



---

## **PRESS RELEASE**

Pursuant to Cal Govt. Code Sect 6254(f)  
San Jose Police Department  
Press Information Office  
201 W. Mission Street, San Jose, CA 95110  
Ph (408) 277-5339 Fax (408) 286-0923

---

**TYPE OF CRIME:** Sexual Assault Cases  
**LOCATION:** 300 Block of E. Empire  
**VICTIM#1:** Withheld  
**ADDRESS:** San Jose Resident

**CASE NUMBER:** 04-366-0122  
**DATE:** 12-31-04 **TIME:** 3:20AM  
**AGE:** 82

**VICTIM#2:** Withheld  
**LOCATION:** 200 Block of N. 8<sup>th</sup> St.  
**ADDRESS:** San Jose Resident

**AGE:**  
**DATE:** 12-31-04 **TIME:** 4:00AM

**SUSPECT:** Luther David McMillon  
**ADDRESS:** San Jose Resident

**AGE:** 47 10-11-57

On 12-31-04 at about 3:20AM, a male suspect entered a residence in the 300 block of E. Empire and sexually assaulted an 82 year old woman. The suspect had entered the residence through an unlocked window. During the assault the victim began to scream which alerted a neighbor. The neighbor arrived at the victim's residence in time to see the suspect flee through the rear window. Officers were not able to locate the suspect at that time.

At 7:11AM, a woman called San Jose Police Communications to report that she had been sexually assaulted at a residence in the 200 block of N. 8<sup>th</sup> St. sometime between 3:30AM and 4:00AM. The victim told officers that the suspect had forced her into a laundry room at the residence and assaulted her there.

On arrival, officers found the suspect still in the immediate area. He was identified as Luther David McMillon, and is currently a sexual registrant. Officers noted that he also matched the description of the suspect in the earlier case.

Luther McMillon was positively identified as the suspect in both assaults. He will be booked into the Santa Clara County Jail for burglary, penetration with a foreign object, parole violation and rape. Investigators do not believe that he is involved in the recent series of prowling cases in the downtown area.

Victim #2 is a transient female that had met the suspect on a previous occasion. She told investigators that prior to the assault she had been sitting on a porch of a residence in the downtown area to keep out of the rain. She believes that the residence was somewhere between N. 4<sup>th</sup> St. and N. 8<sup>th</sup> St. She said that a woman living at that house gave her a coat to keep warm. Shortly after she walked away from that house she was assaulted by the suspect.

BY: Sgt. S. Dixon #2650  
DATE: 12-31-04 TIME: 2:30PM

AUTHORIZED BY: Lt. Scott Cornfield  
DATE: 12-31-04 TIME: 2:30PM

PRESS OFFICER BRIEFED BY UNIT COMMANDER (CIRCLE) **YES** NO

Press Release  
Case 04-366-0122  
Page 2

Investigators would like to identify the "Good Samaritan" that gave the victim a coat. Victim#2 could only describe her as a white female with blond hair.

Anyone with any information on these cases is urged to call Detective Sgt. Louis Quezada or Detective Michael Wharton of the San Jose Police Dept.'s Sexual Assault Investigations Unit at 408-277-4102. Persons wishing to remain anonymous may call Crime Stoppers at 408-947-STOP.

BY: Sgt. S. Dixon #2650  
DATE: 12-31-04      TIME: 2:30PM

AUTHORIZED BY: Lt. Scott Cornfield  
DATE: 12-31-04      TIME: 2:30PM

PRESS OFFICER BRIEFED BY UNIT COMMANDER (CIRCLE) **YES** NO