

Press Release

In re: Commonwealth vs Roger Daily

Union Circuit Court Case #18-CR-00073

In the case above referenced case an indictment was returned on August 7, 2018 for the charges for first degree rape (victim less than 12 years of age) and first-degree sexual abuse (victim less than 12 years of age). This indictment was amended by superseding indictment on November 13, 2018 to correct the dates of the offenses. This case was originally set for trial on September 9th through September 11, 2019. A jury was empaneled and the parties made opening statements, however, circumstances arose that caused a mistrial. The case was reset for trial on January 14-17, 2020 before a new jury panel.

This case was defended on multiple fronts by the attorney for the Defendant to include the 36-year lapse between the offense dates and initial indictment. Since the date of the last trial, new witnesses have been made known to the Commonwealth and the Defense has sought and obtained new evidence by way of court order that was not available to the investigating officer, the Commonwealth Attorney's Office or the Grand Jury. There were other developments which created significant challenges to an already challenging case since the Commonwealth was seeking to bring justice to a 36-year-old allegation of sexual assault. The specifics of the new evidence and other developments would violate the privacy of the victim and will therefore not be disclosed in this release. The victim was made aware of these new developments and was consulted about the Commonwealth's intention to resolve the case. The victim stated she understood the reasons for the Commonwealth's position but did not agree with the decision to resolve the case on amended charges.

As a general rule, our office has sought the agreement of crime victims prior to amending charges as a matter of policy. Deviation from the general rule only occurs when new developments cause changes on our ability to successfully prosecute the case as indicted or if the Defendant's rights would otherwise be compromised. It is important for all crime victims to have a voice in the outcome of the case, however, the Commonwealth's Attorney represents the Commonwealth of Kentucky and not crime victims.

In the present case, though our office continues to believe the statements of the crime victim, the public interest is better served by resolving the case prior to trial because of new developments. The resolution of this case accomplishes the objective of a felony conviction bringing closure and finality to the case. The public is protected by preventing this Defendant from continuing to be employed as a bus driver or having contact with unrelated minor children. Finally, the Defendant will be supervised by a probation officer to provide oversight to these requirements.

Zac Greenwell

Commonwealth's Attorney, 5th Circuit