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19 SUPERIOR COURT OF CALIFORNIA

20 COUNTY OF SACRAMENTO

21 THE PEOPLE OF THE STATE OF CALIFORNIA,) Case No.: 18FE008017
22 Plaintiff,)
23 vs.) **PEOPLE'S SENTENCING**
24) **MEMORANDUM**
25 JOSEPH JAMES DEANGELO,) Dept.: 24
26 Defendant.) Date: 8/21/20
27) Time: 9:00 A.M.
28)

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11 death penalty law and the 1978 death penalty initiative that superseded it, is imprisonment for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.
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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
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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 The punishment for this offense, under Penal Code section 190.3, is life without parole.
18 The firearm use allegation adds a consecutive, determinate 2-year term. The sentence would be
19 consecutive to the sentences on all of the post-January 1, 1979, offenses.
20

21 **COUNT SIX:**

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

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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.

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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.
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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 **COUNT NINETEEN:**

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

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

23
24 **COUNT TWENTY:**

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

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

24 The sentence for this offense is imprisonment for life (with a 7-year MPE). The use
25 allegations carry concurrent terms of 2 years and 1 year, respectively. The sentence would be
26 concurrent to the sentences on the pre-1979 offenses.
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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.
6

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

11 **COUNT TWENTY-FOUR:**

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.
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21 **COUNT TWENTY-FIVE:**

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.
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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.

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

14
15 Therefore, the Defendant's **total aggregate sentence is 11 LWOP and one Life**
16 **sentence plus an additional determinate term of 8 years.**

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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
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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.

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.

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

14
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
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28 ³ Video of Joseph DeAngelo's movement and behavior in his cell.

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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
Senior Deputy District Attorney

Thienvu Ho
Assistant Chief Deputy District Attorney