

# PIER 5 LAW OFFICES

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## Open Letter

District Attorney Lisa Smittcamp  
2220 Tulare St., Suite 1000  
Fresno, CA 93721

Dear District Attorney Smittcamp:

We ask for your intervention in the matter of Douglas Stankewitz. Even though no staff member of yours or current police employee was involved with framing Mr. Stankewitz for murder in 1978, you have the power to make this right as your office still has jurisdiction over the case. We understand that the implications of our allegations are difficult to accept for the county's top law enforcement officer. We ask you to put those feelings aside and meet with us so that we can freely present to you the merits of our position and ultimately advocate for Douglas's eligibility for parole, if not total exoneration in the tragic murder of Ms. Graybeal.

As documented by your agencies' reports from 1978 – present, the alleged murder weapon was planted. As stated by Roger Clark, Police Practices Expert, under penalty of perjury, the physical evidence in the case shows our client's innocence and does not match the testimony of the trial witnesses. Outrageous law enforcement and prosecutorial misconduct by Fresno officials has kept him incarcerated on Death Row for almost 44 years. It is past time for you to dismiss the case against him.

The truth is that without the misconduct, the case against him was never provable beyond a reasonable doubt. It was a vendetta by police who conspired to convict a Stankewitz and have him executed. His family's criminal activity, including that against law enforcement made him a target.

He has had 5 death dates and spent 20 years in solitary confinement. He has been subjected to the horrors of prison life. He suffers from a variety of physical maladies, including long COVID. He is currently at risk due to Covid Omicron. If nothing else, he should be released on humanitarian grounds.

At present, there are 2 pending proceedings which can include an evidentiary hearing:  
Petition for Writ of Habeas Corpus (Fresno Superior Court)  
Criminal Case appeal (5<sup>th</sup> District Court of Appeal)

Each of these provides a forum to introduce the real gun evidence and present the false testimony that your agencies used to convict and maintain the conviction against our client. In turn, they will create a domino effect of other Fresno criminal convictions being questioned and vacated.

Based on trial testimony, police reports and investigator reports, we are aware of illegal acts committed by Fresno agencies from 1978 – present, in violation of the following sections of the CA Penal Code:

CA Penal Code Section 118. Perjury

CA Penal Code Section 118.1 Peace officers false report

CA Penal Code Section 118a. False affidavit as to testimony as perjury; subsequent contrary testimony

CA Penal Code Section 123. Materiality and effect of testimony; knowledge of witness

CA Penal Code Section 127. Subornation of perjury; definition; punishment

CA Penal Code Section 134. Preparing false documentary evidence

CA Penal Code Section 135. Destroying, erasing or concealing documentary evidence

CA Penal Code Section 182. Conspiracy – Definition; punishment; venue; evidence necessary to support conviction

These are in addition to continued discovery violations by Fresno agencies, including interviewing retired officers and failing to provide us with reports of those interviews.

In 2017, Fresno DA Investigator Garcia wrote a report which confirms that gun related evidence in the possession of the Fresno Sheriff's office, was tampered with. Based on Fresno agency reports, we have documented over 50 pieces of missing evidence, including crucial exculpatory evidence. Why hasn't your office investigated these incidents? Either of these alone is enough to justify dismissal.

As you are aware, we have obtained and provided the court with declarations from a number of the officers who did the original investigation. Their declarations confirm the misconduct that was committed.

Our client will continue to press for a new trial so that he has his day in court to prove the egregious misconduct committed against him. We are confident that if we can ever get a hearing on the matter, Douglas will be vindicated. He is innocent of these charges.

Sincerely,

***THE STANKEWITZ LEGAL TEAM***

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