

FEB 26 2008

Filed
ROSA JUNQUEIRO, CLERK

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN JOAQUIN

DEPUTY

3	The People of the State of California,)	DA No. 2457
4	Plaintiff,)	INDICTMENT
5	v.)	CR No. DAI 00-1717
6)	SJSO 86-17944
7	ROGER REECE KIBBE)	
8	Defendant(s).)	5F107379A

The Grand Jury of the county of San Joaquin, State of California, accuses the defendant of committing in the county of San Joaquin and within other counties, pursuant to Penal Code section 790(B) in the State of California, before the finding of this indictment, the following crime(s):

COUNT ONE: On or about 9/11/77, the defendant, ROGER REECE KIBBE, did commit a FELONY, namely a violation of 187 of the Penal Code, MURDER, in that said defendant did willfully and unlawfully and intentionally and with malice aforethought murder LOU ELLEN BURLEIGH, a human being.

COUNT TWO: For a further and separate cause of action being a different offense of the same class of crime from the charge as set forth in COUNT ONE and connected in its commission with all other offenses in the indictment, complainant further complains and says: On or about 4/21/86, the defendant, ROGER REECE KIBBE, did commit a FELONY, namely a violation of 187 of the Penal Code, MURDER, in that said defendant did willfully and unlawfully and intentionally and with malice aforethought murder LORA HEEDICK, a human being.

COUNT THREE: For a further and separate cause of action being a different offense of the same class of crime from the charge as set forth in COUNT TWO and connected in its commission with all other offenses in the indictment, complainant further complains and says: On or about 7/3/86, the defendant, ROGER REECE KIBBE, did commit a FELONY, namely a violation of 187 of the Penal Code, MURDER, in that said defendant did willfully and unlawfully and intentionally and with malice aforethought murder BARBARA ANN SCOTT, a human being.

COUNT FOUR: For a further and separate cause of action being a different offense of the same class of crime from the charge as set forth in COUNT THREE and connected in its commission with all other offenses in the indictment, complainant further complains and says: On or about 7/15/86, the defendant, ROGER REECE KIBBE, did commit a FELONY, namely a violation of 187 of the Penal Code, MURDER, in

1 that said defendant did willfully and unlawfully and intentionally
2 and with malice aforethought murder STEPHANIE BROWN, a human being.

3 COUNT FIVE: For a further and separate cause of action being a
4 different offense of the same class of crime from the charge as set
5 forth in COUNT FOUR and connected in its commission with all other
6 offenses in the indictment, complainant further complains and says:
7 On or about 8/17/86, the defendant, ROGER REECE KIBBE, did commit a
8 FELONY, namely a violation of 187 of the Penal Code, MURDER, in
9 that said defendant did willfully and unlawfully and intentionally
10 and with malice aforethought murder CHARMAINE SABRAH, a human
11 being.

12 COUNT SIX: For a further and separate cause of action being a
13 different offense of the same class of crime from the charge as set
14 forth in COUNT FIVE and connected in its commission with all other
15 offenses in the indictment, complainant further complains and says:
16 On or about 11/5/86, the defendant, ROGER REECE KIBBE, did commit a
17 FELONY, namely a violation of 187 of the Penal Code, MURDER, in
18 that said defendant did willfully and unlawfully and
19 intentionally and with malice aforethought murder KATHERINE KELLY
20 QUINONES, a human being.

21 SPECIAL CIRCUMSTANCE (MURDER WITH PREVIOUS MURDER CONVICTION) AS TO
22 COUNT ONE, TWO, THREE, FOUR, FIVE, and SIX, IT IS FURTHER ALLEGED
23 said defendant, ROGER REECE KIBBE, has committed Intentional first
24 degree murder as to each count alleged, and said defendant was
25 previously convicted of first degree murder on March 18, 1991, in
26 the Superior Court of the State of California and for the County of
27 El Dorado within the meaning of Penal Code section 190.2(A)(2) and
28 190.2(c)(5)(1977).

29 SPECIAL CIRCUMSTANCE (MURDER IN THE COMMISSION OF A FELONY,
30 KIDNAPPING) AS TO COUNT ONE, TWO, THREE, FOUR, FIVE AND SIX, IT IS
31 FURTHER ALLEGED said defendant, ROGER REECE KIBBE, has committed
32 Intentional First Degree Murders and committed each murder count
33 alleged while engaged in a Kidnapping within the meaning of Penal
34 Code section 190.2(A)17 and 190.2(c)(3)(1977).

35 SPECIAL CIRCUMSTANCE (MURDER IN THE COMMISSION OF A FELONY, RAPE)
36 AS TO COUNT ONE, TWO, THREE, FOUR, FIVE AND SIX IT IS FURTHER
37 ALLEGED said defendant, ROGER REECE KIBBE, has committed
38 Intentional First Degree Murders and committed each murder count
39 alleged while engaged in a Rape within the meaning of Penal Code
40 section 190.2(A)17 and 190.2(c)(3)(1977).

41 SPECIAL CIRCUMSTANCE (MURDER IN THE COMMISSION OF A FELONY, FORCED
42 ORAL COPULATION) AS TO COUNT THREE IT IS FURTHER ALLEGED that said
43 defendant, ROGER REECE KIBBE, has committed Intentional First
44 Degree Murder while engaged in Forcible Oral Copulation within the
45 meaning of Penal Code section 190.2(A)17.

46 SPECIAL CIRCUMSTANCE (MULTIPLE MURDERS) AS TO COUNT ONE, TWO,

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THREE, FOUR, FIVE AND SIX, IT IS FURTHER ALLEGED said defendant, ROGER REECE KIBBE, has committed, of the presently charged offenses, at least one offense of Intentional First Degree Murder and more than one offense of Intentional Murder of the First or Second Degree within the meaning of Penal Code section 190.2 (A) (3) and 190.2 (c) (5) (1977).

SPECIAL FINDINGS BY GRAND JURY

1. The Grand Jury further fixes Count 1, the MURDER of LOU ELLEN BURLEIGH, to be MURDER in the:

First Degree X Second Degree _____
Premeditated murder; ~~SC~~ SC: PCM, K, MM

2. The Grand Jury further fixes Count 2, the MURDER of LORA HEEDICK, to be MURDER in the:

First Degree X Second Degree _____
Premeditated murder; SC: PCM, K, R, MM

3. The Grand Jury further fixes Count 3, the MURDER of BARBARA ANN SCOTT, to be MURDER in the:

First Degree X Second Degree _____
Premeditated murder; SC: PCM, K, R, FOC, MM

4. The Grand Jury further fixes Count 4, the MURDER of STEPHANIE BROWN, to be MURDER in the:

First Degree X Second Degree _____
Premeditated murder; SC: PCM, K, R, MM

5. The Grand Jury further fixes Count 5, the MURDER of CHARMAINE SABRAH, to be MURDER in the:


First Degree X Second Degree _____
Premeditated murder; SC: PCM, K, R, MM

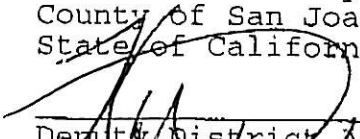
6. The Grand Jury further fixes Count 6, the MURDER of KATHERINE KELLY QUINONES, to be MURDER in the:

First Degree X Second Degree _____
Premeditated murder; SC: PCM, K, R, MM

"A TRUE BILL"

JAMES P. WILLET
District Attorney
County of San Joaquin
State of California


FOREMAN OF THE GRAND JURY


Deputy District Attorney

DATE: 2/25/08

DATE: 2/25/08

1 NAMES OF WITNESSES EXAMINED BEFORE FILING FOREGOING INDICTMENT:

2 LAW ENFORCEMENT

- 3 1. John Allen, Department of Justice
- 4 2. John Basalto, San Joaquin County Sheriff's Office
- 5 3. W. Barks, Amador County Sheriff's Office
- 6 4. Robert Bell, Sacramento County Sheriff's Office
- 7 5. David Bertocchini, San Joaquin County District Attorney's
- 8 Investigator
- 9 6. Delores Bettencourt, Contra Costa County Crime Lab
- 10 7. Ray Biondi, Sacramento County Sheriff's Office
- 11 8. Allen Brambrink, Napa County Sheriff's Department
- 12 9. Kevin Bush, Contra Costa County Crime Lab
- 13 10. Carol Carter, Contra Costa County Crime Lab
- 14 11. Charles Coffelt, Sacramento Police Department
- 15 12. Russ Coleman, San Joaquin County Sheriff's Office
- 16 13. Marty Collin, California Department of Justice
- 17 14. David Comiden, Amador County Sheriff's Office
- 18 15. Gil Conklin, Antioch Police Department
- 19 16. Joe Dean, Sacramento County Sheriff's Department
- 20 17. Barry Delavan, Antioch Police Department
- 21 18. S. Doehring, Amador County Sheriff's Office
- 22 19. Robert Dougherty, El Dorado County District Attorney's
- 23 Investigator
- 24 20. Connie Erkins, Sacramento Sheriff's Office
- 25 21. Al Fox, California Department of Justice
- 26 22. Mike Franzen, Antioch Police Department
- 27 23. Al Freitas, San Joaquin County District Attorney Investigator
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- 1 24. Mike Frey, Napa County District Attorney's Office
- 2 25. Gar Harry, Napa County Sheriff's Department
- 3 26. Sgt. Dennis Horgan, Pleasant Hill Police Department
- 4 27. Officer Bill Hendricks, Pittsburg Police Department
- 5 28. Cpt. John Huber, San Joaquin County Sheriff's Office
- 6 29. Bill Jeha, Walnut Creek Police Department
- 7 30. Richard Johnson, San Joaquin County Sheriff's Office
- 8 31. Michael Lammori, Sacramento Police Department
- 9 32. Edward Leonard, FBI Special Agent
- 10 33. George Levine, California Department of Justice
- 11 34. Sgt. Harry Machen, Sacramento County Sheriff's Office
- 12 35. Donald Matulich, California Parole Agent
- 13 36. Kay Maulsby, Sacramento County Sheriff's Office
- 14 37. Cpt. Armondo Mayoya, San Joaquin County Sheriff's Office
- 15 38. Brian McColgin, Walnut Creek Police Department
- 16 39. Paul Mills, Contra Costa County Sheriff's Office
- 17 40. Dorothy Northey, Contra Costa County Crime Lab
- 18 41. John Olson, Napa County Sheriff's Office
- 19 42. Stephen O'Jena, Contra Costa County Crime Lab
- 20 43. Paul Pane, California Department of Justice
- 21 44. Sherry Post, Contra Costa County Crime Lab
- 22 45. Charles Ray, Amador County Sheriff's Office
- 23 46. Stanley Reed, Sacramento County Sheriff's Office
- 24 47. Patty Huysoon(Risner), Antioch Police Department
- 25 48. Pete Rosenquist, San Joaquin County District Attorney's
- 26 Investigator
- 27 49. J. Sandison, Sacramento County Sheriff's Office
- 28

- 1 50. Sgt. A. Snell, Contra Costa County Sheriff's Office
- 2 51. Phil Soto, California Department of Justice
- 3 52. Faye Springer, Sacramento District Attorney's Crime Lab
- 4 53. James Streeter, Department of Justice
- 5 54. Ed Testo, Walnut Creek Police Department
- 6 55. Det. Jim Trezza, Antioch Police Department
- 7 56. Matt Underhill, El Dorado County Sheriff's Office
- 8 57. James Watson, El Dorado County Sheriff's Office
- 9 58. Linda Weidman, Stanislaus County Sheriff's Office
- 10 59. James Weigard, California Department of Justice
- 11 60. Robert White, Sacramento County Sheriff's Office
- 12 61. William White, Napa County Sheriff's Office
- 13 **Civilian Witnesses**
- 14 62. Carmen Anselmi
- 15 63. Robert Anthony, Sacramento County Coroner- Pathologist
- 16 64. Caryn Anzalone
- 17 65. Lola Bermudez
- 18 66. Jerald Bishop
- 19 67. Dr. Edward Blake, Forensic Science Associates
- 20 68. Michael Blow
- 21 69. Jo-Allyn Brown
- 22 70. Wilma Burleigh
- 23 71. Patty Burrier
- 24 72. Dorothy Carver
- 25 73. Dr. Louis Daugherty, Contra Costa County Pathologist
- 26 74. James Driggers
- 27 75. Kurt Edward

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- 1 76. Dr. William Ernoezhy, Stanislaus County Pathologist
- 2 77. Stephan Flitcroft
- 3 78. James Frazier
- 4 79. Nancy Giacomo
- 5 80. Dr. George Gould, D.D.S
- 6 81. Virgil Green
- 7 82. Debra Guffie
- 8 83. Glen Howard
- 9 84. Dr. Robert Lawrence, San Joaquin County Pathologist
- 10 85. Raymond Medina, Jr.
- 11 86. Marty Mortin
- 12 87. Carien O'Brien
- 13 88. Kim Quackenbush
- 14 89. Alan Shank
- 15 90. Ronald Sutrov
- 16 91. Paul Trueblood
- 17 92. Marian Walker
- 18 93. Robert Whitworth
- 19 94. Julie Wilson
- 20 95. Lashawna Zollicoffer

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1 FOREMAN'S STATEMENT OF CHARGE AND ADMONITION ON PREJUDICE

2 To be read to the Grand Jury after the Court Reporter is
3 sworn.

4 FOREMAN: The matter to be presented today involves as possible
5 defendant ROGER REECE KIBBE, and the possible charges:

6 COUNT 1: Penal Code section 187, a FELONY, MURDER of a human
7 being, LOU ELLEN BURLEIGH.

8 COUNT 2: Penal Code Section 187, a FELONY, MURDER of a human
9 being, LORA HEEDICK.

10 COUNT 3: Penal Code Section 187, a FELONY, MURDER of a human
11 being, BARBARA ANN SCOTT.

12 COUNT 4: Penal Code Section 187, a FELONY, MURDER of a human
13 being, STEPHANIE BROWN.

14 COUNT 5: Penal Code Section 187, a FELONY, MURDER of a human
15 being, CHARMAINE SABRAH.

16 COUNT 6: Penal Code Section 187, a FELONY, MURDER of a human
17 being, KATHERINE KELLY QUINONES.

18 SPECIAL CIRCUMSTANCE: Penal Code Section 190.2(A)(3) and
19 190.2(c)(5)(1977), SPECIAL CIRCUMSTANCE, Commission of More than
20 one offense of intentional Murder of the first or second degree.

21 SPECIAL CIRCUMSTANCE: Penal Code Section 190.2(A)(2) and
22 190.2(c)(5)(1977), SPECIAL CIRCUMSTANCE, First Degree Intentional
23 Murder committed with Previous conviction of first degree murder on
24 March 18, 1991.

25 SPECIAL CIRCUMSTANCE: Penal Code Section 190.2(A)(17) and
26 190.2(c)(3)(1977), SPECIAL CIRCUMSTANCE (FELONY MURDER), First
27 degree murder committed while engaging in Kidnapping.

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1 SPECIAL CIRCUMSTANCE: Penal Code Section 190.2(A)(17) and
2 190.2(c)(3)(1977), SPECIAL CIRCUMSTANCE (FELONY MURDER), First
3 degree murder committed while engaging in Rape.

4 SPECIAL CIRCUMSTANCE: Penal Code Section 190.2(A)(17), SPECIAL
5 CIRCUMSTANCE (FELONY MURDER), First degree murder committed while
6 engaging in Forcible Oral Copulation.

7 The witnesses will be:

- 8 1. John Allen, Department of Justice
- 9 2. John Basalto, San Joaquin County Sheriff's Office
- 10 3. W. Barks, Amador County Sheriff's Office
- 11 4. Robert Bell, Sacramento County Sheriff's Office
- 12 5. David Bertocchini, San Joaquin County District Attorney's
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1 Any member of the Grand Jury who has a state of mind in
2 reference to this matter or any of the parties involved which will
3 prevent him from acting impartially and without prejudice to the
4 substantial right of the parties will now retire.

5 (PAUSE)

6 FOREMAN: Let the record indicate that none of the jurors have
7 withdrawn.

8 FOREMAN: You may proceed DDA.
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