

DEPT. # 1 SUPERIOR COURT
 FRESNO COUNTY
 No. 227015
 Exhibit No. A
 Date AUG 9 1978
 Deputy County Clerk

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FEB 10 1978
**5 Held In Kidnap,
 Slaying Of Woman**
 FEB 10 1978

By LOUIS GALVAN
 Bee Police Reporter

Five persons, including a 14-year-old boy were arrested in the kidnapping of a Modesto woman who was found shot to death in Fresno.

Police identified the victim as Theresa Graybeal, 22, whose body was found shortly before 1:30 a.m. Thursday on the southeast corner at the intersection of Vine Avenue and Tenth Street in Calwa. Investigators said she had been shot once in the head.

Taken into custody were Douglas R. Stankewitz, 21, of Clovis; Marlin E. Lewis, 22, of Sacramento; Teena E. Topping,

19, of 272 W. Pinedale Ave., Pinedale; Christina G. Menchaca, 25, of 3455 E. Liberty Ave., and the 14-year-old, whose name was withheld because of his age.

Investigators, however, said the boy, a runaway from Pinedale, tipped authorities about the kidnapping and killing. "Apparently his conscience started bothering him," said one investigator.

Detectives reported Stankewitz, Lewis, Ms. Topping and the youth were hitchhiking to Fresno from Sacramento and became tired of trying to get a ride in the rain when they saw the victim walking to her car in a Modesto shopping center shortly after 5 p.m. Wednesday. Investigators said Ms. Graybeal had left home moments earlier telling her parents she was going to a take-out restaurant for some food and that she would return in a few minutes.

Investigators said the four pushed Ms. Graybeal into the car and jumped into the vehicle, and, with one of the hitchhikers at the wheel, drove directly to Fresno where they pulled into the Chinatown area. During the trip, investigators said, Ms. Graybeal's watch and \$31 were stolen.

Ms. Menchaca was picked up at a bar after they arrived in Fresno, detectives said.

Investigators said the five and their captive went to Vine and Tenth where Stankewitz and Lewis allegedly forced the victim out of the car and left her body on the street after Stankewitz shot her.

The killing is thought to have occurred about 8:30 p.m.

It was shortly before 10 p.m. that the boy called the Sheriff's Department to report what had happened, police said.

Investigators said the boy could not remember the scene of the killing, but thought it had occurred in the Chinatown area.

Investigators said police and sheriff's deputies combed the streets in Chinatown, but were unable to find the victim's body.

During this time, investigators said, Modesto police confirmed a woman matching Ms. Graybeal's description had been reported missing by her parents earlier in the evening.

Investigators said Modesto police provided a description and license number of Ms. Graybeal's car, and the car was spotted shortly after 11 p.m. across the street from a hotel at Kern and F streets.

Police said Stankewitz and Lewis were inside the car. The two women were taken into custody outside the hotel. A .25-caliber pistol was found inside the car, police said.

Investigators said information obtained from the four suspects after they were questioned led officers to Ms. Graybeal's body.

Police said no effort had been made to hide the victim's body, but although it was plainly visible no one had told authorities about finding it.

It was the second time in seven months violent tragedy had struck Ms. Graybeal's family. Last July her brother, Bryan Pawlowski, was shot to death when a man, angry at his wife, killed her, Pawlowski and himself in Modesto.

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MAR 2 1978

MAR 2 1978

Quartet Will Face Trial For Woman's Slaying

Douglas R. Stankewitz, 21, and three co-defendants were ordered to stand trial in Superior Court on charges of murder, kidnapping and various weapons use counts in the Feb. 9 slaying of Theresa Graybeal of Modesto.

It is the first case originating in Fresno in which the death penalty will be sought since capital punishment was renewed in California eight months ago.

Whether the extreme penalty will be sought for all defendants in the case has yet to be determined by the District Attorney's office.

Co-defendants are Marlin E. Lewis, 23, of Sacramento, Teena E. Topping, 19, of Pinedale and Christina G. Menchaca of Fresno.

Taken into custody with these four was a 14-year-old youth, whose name was withheld because of his age. Testimony in the preliminary examination before Municipal Court Judge A. Dennis Caeton established the boy

notified police.

Under a grant of immunity from prosecution, the youth testified at length during the preliminary hearing. He said he, the two men and Ms. Topping were hitchhiking from Sacramento to Fresno and got tired of waiting in the rain for a ride.

He told the court under questioning of Deputy District Attorney James Ardaiz that the adults saw Miss Graybeal as she was about to enter her car in a Modesto shopping center, forced her into it and took her and the vehicle to Fresno.

He identified Stankewitz as the trigger man when the young woman was shot in the head and her body dumped at 10 Street and Vine Avenue in Fresno.

Ms. Menchaca was picked up in a Fresno Chinatown bar after the others arrived in Fresno in the Graybeal car, he said. The youth's report to police, coupled with information from Modesto where the victim had been listed as missing, aided Fresno police in finding the automobile and suspects, whom, they say, furnished information on the location of the body.

Stankewitz is being held without bail and bond on the others is \$200,000 each.

3-1-78

FOUR PEOPLE
CHARGED IN THE
SHOOTING DEATH
OF A MODESTO
WOMAN NEAR FRESNO
HAVE BEEN BOUND
OVER FOR TRIAL.
MARLIN LEWIS
OF SACRAMENTO AND
DOUGLAS STANKEWITZ
OF GLOVIS WILL
STAND TRIAL IN THE
FEBRUARY NINTH
SHOOTING.
STANKEWITZ...
BELIEVED TO HAVE
ACTUALLY FIRED
THE FATAL SHOT
THAT KILLED
21 YEAR OLD
THERESA GRAYBEAL...
FACES THE DEATH
PENALTY IF CONVICTED.

7/5A 3-1-78 BW

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(FRESNO) -- FOUR PEOPLE CHARGED WITH KIDNAPING AND SHOOTING DEATH OF A MODESTO WOMAN NEAR FRESNO HAVE BEEN FOUND GUILTY BY A JURY.

AS A RESULT OF YESTERDAY'S PRELIMINARY HEARING, MARLIN LEWIS OF SACRAMENTO AND DOUGLAS STANKEWITZ OF FRESNO WILL STAND TRIAL IN THE FEBRUARY NINTH SHOOTING.

STANKEWITZ -- BELIEVED TO HAVE ACTUALLY FIRED THE FATAL SHOT THAT KILLED 21-YEAR-OLD THERESA GRAYBEAL -- FACES THE DEATH PENALTY IF CONVICTED.

NINETEEN-YEAR-OLD TEENA TOPPING OF PINE DALE AND 25-YEAR-OLD CHRISTINA MENCHACA OF FRESNO ALSO ARE ACCUSED IN THE SLAYING.

POLICE BELIEVE MRS. GRAYBEAL WAS KIDNAPPED IN MODESTO AND DRIVEN TO FRESNO IN HER CAR WHERE SHE WAS KILLED. MS. MENCHACA WAS PICKED UP AFTER THE GROUP ARRIVED IN FRESNO AND IS NOT BEING CHARGED IN THE KIDNAPPING.

(STANKEWITZ) (STANISLAUS STATIONS NOTE)

505 8-7-78

(FRESNO) -- THE TRIAL OF DOUGLAS STANKEWITZ ON A CHARGE OF MURDERING A MODESTO WOMAN HAS BEEN DELAYED ONE MORE WEEK.

A START OF THE TRIAL IN FRESNO COUNTY SUPERIOR COURT WAS ABORTED LAST MONTH BECAUSE A PROSPECTIVE JUROR MENTIONED STANKEWITZ' PREVIOUS RECORD WITHIN THE HEARING OF OTHER JURORS.

THE TRIAL WAS TO START AGAIN TODAY, BUT COURT OFFICIALS SAY IT NOW HAS BEEN PUT OVER UNTIL NEXT MONDAY.

JUDGE BLAINE PETTITT ORIGINALLY WAS TO HANDLE THE TRIAL, BUT IT NOW HAS BEEN ASSIGNED TO JUDGE ROBERT MARTIN.

STANKEWITZ IS CHARGED WITH KIDNAPPING 22-YEAR-OLD THERESA GRAYBEAL FROM A SHOPPING CENTER IN MODESTO FEBRUARY EIGHTH, TAKING HER TO FRESNO AND SHOOTING HER TO DEATH.

WESTPHALIA IS (RAY) PRISONER

42

NOV

LA.....87

INVESTIGATION OF MRS. GRAYBART'S MURDER.
 THE FOUR AND A DA-YEAR-OLD PINEBLENDE YOUTH WERE ARRESTED FOR
 TOPPING OF PINEBLENDE AND 23-YEAR-OLD CHRISTIAN MENCHER OF FRESNO,
 OF CLAVIS 22-YEAR-OLD MARLIN LEWIS OF SACRAMENTO 19-YEAR-OLD LINA
 DEPUTIES BELIEVE HIS AGGRAVATED WERE 21-YEAR-OLD DOUGLAS STANKEMITZ
 FARMWORKER SAID HIS CAPTORS FIRED SHOTS AT HIM AS HE FLED.
 WAS ORDERED OUT OF THE CAR AT GUNPOINT AND HE THEN RAN AWAY. THE
 THE CHECK AND HE WAS DRIVEN TO AN AREA WHERE THE CAR WAS STOPPED. HE
 THE FARMWORKER SAID ONE OF THE WOMEN REMOVED HIS WALLET CONTAINING
 VEHICLE.
 BY TWO MEN -- ONE ARMED WITH A KNIFE -- AND FORCED HIM INTO THE
 HE SAID HE ACCOMPANIED THEM INSIDE IN A CAR WHERE HE WAS CONFRONTED
 THE SAME NIGHT WHEN HE WAS APPROACHED BY TWO WOMEN WHO SOLICITED HIM.
 THE FARMWORKER TOLD INVESTIGATORS HE WAS DRINKING IN A ROLLING BAR
 SHOT AND KILLED HER.
 AND PERSONAL POSSESSIONS AND DROVE HER TO THE FRESNO AREA WHERE THEY
 FARMWORKER BELIEVE THE FOUR KIDNAPPED AND GRAYBART STOLE HER CAR
 FARMWORKER OF MODOSTO.
 ILLEGAL ALIEN FROM THE ROLLING BAR IN THE CAR OF 21-YEAR-OLD THREES
 INVESTIGATORS SAID THEY FOUND A CHECK BELONGING TO A 38-YEAR-OLD
 LINKED TO ANOTHER KIDNAPPING-- ROBBERY AND MURDER ATTEMPT.
 MURDERED IN THE FEBRUARY BIRTH MURDER OF A MODOSTO WOMAN HAD BEEN
 (FRESNO) -- FRESNO COUNTY SHERIFF: LEWIS SAID ~~THE~~ PEOPLE

20

Four

7 1/2 2-16-78

ROBBERY LINK

STANKEWITZ MURDER CASE

28/78 Length 13:52
E.H. LS Newscast 11

15
Page

Handwritten scribbles and initials, including "RHL" and "58".

ALL FOUR PEOPLE CHARGED WITH THE SHOOTING DEATH OF A MODESTO WOMAN HAVE BEEN HELD FOR TRIAL.

A PRELIMINARY HEARING WAS HELD THIS AFTERNOON TODAY FOR THE TWO MEN AND TWO WOMEN.

Handwritten circled number "20".

FILM 72

SOE BG VO:

THE TWO MEN TO STAND TRIAL ARE MARLIN LEWIS AND DOUGLAS STANKEWITZ.

STANKEWITZ, THE TRIGGERMAN, MAY FACE THE GAS CHAMBER IF CONVICTED.

Handwritten circled text "29sec".

19-YEAR-OLD TEENA TOPPING AND 25-YEAR OLD CHRISTINA MANCHECA ARE ALSO ACCUSED IN THE FEBRUARY 9TH DEATH OF THERESA GRAYBEAL, WHO WAS ALLEGEDLY KIDNAPPED IN MODESTO AND KILLED

KREWITZ ADD ONE

28/78

Length

BAN

Newscast

11

Stanley B. Ball

IN FRESNO.

76
Page

FILM ENDS

MENCHACA WAS NOT INVOLVED IN THE KIDNAPPING AND IS NOT BEING HELD FOR TRIAL ON KIDNAPPING AND ROBBERY CHARGES.

ALL FOUR ARE BEING HELD FOR TRIAL ON A SUBSEQUENT ATTEMPTED MURDER.

6 DAVIS

6 DAVIS

MURDER CASE
3/1/78 Length 140
bd Newscast Noon

ST
CK/SLIDE
"murder"

(HOLD CK) ~~████████~~
FILM:
~~████████~~:29

IF NEEDED

7
Page

The four people
accused in the murder
of a young Modesto
woman...have been
held over for trial.

A preliminary
hearing was held
yesterday...for the
two men and two
~~women~~ women.

SOF/BG w/V.O.:

The two men to
stand trial are
Marlin Lewis and
Douglas Stankewitz.

Stankewitz---the
alleged triggerman---
could face the gas
chamber if convicted.

19-year-old Tina
Topping and 25-year-
old Christina
Mancheca are also
accused in the
February 9th death
of Theresa Graybeal,
who was allegedly
kidnapped in Modesto
and killed in Fresno.

Ms. Mancheca was
not involved in the

Mul

ad 1-1-1-1-1

Length

Newscast

27

Call if needed

kidnapping...and is not being held for trial on kidnap or robbery charges.

All four are also being held for trial on another reported murder attempt. *

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Page

MORNING TOPS
3-1-78/ BW

FOUR PEOPLE CHARGED IN THE SHOOTING DEATH OF A MODESTO WOMAN IN CALWA HAVE BEEN BOUND OVER FOR TRIAL. MARLIN LEWIS OF SACRAMENTO AND DOUGLAS STANKEWITZ OF CLOVIS WILL STAND TRIAL FOR THE FEBRUARY 9th MURDER OF 21 YEAR-OLD THERESA GRAYBEAL. STANKEWITZ IS BELIEVED TO HAVE COMMITTED ~~THE~~ THE ACTUAL KILLING. IF CONVICTED, HE FACES THE DEATH PENALTY. 19-YEAR-OLD TEENA TOPPING OF PINEDALE AND 25-YEAR-OLD CHRISTINA MENCHACA OF FRESNO ARE ALSO ACCUSED IN THE SLAYING.

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THE HIGHWAY PATROL IN BAKERSFIELD REPORTS INTERSTATE-FIVE SOUTHBOUND OVER THE GRAPEVINE HAS BEEN CLOSED AGAIN DUE TO MUDSLIDES. HIGHWAY PATROL CARS ARE LEADING TRAFFIC BOTH NORTH AND SOUTHBOUND OVER THE NORTHBOUND LANES UNTIL THE MUDSLIDES CAN BE CLEARED BY HIGHWAY WORK CREWS. MOTORISTS WILL HAVE WAITS OF AT LEAST TWO HOURS..AND MAYBE LONGER..BEFORE THEY CAN GET THROUGH THE BOTTLENECK.

-0-

53-YEAR-OLD JERRY KELLY DIED DURING ~~THE~~ THE NIGHT AT VALLEY MEDICAL CENTER AFTER APPARENTLY SUFFERING A HEART ATTACK WHILE ATTENDING THE AFTERNOON MEETING OF THE BOARD OF SUPERVISORS. KELLY WAS TREATED AT THE SCENE BY A DOCTOR WHO WAS ALSO ATTENDING THE BOARD MEETING.

-0-

A 4-YEAR-OLD FRESNO BOY..JASON ENGLEMAN..DROWNED IN A BACKYARD SWIMMING POOL AT HIS HOME YESTERDAY AFTERNOON. AUTHORITIES SAID THE CHILD WAS DISCOVERED IN THE ABOVE-GROUND POOL BY HIS MOTHER ABOUT SIX O'CLOCK. INVESTIGATORS SAID THE CHILD APPARENTLY WAS PLAYING ON THE EDGE OF THE POOL AND FELL IN.

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TV News
Fresno, California

Story STANKEWITZ TRIAL

2A

Total Length 1:16 Film XXX EJ

Date 7-6 Newscast ER

Writer MJH Photographer LS

FILM

SUPER 528 HARTMAN

(DAB
TIGH)

34
37

FILM

SUPER SCIANDRA

117

SOF-BG W/CART-TAPE

CART

(STANKEWITZ WORE JAIL CLOTHING TO FACE
PROSPECTIVE JURORS... ^{SPURNING} ~~REJECTING~~ REQUESTS
FROM HIS ATTORNEY AND THE JUDGE TO WEAR HIS
OWN CLOTHES... ^{HIS} ~~FOR~~ OWN SAKE. PROSECTUOR
JIM ARDAIZ IS SEEKING THE GAS CHAMBER ^{FOR} ~~FROM~~
STANKEWITZ... ~~ONE OF FOUR PEOPLE CHARGED~~
IN THE MURDER OF THERESA GRAYBEAL OF MODESTO.
JURY SELECTION BEGAN AFTER MUDGE BLAINE
PETTITT REJECTED DEFENSE CONTENTIONS
STANKEWITZ IS INCOMPETENT TO STAND TRIAL...
AND STANKEWITZ'S OWN MOTION TO CHANGE
ATTORNEYS. ^{DEFENDER COUNSEL} ~~DEFENSE COUNSEL~~ SAL SCIANDRA ^{SAYS} ~~SAID~~
HE'LL APPEAL THOSE RULINGS... ^{MAINTAINING} ~~THAT~~ STANKEWITZ
^{is irrational in HIS APPROACH TO THE CASE.} ~~IS IRRATIONALLY REFUSES TO COOPERATE WITH HIM~~
~~IN THE DEFENSE... IN FACE OF STRONG PROSECUTOR~~
EVIDENCE.

SOUND

SOF ENDS... "....HARTMAN, NEWS 24"

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FEB 15 1978

Kidnap-Killing Brings Pleas Of Innocent

The death penalty may be sought for at least one defendant and, possibly, all four adults charged with the Feb. 9 murder of Theresa Graybeal, of Modesto, although a decision has not been made by the Fresno County District Attorney's Office.

Douglas R. Stankewitz, 21, of Clovis was ordered held without bail and the bail of his co-defendants was hiked to \$200,000 each pending their preliminary hearing Feb. 27. They all pleaded innocent before Municipal Court Judge James V. Paige on Tuesday.

The other adults are Marlin E. Lewis, 22, of Sacramento; Teena E. Topping, 19, of Pinedale, and Christina G. Menchaca of Fresno. Also held in the case is a 14-year-old boy, who investigators said tipped them to the murder. No decision has been made whether he will be tried as an adult.

Ms. Graybeal was forced into her car and driven to the Chinatown area of Fresno, where the other four picked up Ms. Menchaca, investigators said.

During the ride, Ms. Graybeal's watch and \$31 were taken, detectives said.

After Ms. Menchaca was picked up at a bar, investigators added, the five took their captive to Vine Avenue and Tenth Streets in the Calwa area where she was found dead, shot through the head.

Tipped by the youth later that night, Fresno authorities obtained information from Modesto law enforcement officers and located Ms. Graybeal's car in the Chinatown area, with Stankewitz and Lewis inside. They were arrested and a .25 caliber pistol was found in their possession. The two women were arrested in a nearby hotel, police said.

Police found the body with information obtained from the five after they were arrested, investigating officers reported.

FEB 16 1978

C10 The Fresno Bee •
Thurs., Feb. 16, 1978

Four Held In Kidnap-Slaying Are

Douglas R. Stankewitz

Sheriff's deputies reported two men and two women charged with the Feb. 8 murder of Theresa Graybeal of Modesto have been linked to the kidnapping, robbery and attempted murder of a farmworker on the same night Ms. Graybeal was slain. Investigators said a check found in Ms. Graybeal's car after the four suspects were arrested was traced to a 38-year-old illegal alien working in the Rolinda area.

The farmworker, investigators

said, reported he was drinking in a Rolinda bar that night when he was approached by two women who solicited him for an act of prostitution shortly after 10 p.m.

He said he accompanied the women outside to a car where he was confronted by two men, one armed with a knife, who forced him into the vehicle.

He said one of the women removed his wallet, which contained the

check, as he was being driven to California and Hayes avenues where the car pulled off the road and stopped.

He said the men ordered him out of the car at gunpoint and he slammed the car door shut and ran away as three shots were fired in his direction.

He hid until the car sped away, the farmworker told investigators, then he walked home, but did not report

FEB 16 1978

Suspects In Robbery That Night

the incident because of his illegal alien status.

Deputies believe his assailants were Douglas R. Stankewitz, 21, of Clovis; Martin E. Lewis, 22, of Sacramento; Teena E. Topping, 19, of Pinedale and Christina G. Menchaca, 23, of Fresno.

The four and a 14-year-old Pinedale boy were arrested after Ms. Graybeal's body was found in the Caiwa area, where she died of a single gunshot wound to the head.

Investigators said Ms. Graybeal was kidnapped in Modesto the afternoon of Feb. 8 and driven in her car to Fresno by Stankewitz, Lewis, Ms. Topping and the 14-year-old.

Investigators said Ms. Menchaca was picked up at a bar in Chinatown and that Ms. Graybeal was then taken to Vine Avenue and Tenth Street, where she was shot and her body left beside the road.

Police said the youth provided information which led to the arrest of

the four several hours after the killing.

The four adults were charged with Ms. Graybeal's murder and a preliminary hearing has been set for Feb. 27. No decision has been made whether the youth will be tried as an adult.

Investigators said the boy was with the four adults at the time Ms. Graybeal was killed, but that he had already been dropped at his home in Pinedale when the robbery of the farmworker occurred.

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P 5-5-78

(TRIAL)

(FRESNO) -- A FRESNO COUNTY SUPERIOR COURT JUDGE HAS RULED THAT A CLOVIS MAN CHARGED WITH THE MURDER OF A MODESTO WOMAN WILL HAVE A SEPARATE TRIAL (FOR) THREE (OF) SIX FELONY COUNTS AGAINST HIM.

TWENTY-ONE-YEAR-OLD DOUGLAS STANKWITZ IS ACCUSED IN THE FEBRUARY EIGHTH MURDER, KIDNAPPING AND ROBBERY OF THERESA GRAYBEAL OF MODESTO.

BECAUSE THE DEATH PENALTY IS BEING SOUGHT IN THE MODESTO WOMAN'S MURDER. JUDGE SIMON NAROOTIAN RULED ~~WEDNESDAY~~ THAT ADDITIONAL CHARGES OF KIDNAPPING, ROBBERY AND ATTEMPTED MURDER OF ANOTHER VICTIM WILL BE TRIED SEPARATELY.

STANKWITZ ALSO WILL BE TRIED SEPARATELY FROM THE OTHER FOUR DEFENDANTS IN THE CASE, 22-YEAR-OLD EARLIN LEWIS OF SACRAMENTO; 19-YEAR-OLD TEENA TOPPING OF PINEDALE AND 25-YEAR-OLD CHRISTINA MENCHACA OF FRESNO.

ALL BUT MS. MENCHACA ARE CHARGED WITH KIDNAPPING, AS WELL AS THE OTHER FELONY COUNTS.

TESTIMONY AT A PRELIMINARY HEARING ESTABLISHED THAT MS. MENCHACA WAS NOT WITH THE OTHERS WHEN THEY KIDNAPPED MISS GRAYBEAL FROM THE PARKING LOT OF A MODESTO STORE.

AUTHORITIES SAY SHE WAS PICKED UP LATER IN FRESNO AND WAS PRESENT WHEN MISS GRAYBEAL WAS ROBBED AND SHOT TO DEATH.

THAT SAME NIGHT, JESUS NEREZ, A RANCH EMPLOYEE, SAID THE FOUR LURED HIM TO THEIR CAR WHERE THEY ROBBED HIM AND FIRED SHOTS AT HIM AS HE FLED.

KMT Cali News time is 22 min
after 7:00 9 > >

(STANKWITZ)

(FRESNO) -- JURY SELECTION CONTINUES TODAY IN THE FRESNO COUNTY SUPERIOR COURT MURDER TRIAL OF 21-YEAR-OLD DOUGLAS STANKWITZ. JURY SELECTION BEGAN YESTERDAY AFTERNOON AFTER JUDGE BLAINE PETTIT DENIED A DEFENSE MOTION FOR A HEARING TO DETERMINE IF STANKWITZ IS MENTALLY COMPETENT TO AID IN HIS DEFENSE. STANKWITZ IS CHARGED WITH KIDNAPPING 22-YEAR-OLD THERESA GRAYSON OF ORESTON, BRINGING HER TO FRESNO AND THEN FATALLY SHOOTING HER. THREE OTHER PERSONS ALSO ARE ACCUSED IN THE WOMAN'S MURDER, BUT THEIR TRIALS WILL BE HELD SEPARATELY AT A LATER DATE.

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(RAY)

Five Arrested In Kidnapping, Murder Of Modesto Woman

FRESNO (AP) — Five people have been arrested for investigation of the kidnapping and murder of a Modesto woman, police here said.

The five allegedly kidnapped Theresa Greybeal, 22, from the parking lot of a K-Mart store in Modesto and stole her car, which they drove here.

After driving to Fresno, authorities believe the alleged kidnappers shot and killed the woman in the Calwa area southeast of here, where her body was found by Fresno County sheriff's deputies.

Lt. Ted Large said the five arrested here Wednesday night are Douglas Stankewitz, 21, of Clovis; Marlin Lewis, 22, of Sacramento; Tina Topping, 19, and a 17-year-old juvenile, both of Pinedale; and Christina Menchaca, 25, of Fresno.

Large said Fresno police learned of the kidnapping and murder Wednesday night from an informant who described the kidnapped woman and her vehicle to police. Large said Fresno police checked with Modesto police to learn the woman had been reported missing.

Death row inmate retried

Stankewitz is back in Fresno for third retrial.

By Pablo Lopez
The Fresno Bee

More than three decades after Douglas Ray Stankewitz shot and killed 22-year-old Theresa Graybeal and bragged to his friends — “Did I drop her or did I drop her?” — he has returned to Fresno for a third retrial of his death sentence.

Stankewitz, 55, has been on California's death row longer than any other inmate. He checked into the Fresno County Jail this week and has a hearing today in the downtown courthouse.

He's here because a federal appellate court in 2012 overturned his death sentence due to incompetent counsel. Though he contends he didn't kill Graybeal (his supporters contend he didn't utter the chilling quote, either), the appellate court declined to reverse his murder conviction.

Instead, the appellate court wants a new jury to determine whether he should remain on death row until his execution or spend life in prison without parole. Courtroom observers today will see a far different person than the young rebel who slugged his attorney during his 1978 trial, talked back to the judge and escaped from a courthouse holding cell before being recaptured a few days later in Fresno.

“He's not angry anymore,” said Laura Wass, director for the American Indian Movement in Central California, who has studied Stankewitz's case and contends he is innocent.

“He's calmer now and stronger in mind,” Wass said. “He's determined to prove his innocence.”

Stankewitz caused an uproar at his 1978 trial when he threatened to kill the judge.

See **STANKEWITZ**, Page A14



Douglas Ray Stankewitz

MORE ONLINE

See the story at fresnobee.com for links to the website that supports Stankewitz's defense and a copy of the appellate court ruling that ordered a retrial of his death sentence.

via forecast

FRESNO BEE » NEWS « FRIDAY, SEPTEMBER 20, 2013

STANKEWITZ

Continued from A1

ened to kill Judge Robert Martin, jurors and witnesses, published reports said. He also cursed Martin saying: "I already know the outcome of this (expletive) trial."

Undersheriff Tom Gattie promised that won't happen this time.

"He's a yellow suit," Gattie said, referring to high-risk inmates who wear yellow jail jumpsuits to court. Non-violent inmates wear red jumpsuits. "I can assure you there will be enough correctional officers to watch him."

At San Quentin State Prison, Stankewitz has his own cell, which has a television and radio, Wass said. He also gets to talk to other death-row inmates.

In the county jail, Stankewitz is isolated from other inmates for his own safety and doesn't have a television or radio. "We treat all inmates the same," Gattie said. "This isn't the Hilton."

Stankewitz was 19 in February 1978 when he and four others from Fresno—Billy Brown, 14, Marlin Lewis, 22, Teena Topping, 19, and Christina Menchaca, 25 — got stranded in Modesto without a working car.

Outside a department store, they forced Graybeal into her car and drove off.

In Fresno, they drove to the Calwa area looking for heroin. They all got out of the car at Vine Avenue and 10th Street. Everyone got back in the car except Stankewitz and Graybeal.

According to Brown's testimony, Stankewitz raised a gun and shot Graybeal from about one foot away. "Did I drop her or did I drop her?" Brown quoted Stankewitz as saying.

Brown's charges were dropped for testifying

against Stankewitz. Lewis pleaded guilty to second-degree murder. Both are now dead. Menchaca and Topping pleaded guilty to being accessories.

The California Supreme Court tossed his first death sentence in 1982, but a year later he was convicted again and sentenced again to death. The second death sentence didn't hold up, either. The U.S. District Court of Appeals, Ninth Circuit, ruled in October 2012 that Fresno attorney Hugh Goodwin's "performance fell below the constitutional standards" because he didn't tell jurors about Stankewitz's abusive childhood and mental health problems.

Goodwin, who went on to become a judge, died in 2004 at age 83.

The appellate court outlined Stankewitz's childhood:

He was born into a poverty-stricken home that was "dirty, covered in cockroaches and fleas, and without electricity or running water." There often was not enough food for Stankewitz and his nine siblings, who were frequently beaten by their parents and whipped with a belt.

Stankewitz's mother, Marian, had been an alcoholic since she was a child and was severely intellectually impaired. Marian Stankewitz was arrested several times for crimes that included assault, grand theft auto and drunken driving, and she was ultimately convicted of voluntary manslaughter for shooting and killing a man while she was drunk at a party.

A probation report described Stankewitz's mother as "incapable of caring for herself and all of her children and certainly incapable of caring for Doug."

Stankewitz's father, Robert, was an alcoholic truck driver and leader of a motorcycle gang. According to his rap sheet,

he was arrested several times for crimes that included wife beating, robbery, non-support, public drunkenness, forgery, disturbing the peace and contributing to the delinquency of a minor. A judge described Robert Stankewitz as an "outlaw" and "a definite menace to society" who had low intelligence and "no respect for the rights or feelings of others."

The appellate court said: "That Stankewitz was severely emotionally damaged by his early childhood is well-supported by the record." Goodwin also failed to tell jurors of Stankewitz's "long history of drug use and consumption of substantial quantities of drugs in the days leading up to Graybeal's murder."

Wass said that Stankewitz, an American Indian who was known as "Chief," has found hope by collecting proof of his innocence, which supporters post on the website freechief.org.

"He is stronger than ever," she said.

Wass has helped collect the evidence. She said Lewis told her a few months before he died in December 2000 that he was responsible for Graybeal's death. "He felt really bad about Doug having to take the heat for all of this," Wass said.

In addition, Brown wrote a court declaration in September 1993. In the declaration, Brown said: "I did not at any time see Doug Stankewitz holding a gun. I did not see who pulled the trigger."

Brown also said Lewis actually uttered the infamous words that led to Stankewitz being sentenced to death. Wass said she didn't get a chance to talk to Brown before he died.

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Douglas Stankewitz was awaiting a second trial when this photograph was taken in 1982.

Delay filed for killer

■ State schedules execution of Fresno Douglas Stankewitz for next week, but there is a late legal challenge.

By Royal Calkins
The Fresno Bee

Fresno killer Douglas Stankewitz briefly moved to the top of California's death list Thursday when state prison officials began preparing to execute him a week from today.

A federal judge in Fresno said he expected to issue a stay this morning, however, indefinitely postponing Stankewitz's trip to the San Quentin gas chamber.

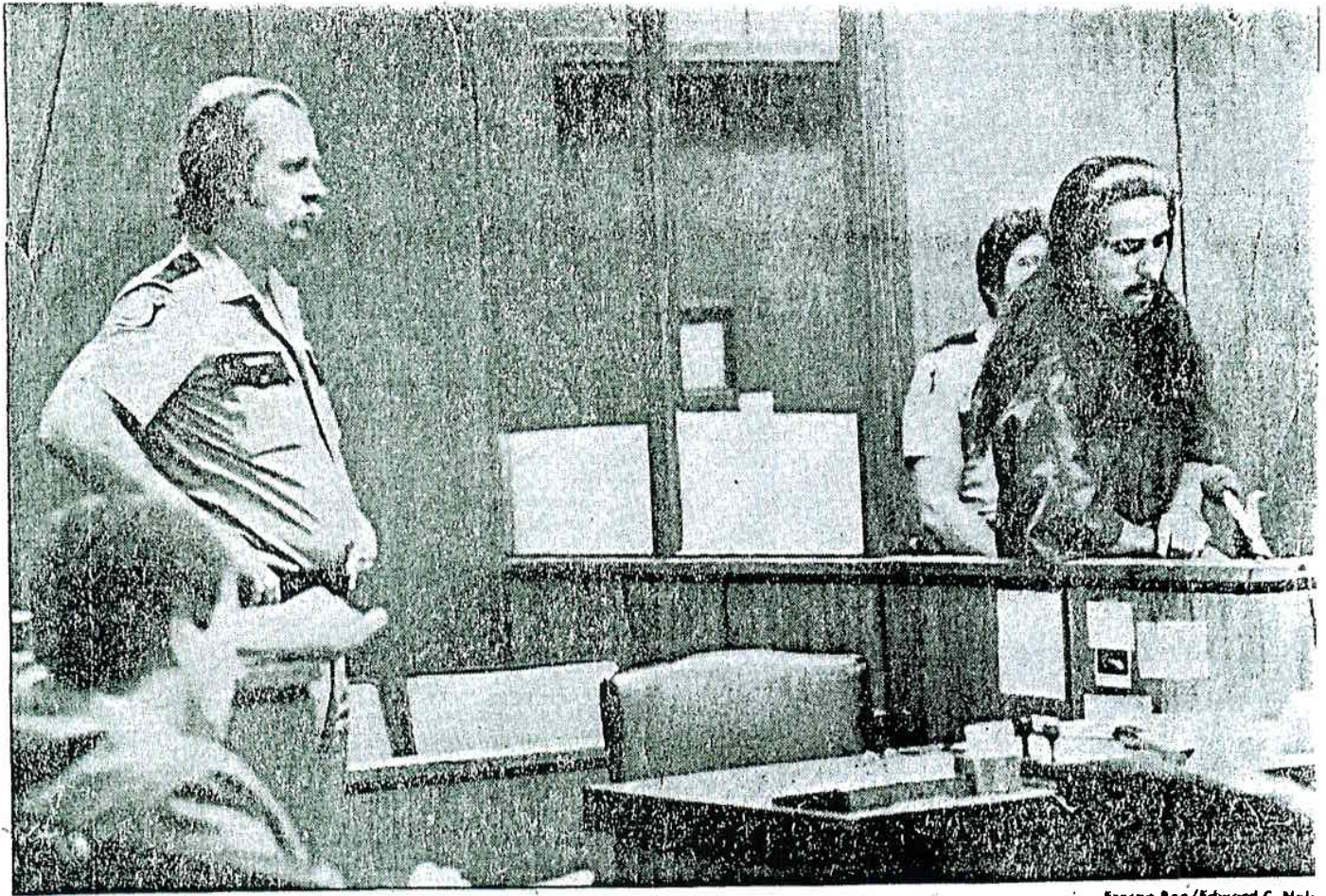
Stankewitz was convicted, twice, of the 1978 killing of Theresa Graybeal, 22, of Modesto.

Prison officials had announced Thursday that the execution was scheduled for 3 a.m. Nov. 22 because Stankewitz had not authorized an attorney to seek a stay.

The state appeared to be on the verge of its first execution in 24 years. Reporters were invited to apply to be among the 16 journalists allowed to witness the death.

But after business hours Thursday, federal court officials in Sacramento notified U.S. District Judge Oliver W.

Please see **Execution**, back page



Fresno Bee/Edward C. Noh

Douglas Stankewitz, right, answers questions as Bailiff James Batchelor, from whom Stankewitz escaped during his 1978 trial, watches.

'I don't trust them'

Stankewitz blasts public defenders

Four years and two days after a Fresno jury recommended his execution, Douglas Ray Stankewitz returned to a Fresno courtroom — still angry at public defenders.

Stankewitz — whose conviction on charges of murder, kidnapping and robbery was reversed recently by the California Supreme Court — told Superior Court Judge A. Dennis Caeton Wednesday that he will not allow Fresno County public defenders to represent him.

Deputy Public Defender Sal Sciandra represented Stankewitz at his trial in the shooting death of Theresa Graybeal, 22, of Modesto. During that trial, Stankewitz punched Sciandra and repeatedly tried to fire him.

Sciandra submitted the motion that led to the reversal of Stankewitz's conviction.

The state Supreme Court ruled that Stankewitz should have been granted a competency hearing before his trial.

Caeton — who presided at Stankewitz's preliminary hearing in 1978 while a Municipal Court judge — Wednesday ordered a competency hearing and appointed two psychiatrists to examine Stankewitz. He scheduled a hearing on their reports for Oct. 19.

He also promised to resolve Stankewitz's attorney problems after he rules on the competency issue.

During his court appearance Wednesday, Stankewitz denounced the Public Defender's Office in a heated diatribe.

"I do not want . . . their help," he said. "You know I don't trust them. They showed what they could do for me by getting the death penalty and I don't want to go through that again."

Before the first trial, Sciandra challenged his client's competency to stand trial or aid in his defense. That challenge was denied by Superior Court Judge Blaine Pettitt. Sciandra appealed

the denial.

The 5th District Court of Appeal affirmed the denial and Sciandra took his appeal to the state Supreme Court, which refused to hear it.

But the court later reversed his conviction on the automatic appeal of the death penalty.

The proceedings also represented a reunion of sorts for Stankewitz and sheriff's deputy James Batchelor, a bailiff in Caeton's court.

Batchelor was blamed for Stankewitz's escape from a holding cell on the fifth floor of the County Courthouse during his trial. A late inspection showed that a door the bailiff had been accused of not closing was warped and difficult to shut.

Stankewitz was recaptured without incident three days after his escape at a party in the Fresno apartment of a friend.

Asked if the prisoner acknowledged his Batchelor said: "Yes, he said 'hi.'"