapping Beth Snelling. (6/29/20 Reporter's Transcript, pp. 33-34.)

COUNTS 2 & 3: The 2/2/78 murders of Katie and Brian Maggiore in Rancho Cordova, Sacramento County

Brian Maggiore was stationed at Mather Air Force Base and had recently married Katie. Shortly after 9:00 p.m. on February the 2nd, 1978, they took their poodle for a walk eastbound on La Alegria Drive, located in the City of Rancho Cordova, in the County of Sacramento. In the days leading up to February the 2nd, 12 homes in the immediate area reported incidents consistent with classic East Area Rapist prowling activities. This area was within a mile of multiple EAR sexual assaults.

Around 9:00 p.m. 17-year-old Benny P. was jogging northbound on West La Loma. He saw Brian and Katie walking west on La Alegria with their dog towards him. Benny described seeing a white male wearing a brown padded jacket hiding in the dark near some bushes in front

INCIDENTS 34 & 35: The 10/5/76 rape and false imprisonment of Jane Doe #20 and false imprisonment of John Doe #13 in Citrus Heights, Sacramento County

On the morning of October 5th, 1976, Jane Doe Number 20's husband left for work. Her three-year-old son, John Doe Number 13, came into her room and got into bed with her. Her husband had been gone only ten minutes when she heard a light switch off and footsteps in the hallway of her home located on Woodpark Way in the City of Citrus Heights, in the County of Sacramento. When she looked up toward the bedroom door, she saw a masked male standing in the doorway. The masked male was Joseph DeAngelo.

DeAngelo told her, "Shut up. I want your money, and I won't hurt you." Jane Doe Number 20 hugged her son tightly and said, "Please don't hurt us. Take my money. Just leave us alone." DeAngelo told her he had a knife. When she continued to beg DeAngelo to take all their money and go, he responded by again telling her to shut up or he would use the knife on her. DeAngelo tied her hands behind her back with shoestrings, bound her ankles and blindfolded her with a towel. He confirmed the fact that he did have a knife by sticking it on different parts of her body, including her neck. After tying her up, he began rummaging through the drawers and other rooms of the house.

When the suspect returned to the bedroom, Jane Doe Number 20 could hear fabric being ripped. DeAngelo used that torn fabric to bind the hands and feet of the little boy. He then moved Jane Doe Number 20's son off the bed, away from her. When she continued to beg for their safety, DeAngelo stuffed a washcloth in her mouth. He approached the side of the bed and told her, "Play with my penis," with her hands. DeAngelo untied her legs and used his fingers to digitally penetrate her vagina. He then vaginally raped her. During the rape, DeAngelo asked

Upon hearing the gunshots, 16-year-old Carl N. ran to his front yard and saw Joseph DeAngelo jump over the gate where Katie had just been shot. The defendant was now wearing a ski-cap type mask, a brown military jacket and holding a gun. DeAngelo began his frantic escape from the area, running through the winding streets and hopping fences. Deputies found pre-tied shoelaces just a few feet away from Brian Maggiore's body. Nicolas O. told the deputies that the shoelaces did not belong to him. These shoelaces which had been dropped were pre-tied with a granny knot, allowing for quick cinching. Shoelaces using the same knots were used in many of the East Area Rapist incidents.

Joseph DeAngelo sexually assaulted Jane Doe Number 13 four months later in San Ramon. He stole a bicycle that he used to arrive at and escape from that sexual assault scene. Next to where the bicycle had been stolen, detectives found a dropped pair of pre-tied shoelaces.

COUNTS 4 & 5: The 12/30/79 murders of Debra Alexandria Manning and Robert Offerman in Goleta, Santa Barbara County

On the weekend of December 29th and 30th, 1979, Debra Manning was staying at Robert Offerman's condominium located in the City of Goleta, in the County of Santa Barbara. Debra and Robert had planned a tennis match with friends on the morning of December 30th. Their friends, William and Joan, arrived at the Offerman residence just after eleven o'clock, a.m., and there was no answer at the door. William found an open sliding glass door leading into the living room. He entered the home and discovered Debra and Robert in the bedroom, both deceased.

In the early-morning hours of December 30th, 1979, the defendant, Joseph DeAngelo, climbed a fence and entered the back patio area of Robert's condominium. The defendant peered into a bedroom where he could easily see down the hallway and into the master bedroom where

him. DeAngelo then vaginally raped her several times, forcing her to change positions multiple times at his direction.

After the sexual assaults he dragged her close to one of the patio posts and tied her feet to the post. He removed two rings from her fingers and told her not to scream, as he lived close by. Once she determined he was gone, she loosened her blindfold and hopped into the house. She was unable to call law enforcement. The phone lines had been cut. Jane Doe 21's residence had been burglarized in September of 1973, with the burglar taking a single earring and some other jewelry. (R.T., pp. 152-154.)

INCIDENT 37: The 10/18/76 rape and false imprisonment of Jane Doe #22 in Carmichael, Sacramento County

On October 18th, 1976, Jane Doe was in her house on Kipling Drive in the City of Carmichael, County of Sacramento, with her two children. In preparation for a move to the Bay Area, the house had recently been listed for sale, and the sign was still out front. Jane Doe Number 22's husband had already started a new job in the Bay Area. In the early-morning hours she was awakened by her son, who told her someone was trying to get into the house through a kitchen window. She picked up the phone and tried to dial the operator, but the phone just rang. She could hear someone running down the hallway toward the bedroom. The door opened, and a masked male with no pants grabbed the phone from her, jumped on the bed, put a knife to her throat. He told her to do exactly what he wanted or he would kill her.

After asking who else was in the residence, DeAngelo bound Jane Doe 22's hands and her son's hands behind their backs. He then blindfolded them with torn pieces of towel and bound their ankles. DeAngelo tied her son to the headboard and before leaving the room with

defendant's decision to kill Robert Offerman was willful, deliberate and premeditated, as evidenced by firing multiple gunshots at vital parts of Robert's body.

The defendant rummaged through the refrigerator at Robert's home and ate leftover turkey he found wrapped in plastic. A discarded turkey bone was located just inside the sliding glass door where the defendant broke into the home, and a plastic bag containing scraps of cooked turkey was found on the patio just outside that same sliding glass door. The defendant stole a Minolta pocket camera and a doctor's medical bag from the home. The defendant also broke into an adjoining condominium which was vacant at the time. He left similar nylon cord, as the kind he used to tie Debra and Robert's wrists in the master bedroom and bathroom next door. The defendant also left similar nylon cord on the patio of another nearby condominium.

COUNTS 6 & 7: The 7/27/81 murders of Cheri Domingo and Greg Sanchez in Goleta, Santa Barbara County

On the evening of July 26, 1981, Cheri Domingo was house-sitting for a relative at a home on Toltec Way in the City of Goleta, in the County of Santa Barbara. The home was listed for sale, and there'd been an open house earlier that day. Greg Sanchez, Cheri's friend, came over to spend the night on July 26. The home on Toltec Way is located approximately half a mile from the Offerman residence. San Jose Creek, a heavily-wooded dry creek bed, runs alongside both properties.

In the late morning on July 27th, 1981, a realtor arrived at the home on Toltec Way to show the house to a potential buyer. The realtor tried to use his pass key to open the front door, but the security chain was still engaged from the inside. The realtor walked around the house and found a rear sliding glass door open. He went inside and saw Greg on the bedroom floor, obviously deceased, and called 911.

He was wearing a leather-like welder's hood and told her he only wanted money, but then proceeded to tie her hands behind her back with black shoestrings. DeAngelo then forced her outside into the back yard. Once outside he bound her ankles with shoelaces and demanded money. She told him she didn't have any. The victim saw DeAngelo had a bike with him and there were numerous shoelaces that were draped over the handlebars of the bike.

DeAngelo returned to the house, turned off the television, put the screen back on the window and locked the rear door to the home. He then untied the bindings on her ankles and forced her to a nearby drainage ditch which ran along the back of the property. After walking a quarter of a mile in the ditch, DeAngelo forced her down on the bank and re-tied her ankles. He started ripping and cutting her jeans and removed them. He started moving his hands up and down her thighs and asking her questions about where she went to school.

Jane Doe 23 initially reported that she was forced to walk further away from her home, told to sit down and not move for 20 minutes. She said that DeAngelo had then walked off, leaving her just sitting on the edge of the drainage bank. She was able to untie her wrists and ankles and walked back towards the home. When she reached the neighbor's house, she called for help.

After Joseph DeAngelo was arrested, Sacramento County Sheriffs Detective Sergeant Michelle Hendricks was asked to re-interview Jane Doe Number 23 to confirm her original statements to law enforcement from 1976. During the 2018 interview, Jane Doe 23 admitted that she had been vaginally raped on the bank of the drainage ditch by DeAngelo. At the time of the event she was young and too embarrassed and ashamed to talk about it. (R.T., pp. 157-159.)

wrists and ankles and covered her body with a blanket from the bed. A short length of hemp twine was found on the floor next to where Cheri lie.

The blanket covering Cheri's body was later tested for biological evidence. Semen stains on the blanket were analyzed. The major male DNA profile from the stains was determined to be consistent with the defendant's DNA profile. The probability that another person randomly selected from the population will have the same DNA profile is approximately 1 in 530 quintillion African Americans, 1 in 2.8 quintillion Caucasians and 1 in 3.4 quintillion Hispanics. This provides strong evidence that the defendant, Joseph DeAngelo, is the source of the DNA from the semen stains on this blanket.

When the defendant savagely beat Cheri more than ten times in the head, the defendant did so unlawfully and with malice aforethought. The defendant's decision to kill Cheri Domingo was willful, deliberate and premeditated, as evidenced by tying her wrists and ankles together and beating her in the head at least ten times with a blunt instrument.

COUNTS 8 & 9: The 3/13-16/80 murders of Charlene Smith and Lyman Smith in Ventura County

On March 16th, 1980, 43-year-old Lyman Smith, who was a former district attorney for the County of Ventura, and his 34-year-old wife, Charlene Smith, were found tied up, bloody and dead in their bed at their home located at 573 High Point Drive, in Ventura. They were last known to be alive the evening of March 13th when Charlene Smith had a conversation with her former mother-in-law, Isabelle, about getting ready for dinner and taking the children skiing. Isabelle said that Charlene sounded the happiest she had ever heard her.

Three days later, on the afternoon of Sunday, March 16th, 1980, Lyman Smith's 12-year-old son, Gary, rode his bike to his father's and stepmother's home to do chores. He knocked on

vaginally raped her. Afterwards he forced her outside again and then brought her into the family room, where he raped her another time.

DeAngelo went into the dining room and can be heard rummaging through a buffet cabinet. He returned to the family room, dragged her closer to the fireplace and raped her yet another time. Before climbing off of her DeAngelo said, "I've seen you at school before, and you sure look good." After ten minutes of silence, Jane Doe Number 24 was able to get to the phone and call a neighbor for help. Later her parents determined a lotion bottle, two gold rings, a necklace, a BB gun and a photo were missing from their home. (R.T., pp. 160-162.)

INCIDENT 40: The 1/18/77 rape and false imprisonment of Jane Doe #25 in Sacramento, Sacramento County

On January 18th, 1977, Jane Doe Number 25's husband was out of town on business. At the time, they lived on Glenville Circle, in the City and County of Sacramento. Jane Doe Number 25 was five months pregnant at this time. As she was falling asleep that evening, she sensed someone was in the room. She opened her eyes and saw a man, Joseph DeAngelo, standing in her bedroom pointing a flashlight in her face.

When Jane Doe Number 25 asked who it was, DeAngelo told her, "Be quiet, and I won't hurt you." He told her to roll over, and she tried to explain to him, because she was pregnant, she couldn't roll onto her stomach. He then pushed her onto her stomach and tied her wrists and ankles. When she was on her stomach he put his knife to the right side of her neck and said, "All I want is your money, just your money, and then I'll leave. If you don't tell me where it is, I'll slash you or just cut you up." She told him where he could find the money and he began rummaging through the house.

defendant murdered Lyman Smith while Mr. Smith was lying face down, nude on the right side of the master bed. This murder was willful, premeditated, deliberate and committed with malice aforethought. Both of Mr. Smith's wrists and ankles were still bound. His wrists behind his back, he was unable to move. The defendant struck Mr. Smith with a log of firewood, causing blunt-force injuries to the back right portion of his head and a depressed skull fracture and extensive tearing of the scalp. Mr. Smith also suffered at least one massive blow to his left leg.

During his commission of burglary and during his commission of, or immediately after, the rape of Mrs. Smith, the defendant also willfully, with premeditation, deliberation and malice aforethought, murdered Charlene Smith while she was lying in bed next to her husband, nude from the waist down. Charlene's wrists and ankles were also still bound, her wrists tied behind her back. The defendant struck Charlene Smith with the same log of firewood he used to murder her husband, causing extensive subdural hemorrhaging and tearing of her scalp and a massive depressed skull fracture across the base of her skull. The defendant left his murder weapon, the firewood log, laying on the bed near his victims' feet atop the covers. Similar logs of firewood were stacked just outside the north wall of the Smiths' home, just a few feet away from their master bathroom window, which gave a clear view into their bedroom.

The semen detected from the vaginal swab collected during the autopsy of Charlene Smith was analyzed for DNA. A single-source DNA profile was generated from the sperm cell fraction of this vaginal swab. This DNA profile is identical to the DNA profile of the defendant, Joseph DeAngelo. The probability that another person randomly selected from the population will have the same DNA profile is approximately 1 in 4.7 octillion Caucasians, 1 in 1.5 octillion Hispanics and 1 in 1.1 nonillion African Americans.

DeAngelo tied her hands behind her back with a clear cord and then wrapped a scarf around her eyes. After asking where her purse was located, he left the room and ransacked the house. When DeAngelo returned a few minutes later, the victim heard a popping sound, which she believed to be the defendant masturbating. He asked her, "Do you know what I'm doing?" When she told DeAngelo that he was playing with his penis, he demanded that she call it, quote, "a dick" instead, forcing her to use that word. He forced her to play with it while her hands were tied behind her back. The victim knew she was about to be raped.

Joseph DeAngelo then rolled the victim over onto her stomach and inserted his penis into her vagina. He asked her, "How long has it been since you've been fucked?" DeAngelo forced the victim into multiple positions as he raped her over and over again. He was unable to achieve an orgasm. He then left her and walked to the kitchen, where he made food and drank beer. Over the next two hours he repeatedly returned to rape the victim in different positions. The last time he left the room the victim waited 15 minutes before crawling to the telephone to call police for help. (R.T., pp. 165-166.)

INCIDENTS 42 & 43: The 2/7/77 rape and false imprisonment of Jane Doe #27 and false imprisonment of Jane Doe #28 in Carmichael, Sacramento County

Jane Doe Number 27 lived with her husband and six-year-old daughter, Jane Doe Number 28, in a single-story home on Heathcliff Drive in the City of Carmichael, County of Sacramento. When her husband left for work at approximately 6:30 a.m. on February the 7th, 1977, Jane Doe Number 27 walked through the house to make sure all the doors were locked. About ten minutes later she felt someone else's presence in the house. She turned around, and Joseph DeAngelo was standing there with a gun pointed right at her. He was wearing a ski mask and said, "Don't scream or I'll shoot you. I just want your money." DeAngelo forced her to sit at

On Thursday, August 21st, 1980, at 6:30 p.m., their father, Roger, returned to the residence and found Keith and Patrice in their bed, murdered. Their bodies were face down on the bed covered with a comforter. Patrice was wearing a robe and Keith was nude. Pieces of brown cord were located on the bed. A small knotted piece of brown rope was located on the bedroom floor. Ligation marks were observed on the wrists of both bodies and on the ankles of Patrice's body. A slight mark was on Keith's ankle. Patrice slept with her small baby blanket, which was found between Keith and Patrice's murdered bodies. Patrice's purse was observed open in the kitchen. Pieces of bread were found on the counter.

Semen stains were noted on the back of Patrice's right leg and on the comforter. Vaginal swabs from Patrice also were collected. A mixture of DNA consistent with one foreign major contributor and one minor contributor, her husband, Keith Harrington, was generated from the sperm fraction of the vaginal swab. On March 12th, 2020, a buccal swab was obtained from the defendant, Joseph DeAngelo. The DNA profile from Joseph DeAngelo matches the foreign major DNA profile from the sperm fraction. The probability of choosing an individual at random who could have been the foreign major contributor is more rare than 1 in 1 trillion unrelated individuals.

COUNT 12: The 2/6/81 murder of Manuela Witthuhn in Irvine, Orange County

Manuela Witthuhn lived with her husband David in an upper-middle-class community in Irvine, Orange County, California. She was only 28 years old. On February 1st, 1981, David was admitted to the hospital due to a stomach virus. On February 5th, 1981, Manuela had dinner at her parents' house. She visited David at the hospital and then she went home. David called Manuela at approximately 11:00 p.m. to be sure she got home safely. That was the last time he spoke to her. David was to be released from the hospital the next day. Manuela told her

After the last time DeAngelo left the room and some time had passed, the little girl said, "Mommy, do you think he's gone?" Even though she'd lost all sensation in her hands, the victim was able to loosen the bindings. Together they rolled off the bed, opened the sliding glass door and began yelling for help. A neighbor came running. (R.T., pp. 167-169.)

INCIDENT 44: The 3/8/77 rape and false imprisonment of Jane Doe # 29 in Sacramento, Sacramento County

Jane Doe Number 29 lived alone on Thornwood Drive in the City and County of Sacramento. The residence is a single-story house. On the evening of March 7th, 1977, the victim returned home from a friend's residence around 9:00 p.m. Before going to bed, she checked all the doors and windows and made sure they were locked. Around 4:00 a.m. on March the 8th, 1977, the victim was awakened by a noise of someone running on carpet. Moments later, Joseph DeAngelo rushed into her bedroom and immediately put a knife to her throat. Through clenched teeth he said, "You feel this butcher knife? If you scream or say anything or move, I'll kill you."

After he bound her wrists and ankles with shoelaces, DeAngelo blindfolded and gagged her. He ransacked through the house for some time before returning to the victim. When she heard him remove his pants, she knew what was going to happen next. DeAngelo straddled her back, placed his penis in her bound hands and told her to play with it. As he forced her to masturbate him, Jane Doe Number 29 said that his penis felt slimy. DeAngelo violently flipped the victim over onto her back and ripped off her nightgown. He untied her feet and said, "You had better fuck me good, or I will kill you." DeAngelo placed a pillow over her face, even though a blindfold already covered her eyes. He scraped and clawed at her breasts with his hands before vaginally raping her and forcing her to change positions multiple times.

2020, a buccal swab was obtained from the defendant, Joseph DeAngelo. The DNA profile from DeAngelo matches the partial DNA profile from the sperm fraction of the vaginal sample from Manuela Witthuhn. The probability of choosing an individual at random who could be the source of the DNA obtained from this sperm fraction is more rare than 1 in 1 trillion unrelated individuals.

COUNT 13: The 5/5/86 murder of Janelle Cruz in Irvine, Orange County

Janelle Cruz was 18 years old and lived with her mother, her stepfather and six-year-old brother in the Northwood Village Community of Irvine, Orange County, California. On May 4th, 1986, her family had left her by herself for a vacation out of the country, and Janelle remained home alone. A male friend from work visited her that evening because she was afraid to be alone and he left her at the house at approximately 11:00 p.m. Prior to leaving, both he and Janelle heard noises outside of the house. They did not see anyone and they ultimately attributed the noise to either a cat or a washer or dryer.

Between May 4th, 1986, and May 5th of 1986, defendant DeAngelo, unlawfully entered the Cruz residence with the intent to bind Janelle's wrists, her ankles, to rape her, to kill her and to steal from her. He attacked her, he beat her, and he raped her. He murdered her in the first degree by bludgeoning her multiple times in her face and her head, causing subdural hemorrhage with cerebral lacerations due to crushing skull fractures.

DeAngelo's decision to kill Janelle Cruz was willful. It was deliberate. It was premeditated, and it was evidenced by the nature and extent of the fatal injuries inflicted and the fact that the defendant at the time had already committed numerous other killings in a similar fashion. DeAngelo's intent to rape and to steal also was demonstrated by evidence found at the

DeAngelo walked around the house and each time he walked by her he clicked scissors in her ears. During this time the phone kept ringing, which made him nervous, and so he moved her to the living room. He asked her, "Have you ever fucked before?" When she said no, Joseph DeAngelo orally copulated the victim, then vaginally raped her as she cried out in pain. The victim's name tag on her uniform was clearly visible. While sexually assaulting her, DeAngelo often referred to her first name. He continued to sexually assault the victim and forced her to masturbate him.

She heard DeAngelo repeatedly walking around the back yard. The neighbor owned a large German Shepherd that stayed in their back yard. After DeAngelo's arrest in 2018, a former friend named Gary S. told law enforcement that DeAngelo was attacked by a German Shepherd one day when they, as teenagers, burglarized a house in Gold River. Angry at the dog, DeAngelo set it on fire with an M-80 firecracker.

At one point during the night, the victim heard knocking at the front door and her friend yelling. Eventually, the friend and her father entered the house and freed the victim from the bindings, but DeAngelo got away. Detectives from the sheriff's department found two partially-consumed bottles of Diet Dr. Pepper on the side yard near the gate. The victim did not leave the soda there. When Joseph DeAngelo was arrested in 2018, detectives found numerous bottles of Diet Dr. Pepper in his home. It was his drink of choice. (R.T., pp. 173-175.)

INCIDENTS 46 & 47: The 5/5/77 rape and false imprisonment of Jane Doe #31 and false imprisonment of John Doe #14 in Orangevale, Sacramento County

Jane Doe Number 31 visited her friend, John Doe Number 14, who lived on Winterbrook Drive in the City of Orangevale, County of Sacramento. On the evening of May the 4th, 1977, friends had dinner together at the residence. Earlier in the evening, the victim felt as if someone

In April of 2011, the California Department of Justice conducted additional DNA testing on Santa Barbara's Domingo/Sanchez murder victim case. Those DOJ uploads to the DNA database from the Santa Barbara case were put into CODIS and the results linked the DNA from the Santa Barbara murder case to the Contra Costa, Orange County and Ventura cases. On March 12th, 2020, a buccal swab was taken from defendant DeAngelo, and the DNA profile from that buccal swab matched the DNA to the foreign male contributor from the sperm fraction of Janelle Cruz. The probability of choosing an individual at random who could be a possible contributor is more rare than 1 in 1 trillion unrelated individuals.

COUNT 14: The 9/4/76 kidnapping for robbery of Jane Doe #1 in Carmichael, Sacramento County

On the evening of September the 4th, 1976, Jane Doe Number 1 went to her parents' residence located on Crestview Drive in the City of Carmichael, County of Sacramento. The victim went to her parents' residence to do some laundry. At approximately 11:15 p.m., she loaded the clean clothes into her car that was parked in the street in front of the residence. After placing the laundry inside the car, she turned around and was suddenly confronted by Joseph DeAngelo who told her, "Don't scream." DeAngelo immediately punched her in the face and broke her nose.

After the victim fell to the ground, the defendant dragged her to the side yard of the residence, which was not within view of the street. At this point DeAngelo forced her face down into the ground and tied her hands behind her back with some shoelaces that he brought with him. At knifepoint, DeAngelo led her into the residence while threatening to slit her throat. He said, "All I want is your car so I can get to Bakersfield." Joseph DeAngelo unlawfully kidnapped and carried the victim away with the intent to commit robbery, within the meaning of Penal Code Section 209, and used a knife to do so. DeAngelo's decision to move the victim

a.m. on October the 29th, 1977, the husband was awakened by someone tapping his foot with a hard object. Joseph DeAngelo stood at the foot of their bed. He threatened the husband, "Don't move or I'll blow your fucking brains out, fat boy," he told him.

DeAngelo ordered the victim to tie the husband's wrists behind his back with shoelaces he threw to her. DeAngelo noticed that the victim only tied one wrist and yelled, "Bitch, I'll blow your brains out if you try something like that again." Using granny knots, DeAngelo tied up the victim and ransacked the house.

He soon returned to Jane Doe Number 32 and forced her into the living room, and by doing so he unlawfully kidnapped her and carried her away with the intent to commit robbery, within the meaning of Penal Code Section 209. In doing so, he substantially increased the risk of harm to her above and beyond the crime of robbery itself.

After placing some dishes on the husband's back, DeAngelo stated, "If I hear the dishes rattle, I'll cut off her ear and bring it back to you." DeAngelo returned to the victim and straddled her back as he placed his penis in her bound hands, forcing her to masturbate him. DeAngelo forced the victim to orally copulate him and then vaginally raped her. Over the next several hours, Joseph DeAngelo continued to sexually assault the victim, alternating between vaginal rape and forced sodomy, as the victim cried out in pain.

During this time, the victim felt a gun belt and a holster on the defendant's waist. Each time the defendant returned to the husband, who remained bound on his bed with dishes on his back, and each time the defendant shoved the gun in the husband's cheek and pushed the knife against his throat. At one point in between repeatedly sexually assaulting the victim, DeAngelo told her, "I'm going to go watch TV. Keep your mouth shut." Before leaving, Joseph DeAngelo

saw a man at the foot of her bed holding a very bright flashlight aimed at her and her boyfriend. That man was Joseph DeAngelo, who stated, "Do you see this gun? Stop. Don't move. Lay on your stomachs. I have a .45 with 14 shots, two clips. I want your money."

DeAngelo threw shoelaces on the bed and told the victim to tie up her boyfriend's wrists behind his back. DeAngelo said, "Don't make any sudden moves or I'll kill you like I did some people in Bakersfield." Pinning the victim's arms behind her back, the defendant led her out of the bedroom. A few minutes later DeAngelo returned to the boyfriend and placed a cup and a saucer on his back. DeAngelo unlawfully kidnapped and carried away Jane Doe Number 2 with the intent to commit robbery, within the meaning of Penal Code Section 209. He used a gun to do so. He forced the victim into the family room. His decision to move her away from the male partner was more than merely incidental to the crime of robbery itself and substantially increased harm to her. It was done to both physically and psychologically cripple her will. This movement fundamentally changed her environment and greatly minimized the chances of her escape by removing the threat of someone else who might have stopped him, and it exposed her to greater injury.

DeAngelo knelt beside her and put his penis into her bound hands, forcing her to masturbate him. Joseph DeAngelo then turned her over, removed her underwear and said, "You have to tell me the truth, and if you don't I'll find out and kill you both. Did you fuck tonight?" After orally copulating her, Joseph DeAngelo placed a pair of high heels on the victim's feet and vaginally raped her. After the first sexual assault she could hear him eating something in the kitchen. About 20 minutes later DeAngelo returned and vaginally raped her again. He tried multiple positions and continued to rape her until he finally left.

ordered the young girl to masturbate him, but she refused to do so. She could smell the strong odor of the lotion on him. DeAngelo asked this 13-year-old victim, "Have you ever fucked before?" When she said that she did not know what that word meant, DeAngelo removed this child's underwear and told her to, "Bend your legs more or I'll kill you."

In the victim's own words, he was poking around with his penis and could not get his penis into her vagina, but then he forced it into her anus for a few moments. The defendant then re-tied her ankles before heading to the mother's room. He went to the mother's room and told her that he was going to go cook something, but he left the residence, taking cash and a gold necklace. (R.T., pp. 181-182.)

INCIDENT 52: The 12/2/77 residential burglary and attempted rape of Jane Doe #34 in Sacramento, Sacramento County

Jane Doe Number 34 lived in a single-story house with her husband and children on Revelstok Drive, in the City and County of Sacramento. The victim went to bed around 11:30 p.m. on the evening of December the 2nd, 1977. The victim's young child slept in bed next to her because her husband was not home. Shortly after falling asleep the victim was immediately awakened by someone poking her and shining a flashlight in her face. It was Joseph DeAngelo standing there. The defendant told her, "Get up. Come with me or I'll hurt your little boy." DeAngelo spoke in a harsh whisper through clenched teeth, like he was angry. James Huddle, the defendant's former brother-in-law, told law enforcement that the defendant would speak in harsh whisper through clenched teeth when he became angry.

The defendant forced his way into the victim's house through the family room window with the intent to commit robbery and rape. DeAngelo ordered the victim to her feet as he held long shoestrings in his hand. He ordered her into the living room where he forced her face down.

environment and greatly minimized the chances of escape by removing the threat of someone who might have stopped his felonious crimes and it increased the possibility of further crimes being inflicted upon her.

DeAngelo took the victim to the living room, where there was a robe covering a lamp. In several of the other cases, DeAngelo placed a towel over a lamp or television to create soft lighting. After DeAngelo's arrest in April of 2018, detectives found a towel draped over his computer monitor, creating the same soft lighting. DeAngelo left the victim in the living room and returned to the bedroom, where he placed dishes on top of John Doe Number 2's back and warned him, "If I hear these dishes fall, I'll cut her throat."

Back in the living room, Jane Doe Number 3 heard a zipper unzip, followed by swishing noises. DeAngelo placed his penis in her hands, which were tied behind her back, and made her masturbate him. He then rolled her over and committed vaginal rape. After approximately a minute the victim heard her fiance knock something over. DeAngelo got up and went to the bedroom. When he came back DeAngelo forced the victim to orally copulate him before raping her several more times and forcing his penis into her rectum. When she cried out in pain, he told her to shut up. Sexually assaulting the victim did not sufficiently satiate his sadistic proclivities, because he also taunted the victim, telling her things like, "You didn't know you would be sucking my dick tonight." "Do you know what I'm doing? Where am I doing it?" and demanded that she say, "In my butt." He spent several hours in the house terrorizing the victims, taking their cash and rings. After hearing DeAngelo walk out the back door, the victim crawled to the kitchen and got a knife to cut off her bindings before freeing her fiance.

them, telling them to relax and not to talk to each other. He repeatedly raped them before leaving the house.

The parents returned home later that night and found their daughters tied up. The bindings were so tight that the girls' father had to use a knife to cut them off. The defendant had used shoelaces to tie up both victims and took a picture of the younger sister with him. (R.T., pp. 185-186.)

INCIDENTS 55 & 56: The 9/6/77 kidnapping for robbery, rape, robbery and false imprisonment of Jane Doe #38 and the robbery and false imprisonment of John Doe #16 in Stockton, San Joaquin County

On the evening of September 6th, 1977, Jane Doe Number 38 and her husband, John Doe Number 16, were asleep in the master bedroom of their home on Portage Circle in the City of Stockton, County of San Joaquin. Jane Doe 38 was awakened when Joseph DeAngelo opened the unlocked sliding glass door to their bedroom and blinded her with the beam from his flashlight. DeAngelo was wearing a mask and told her not to move. All he wanted was food and money.

DeAngelo asked who else was in the home. He was told that there were two children. DeAngelo told the victims, "If you don't behave I'll cut off your kids' ears and bring them back to you." DeAngelo then handed Jane Doe 38 shoelaces and told her to tie her husband's hands and feet. He then bound her hands and feet and tightened the bindings on her husband. DeAngelo placed two plates on John Doe Number 16's back and told him that if he heard dishes rattle, he would kill all of them. He also held a gun to John Doe's head several times.

DeAngelo closed all the curtains in the home before untying Jane Doe 38's feet and told her to get out of bed. He held a knife to her chin and forced her into the living room, face down

After forcing Jane Doe Number 4 onto the living room floor, DeAngelo turned to the husband. DeAngelo placed a cup and a saucer on his black and threatened, "If I hear this move I'll kill you and everyone in the house." When DeAngelo returned to the victim he made her masturbate him, with her hands still tied behind her back, saying things like, "Do it like you're doing it to your husband." Joseph DeAngelo then vaginally raped her. When he finished assaulting her, DeAngelo turned the victim onto her stomach and placed two glass objects on her back. He then spent time eating in the kitchen before he went back to raping and sodomizing her. DeAngelo only stopped the sexual assault when he went into the kitchen to eat more food. After each meal he would return to vaginally rape the victim, yet again. After the last sexual assault, DeAngelo placed the gun to her head and said, "You don't want to die, do you?" and called her a bitch.

Before leaving, the defendant took a knife from the house. John Doe Number 3 waited approximately 20 minutes before he was able to call for help. On January the 20th, 1978, Jane Doe Number 4 answered the phone and heard only oohs and ahh sounds on the phone. She handed the phone to her husband, who heard DeAngelo say, "I've not struck in a while. You will be my next victim. I'm going to fuck you in the butt. See you soon," and hung up.

In addition to the kidnapping for robbery that was charged, the defendant's conduct also was a violation of Penal Code section 261 (rape) and sections 211 and 236, robbery and false imprisonment of Jane Doe #4 and John Doe #3, which defendant admitted. (R.T., pp. 124-125.)

COUNT 18: The 5/14/77 kidnapping for robbery of Jane Doe #5 in Citrus Heights, Sacramento County

Jane Doe Number 5 and her husband, John Doe Number 4, were asleep in their home on Merlindale Drive in the City of Citrus Heights, County of Sacramento. They were awakened by

and said, "This is a .357 Magnum, you see, and I'll blow your heads off." The masked man was Joseph DeAngelo.

He ordered both of them to roll onto their stomachs and then made Jane Doe Number 39 bind her boyfriend's hands with shoelaces that DeAngelo provided. DeAngelo then tied her hands behind her back, tightening the bindings on John Doe 17, and bound the feet of both victims. DeAngelo then went through the dresser and jewelry box in the dresser. He then went into another room and could be heard tearing up towels. DeAngelo returned to the bedroom and used the towels to blindfold John Doe Number 17. He then placed the barrel of his gun between Jane Doe 39's shoulder blades and ordered her to get out of bed and not look at him. He forced her to walk into the living room with the gun still at her back and then forced her to lay face down on the living room floor. She was then blindfolded and her feet bound again. DeAngelo placed a plate and a bowl on John Doe Number 17's back and ordered him not to move or he would kill both of them.

DeAngelo came back to the living room and turned on the television set. He straddled Jane Doe 39's back and forced his penis into her hands while ordering her to, "Make it feel good." He also rubbed his penis on her back before untying her feet. He rolled her over, sat on her chest and forced her to orally copulate him. DeAngelo then vaginally raped her. He then placed suntan lotion on her vagina and anus and sodomized her as she cried. When DeAngelo was finished, he got up and could be heard rummaging through the kitchen. DeAngelo returned to her, placed a plate and a bowl on her back and said, "One clink, one small noise, and he's dead."

Eventually Jane Doe was able to slide down the hall, knock the phone off the shelf and call the operator for help. DeAngelo took jewelry, a driver's license and money. Empty beer

finger, and she begged him not to take it. In response, he held a gun to her head and took the rings from her finger before leaving.

In addition to the kidnapping for robbery that was charged, the defendant's conduct also was a violation of Penal Code section 261 (rape) and sections 211 and 236, robbery and false imprisonment of Jane Doe #5 and John Doe #4, which defendant admitted. (R.T., p. 128.)

COUNT 19: The 5/17/77 kidnapping for robbery of Jane Doe #6 in Carmichael, Sacramento County

Jane Doe Number 6 and her husband, John Doe Number 5, were asleep in their room on Sandbar Circle in the City of Carmichael, in the County of Sacramento. They got to bed at 11:00 p.m., and their two young children were already asleep in the home. They were later awakened by a masked male holding a gun and shining a flashlight in their eyes. John Doe Number 5 knew immediately that it was the East Area Rapist and pretended to be asleep while he figured out what he should do. John Doe Number 5 was correct: It was the East Area Rapist, Joseph DeAngelo.

DeAngelo ordered them to roll over onto their stomachs and told them he was going to take all of their money and jewelry. He threw some shoelaces on John Doe's back and told his wife to bind his hands and feet. DeAngelo then bound her hands and feet and placed a coin bag onto John Doe Number 5's back and ordered him not to move. He said, "I'm going to go and eat and get everything I need. If I hear this, I'll kill everything in the house." DeAngelo began rummaging throughout the house. He then returned to the master bedroom and asked Jane Doe Number 6 where her purse was. She stated it was on the refrigerator. He grabbed her and said, "You're going with me."

and forced her to change positions several times. When he was done, he placed a glass and a dish on her back and told her he better not hear any noise.

DeAngelo eventually left, and John Doe Number 18 was able to call 911 using his tongue to dial the number. DeAngelo took approximately \$1500 in cash from the residence. (R.T., pp. 198-200.)

INCIDENT 61: The 6/7/78 rape and false imprisonment of Jane Doe #41 in Davis, Yolo County

On June 7th, 1978, Jane Doe Number 41, a UC Davis student, was asleep alone in her first-floor apartment located on Lake Forest Drive in the City of Davis, in the County of Yolo. She was awakened by a male near her bed, who put his hand on her face and was poking her in the back with something sharp. He told her not to scream and said, "All I want is food and money." The man who said he was only there for food or money was Joseph DeAngelo.

Jane Doe Number 41, who was sleeping on her stomach, put her hands behind her back as instructed. He tied her hands together with twine and then tied her legs. He covered her with a sheet before going through her dresser and opening the drawers. DeAngelo stuffed a pair of panties into her mouth and held a sharp object near her left eye, repeatedly threatening her to shut up. Ultimately, he poked her in the left eye with a nail file, causing an injury to her eye.

DeAngelo then went into her walk-in closet and the bathroom, briefly turning on the lights in each area. He returned to Jane Doe, put towels around her head, including her mouth and eyes. She was able to get the towels to slip down and was able to get a look at the suspect. She was able to see his pants, his shirt and the fact that his head was completely covered with some type of stocking cap.

COUNT 20: The 5/28/77 kidnapping for robbery of Jane Doe #7 in Sacramento, Sacramento County

John Doe Number 6 worked the swing shift and arrived home at 12:30 a.m. His wife and young son were already asleep in their house on Palmer House Drive, in Sacramento County. He joined his wife in their bed and went to sleep. Later, both of them woke up and heard a rattling sound in the door and heard the door slide open. They saw a masked male coming through their door carrying a flashlight and a large-caliber weapon. The man, Joseph DeAngelo, told them, "Lay perfectly still or I will kill all of you. I will kill you. I will kill her. I will kill your little boy." DeAngelo ordered Jane Doe Number 7 to bind her husband's hands and feet with cord that he had brought with him. After binding Jane Doe's hands and feet, he removed shoelaces from shoes that were in the closet and re-tied the bindings. He repeatedly stated that he just wanted food and money and began rummaging through the house.

DeAngelo walked down the hall and into other rooms before returning and placing dishes on John Doe Number 6's back. He held a knife to his neck and said, "Don't make a move or I will kill everyone in the house. As I promised before, I'm only going to get food and money, then go to my van and eat it. If I hear a sound, I'll come in and kill everyone." DeAngelo then forced Jane Doe Number 7 into the living room at gunpoint, where he already had a towel laid out on the floor. He bound, blindfolded and gagged her before rummaging through other rooms of the house. DeAngelo unlawfully kidnapped and carried away Jane Doe Number 7 with the intent to commit robbery, within the meaning of Penal Code Section 209, and used a gun and a knife to do so. His decision to move her away from her husband was more than merely incidental, as it substantially increased the risk of harm to her, above and beyond the crime of robbery itself. The movement greatly minimized the chances of escape by removing the threat of

money, and if they kept their mouths shut, he would leave. DeAngelo bound Jane Doe Number 42's hands and feet. He then forced her to walk down the hall into the living room. He instructed her not to look at him, but she was able to see a large knife that he carried in his hand. He forced her to lay on her stomach, proceeded to go through the kitchen and open the refrigerator.

DeAngelo went back to the bedroom and asked John Doe Number 19 where the money was located. He told him it would be in a purse on the kitchen table. DeAngelo then placed three items on the bed next to him and said, "I'll kill your fucking wife if I hear this, and it will be all your fault." DeAngelo returned to the living room and turned on the television. He placed two towels over Jane Doe's head, preventing her from seeing. She heard him go into the garage and he returned, straddling her back. He poked her with the tip of a knife on the side of her face and then placed his penis in her hands and told her to play with it. DeAngelo untied her feet, rolled her over and sexually assaulted her several times in different positions. When he was finished, DeAngelo bound her feet and left her in the living room.

He could be heard rummaging around the house, and after a period of time it was silent. John Doe Number 19 was able to eventually hop down the hall, obtain a knife and cut their bindings loose. Shoelaces were located in the home that did not belong to the victims. The phone lines had been cut and DeAngelo took money, a revolver and both of their wedding rings. (R.T., pp. 201-203.)