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23 SUPERIOR COURT OF CALIFORNIA, COUNTY OF FRESNO
24 CENTRAL DIVISION

25 PEOPLE OF THE STATE OF CALIFORNIA,
26 Plaintiff,
27 vs.
28 DOUGLAS R. STANKEWITZ,
29 Defendant

Case No.: CF78227015

**THIRD AMENDED MOTION FOR
RELEVANT DATA PURSUANT TO
PENAL CODE SECTION 745(d) OF THE
CALIFORNIA RACIAL JUSTICE ACT**

**Date: Fri. May 29, 2026
Time: 9:30 am
Dept 74**

30 TO THE HONORABLE ALVIN M. HARRELL, III, JUDGE, SUPERIOR COURT FOR THE
31 COUNTY OF FRESNO AND TO THE DISTRICT ATTORNEY FOR THE COUNTY OF FRESNO:

32 THIRD AMENDED MOTION FOR RELEVANT DATA PURSUANT TO PENAL CODE
33 SECTION 745(d) OF THE CALIFORNIA RACIAL JUSTICE ACT - 1

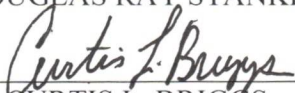
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2
3 YOU WILL PLEASE TAKE NOTICE that Defendant DOUGLAS R. STANKEWITZ,
4 through counsel, on the above date and time, or as soon thereafter as counsel can be heard, will
5 move pursuant to Penal Code section 745, subdivision (d) of the California Racial Justice Act of
6 2020 (“CRJA”), for the above-named Court to issue an order directing the District Attorney to
7 gather and disclose all data requested from the Fresno County District Attorney’s Office (hereinafter
8 FCDA) as described below.

9 Dated: March 12, 2026

Respectfully Submitted,

10 J. TONY SERRA
11 PETER JONES
12 CURTIS BRIGGS
13 MARSHALL D. HAMMONS

14 Attorneys for Defendant
15 DOUGLAS RAY STANKEWITZ

16 
17 By CURTIS L. BRIGGS

18 TABLE OF CONTENTS

19 **TABLE OF EXHIBITS** 7
20 **I. INTRODUCTION** 8
21 **A. CASE BACKGROUND AND PROCEDURAL HISTORY** 9
22 **II. REQUESTS FOR INFORMATION FROM THE FRESNO DISTRICT**
23 **ATTORNEY’S OFFICE** 10
24 1. SPECIFIC DATA REQUESTS – DEFENSE REQUESTS THAT ALL .
25 CATEGORICAL ITEMS REQUESTED BELOW IN ITEMS 2 – 3
26 INCLUDE: 11
27 **III. FACTUAL BASIS FOR DISCOVERY REQUESTS RELATING TO DISPARATE**
28 **TREATMENT OF NATIVE AMERICANS** 13

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IV. UNITED STATES HAS A HISTORY OF GENOCIDE AND HATE AGAINST INDIGENOUS PEOPLE 15

V. UNITED STATES STEREOTYPES OF INDIANS DEMONSTRATE RACIAL BIAS AGAINST THEM 16

VI. CALIFORNIA HAS A HISTORY OF GENOCIDE AGAINST INDIGENOUS PEOPLE 17

 A. DISPROPORTIONATE IMPACT ON CALIFORNIA’S DEATH ROW SHOWS DISCRIMINATION AGAINST PEOPLE OF COLOR 19

 B. DISPROPORTIONATE IMPACT AMONG LIFE WITHOUT PAROLE POPULATION SHOWS DISCRIMINATION AGAINST PEOPLE OF COLOR . 21

 C. DISPROPORTIONATE DEATH SENTENCES FOR YOUTHFUL OFFENDERS SHOW DISCRIMINATION AGAINST PEOPLE OF COLOR 22

 D. ANTI-NATIVE HATRED BY NEONAZI GROUPS CONTINUES PRESENT DAY 23

VII. FRESNO COUNTY HAS A HISTORY OF DISCRIMINATION AGAINST NONWHITES 24

 A. HATE GROUPS, INCLUDING THE KKK WERE ACTIVE IN FRESNO COUNTY IN THE 1970s and 1980s 25

 B. RECENT FRESNO COMMUNITY DISCRIMINATION AGAINST NATIVE AMERICANS 26

1. Yokuts Valley Name Change 26

2. Fresno County Native American Maternal Mortality is 50% Higher than the State Average 27

3. Fresno High School Had a Native American Mascot Until 2021 28

4. Clovis High Discriminated Against Pit River Tribe Member (2015).. 28

5. Clovis High Discrimination Against Native Student Regarding Regalia (2025) 28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

C. FRESNO COUNTY LEGAL CASES DEMONSTRATE BIAS AGAINST
NATIVE AMERICANS: 28

1. Judicial Bias: Patty Dawson Assault Case 28

**2. Law Enforcement Bias: Missing and Murdered Indigenous Woman
 Case: Bessie Walker 29**

D. FRESNO LAW ENFORCEMENT BIAS AGAINST INDIANS 29

**1. FCSD Yearbooks Document Bias-Based Hiring/Racial Discrimination in
 the Sheriff’s Office 29**

**2. There Was Racial Bias Against Indians/Native Americans by Law ..
 Enforcement in Fresno County During the Relevant Time Period for this
 Case 30**

 a. Dr. Eduardo Duran’s 1988 Declaration and Defense Counsel Hugh
 Goodwin’s 1995 Declaration Document Racial Bias Against Native
 Americans in Fresno County in the 1970s – 1980s 31

 b. Fresno County Sheriff’s Office Annual Yearbooks (hereinafter ..
 “Yearbooks”) Demonstrate Racial Bias against Indians in
 1976 – 1985 32

 i. FCSD Yearbooks Background 32

 ii. Discrimination in the Yearbooks – Bias Against Arrestees
 is a Constant Theme 33

**3. Historical Fresno County Incarceration and Arrest Rates Are Higher
 For Nonwhites 34**

**4. Discrimination in the Yearbooks – Disparagement of Civil and
 Constitutional Rights 36**

**5. Discrimination in the Yearbooks – Rehabilitation of Criminals is
 Impossible 38**

6. Discrimination in the Yearbooks – Explicit and Implicit Racial Bias .38

**7. Penultimate Yearbook Story: Racial Bias, Anti-Civil Rights and
 Stankewitz Family Hatred All Rolled Into One 42**

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

8. Fresno Police Department Annuals Document Bias Against Police Suspects and Nonwhite Suspects, including a noose in the hands of the future Chief of Police 43

9. Fresno County Probation Department History Shows Racial Bias Against Indians 44

E. FRESNO COUNTY IMPOSES A HIGHER DEATH SENTENCE RATE THAN TWO THIRDS OF CALIFORNIA COUNTIES 45

F. NATIVE AMERICANS SENTENCED TO DEATH IN FRESNO 46

G. KNOWN FRESNO SENTENCES & RESENTENCES WHICH DEMONSTRATE RACIAL BIAS 47

1. Recent Example – Colin Dickey Double Murder Case – From Death, Reduced to 50 to Life for 2 Murders 48

VIII. SPECIFIC BIAS IN THE STANKEWITZ CASE

A. EXPLICIT AND IMPLICIT BIAS #1: QUESTIONING AND ELIMINATION OF THE ONLY QUALIFIED NATIVE AMERICAN JUROR IN THE SECOND TRIAL 49

B. IMPLICIT BIAS #2: DEFENSE LAWYER ELICITED DAMNING DISCRIMINATORY TESTIMONY FROM THE DEFENDANT’S NATIVE AMERICAN SISTER-IN-LAW DURING THE SECOND TRIAL PENALTY PHASE, WHICH WAS REINFORCED TO THE JURY DURING CLOSING ARGUMENTS BY BOTH THE DEFENSE AND THE PROSECUTOR 51

IX. MEMORANDUM OF POINTS AND AUTHORITIES 52

A. THE LEGAL FRAMEWORK OF THE CA RACIAL JUSTICE ACT 52

B. CRJA STATUTORY LAW CHANGES EFFECTIVE 1/1/2026 54

C. JURY SELECTION AND THE CRJA 55

1. The Racial Justice Act Prohibits Prosecutors from Barring Members of a Defendant’s Own Race from Serving as Jurors 55

2. Both the State and Federal Constitutions Prohibit Racial Bias During Jury Selection 57

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

D. JURY SELECTION RECORDS ARE RELEVANT TO A POTENTIAL VIOLATION OF SECTION 745(a)(1) and 745 (a)(2) 59

E. RACIALLY DEROGATORY LANGUAGE IS PROHIBITED BY THE CRJA, INCLUDING THE RACIALLY DEROGATORY DESCRIPTIONS USED ABOUT THE DEFENDANT’S INDIAN RANCHERIA USED AT DEFENDANT’S SECOND PENALTY PHASE TRIAL 60

F. THE DA’S RECORDS ARE RELEVANT TO A POTENTIAL VIOLATION OF SECTION 745(a)(3), 745 (a)(4)(A) and 745(a)(4)(B) 61

G. STATUS OF CPRA REQUESTS FOR DATA 65

H. THE DEFENSE MEETS THE VERY LOW “GOOD CAUSE” STANDARD .. 68

I. RJA MOTION CLAIMS SHOULD BE VIEWED AS A TOTALITY, RATHER THAN IN ISOLATION 69

J. HERE, DEFENDANT HAS OFFERED SPECIFIC FACTS TO SUPPORT THE CLAIM THAT A VIOLATION OF THE RACIAL JUSTICE ACT COULD OR MIGHT HAVE OCCURRED 71

K. DISCRIMINATORY EFECT IS SUFFICIENT, DISCRIMATORY INTENT IS UNNECESSARY 73

L. THE *YOUNG* COURT’S SIX *ALHAMBRA* FACTORS 75

1. The Discovery Requested is Adequately Described 76

2. The Discovery Requested is Available to the Government 76

3. No Confidentiality or Privacy Rights would be Violated 77

4. Defendant Acted in a Timely Manner 78

5. Time Required Will Not Necessitate an Unreasonable Delay 78

6. Production of Records Will Not Cause an Unreasonable Burden 78

X. CONCLUSION 79

XI. DECLARATION OF CURTIS BRIGGS 81

Table of Exhibits

1		
2		
3		Table of Exhibits
4	Exhibit 30a	Juror Rosemary Moreno Transcripts – 1983 Trial – Jury Selection
5	Exhibit 30b	Fresno Superior Court – no juror questionnaires from 1983 trial
6	Exhibit 30d	Declaration of Hugh Goodwin – dated 11/15/1995
7	Exhibit 30e	FCDA CPRA Response 2/24/25
8	Exhibit 30f	CA DOJ CPRA Response
9	Exhibit 30g	CDCR CPRA Request 1/13/25
10	Exhibit 30h	CDCR CPRA Response 3/11/25
11	Exhibit 30i	Declaration of Vincent Schiraldi
12	Exhibit 30kk	KKK Membership Drive – Fresno Bee 7/29/1982
13	Exhibit 30ll	KKK Membership Recruiting – Fresno Bee 11/25/1981
14	Exhibit 30mm	Madera Klan Cross Burning – Fresno Bee 11/13/1979
15	Exhibit 30nn	KKK Rally, Cross Burning – Fresno Bee 8/5/1977
16	Exhibit 30oo	KKK upstages Rally – Fresno Bee 10/27/1980
17	Exhibit 30pp	Gov names Task Force due to KKK activity – Fresno Bee – 10/25/1981
18	Exhibit 30qq	Lowdermilk for Sheriff KKK – Fresno Bee 2/19/1982
19	Exhibit 30rr	Sheriff candidate Lowdermilk KKK member – Fresno Bee 5/26/1982
20	Exhibit 30ss	Hanford Sentinel – 1/21/1986
21	Exhibit 30tt	The Klan Lives – Fresno Bee – 11/9/1975
22	Exhibit 30uu	Klanswomen – Fresno Bee – 11/9/1980
23	Exhibit 30vv	Declaration of Eduardo Duran – 4/12/1988

- 1 Exhibit 30ww DOJ PRA Response – 5/9/2025
- 2 Exhibit 30xx Dykes – Chhabria Order re Jury Notes 4/2/2024
- 3 Exhibit 30yy Indian Country Today - Native History - KKK Secret Fraternity in TN – 12/24/2013
- 4 Exhibit 30zz CDCR Data- Fresno Life Sentences 7/9/2025
- 5 Exhibit 31a Fresno Arrest Data Spreadsheet
- 6 Exhibit 31b Known Fresno Murder Sentences, including race
- 7 Exhibit 31c Hate crime shocks Paiute reservation; PART TWO, Indian Country Today
- 8 Exhibit 31d 1970 Fresno Police Annual, p. 50 – 55 “Pity the Poor Criminal”
- 9 Exhibit 31e Some outlaws reached ends of ropes - Madera Tribune 10/5/2019
- 10 Exhibit 31f Fresno Bee 9/7/2010 – page from 2001 Fresno Police Annual “noose”
- 11 Exhibit 31g CDCR CPRA Response 7/10/2025, includes request query
- 12 Exhibit 31h Reply To The People’s Opposition To Defendant’s Racial Justice Act
- 13 (CRJA) Motion For Relevant Data Under § 745(d) And § 745(a)(1)
- 14 And (a)(2) Motion

19 **I. INTRODUCTION**

20 This motion is based upon the facts and grounds set forth in this Motion, the accompanying
 21 Memorandum of Points and Authorities, any Exhibits attached hereto, documents on file with this
 22 Court in the above captioned matter, as well as any additional evidence and/or testimony that this
 23 Court deems just and proper.

24 The Fresno District Attorney’s office, through a California Public Records Act has stated
 25 that it can provide some of the data needed for analysis.¹ Mr. Stankewitz has a statistician who is

27

28 ¹ Exhibit 30e, Fresno DA CPRA letter dated 2/24/25.
 THIRD AMENDED MOTION FOR RELEVANT DATA PURSUANT TO PENAL CODE
 SECTION 745(d) OF THE CALIFORNIA RACIAL JUSTICE ACT - 8

1 able to analyze the data.² Therefore, Mr. Stankewitz is asking that the court expedite the
2 consideration of this motion.

3 A. CASE BACKGROUND AND PROCEDURAL HISTORY

4 The defendant here was originally charged over 48 years ago, in 1978, with first degree murder
5 with special circumstances, gun enhancement, robbery and kidnapping. He was re-convicted of
6 all the crimes charged and given the death penalty in 1983. The crime had racial overtones:
7 Defendant is Native American, the victim, Ms. Graybeal, was Caucasian. This was a death
8 penalty case until May 3, 2019. On that date, the defendant was sentenced to LWOP. Therefore,
9 both the death penalty and LWOP statistics are relevant.

10 The defendant has previously filed the following pleadings regarding the Racial Justice
11 Act on the dates listed:

- 12 1. MOTION FOR RELIEF UNDER PENAL CODE SECTION 745(a)(1) and (a)(2) of the
13 CALIFORNIA RACIAL JUSTICE ACT (CRJA) filed 3/28/25
- 14 2. MOTION FOR RELEVANT DATA PURSUANT TO PENAL CODE SECTION 745(d)
15 of the CALIFORNIA RACIAL JUSTICE ACT filed 3/28/25
- 16 3. AMENDED MOTION FOR RELEVANT DATA PURSUANT TO PENAL CODE
17 SECTION 745(d) of the CALIFORNIA RACIAL JUSTICE ACT filed 4/28/25
- 18 4. SECOND AMENDED MOTION FOR RELEVANT DATA PURSUANT TO PENAL
19 CODE SECTION 745(d) of the CALIFORNIA RACIAL JUSTICE ACT filed 7/1/25
- 20 5. SUPPLEMENTAL BRIEF REGARDING RACIAL JUSTICE ACT PROCEDURE
21 FILED ON 7/3/25
- 22 6. REPLY TO THE PEOPLE'S OPPOSITION TO DEFENDANT'S RACIAL JUSTICE
23 ACT (CRJA) MOTION FOR RELEVANT DATA UNDER CJRA 745(d) AND CJRA
745(a)(1) AND (2) MOTION filed 7/24/25. Attached as Exhibit 31h hereto.

24 As the court requested, items #2, 3, 4 and 5 have been organized into this Third Amended Motion
25 for Relevant Data Under Penal Code Section 745(d) f The California Racial Justice Act.

26
27
28 ² See Section IX.G., *infra*.

1 **II. REQUESTS FOR INFORMATION FROM THE FRESNO DISTRICT**
2 **ATTORNEY’S OFFICE:**

3 Our statistical expert, Beth Redbird, requires specific documentation listed below to
4 conduct a proper disparity analysis to assist Mr. Stankewitz in formulating arguments pursuant
5 to the Racial Justice Act, CA Penal Code Sect. 745(d): Defense has retained an expert to conduct
6 a disparity analysis that accounts for both similarly situated cases and defendants engaged in similar
7 conduct. Conducting such an analysis requires the identification and measurement of both
8 "situation" and "conduct," both of which are case- and charge-dependent, as they must relate to
9 sentencing and charging decisions. The expert must identify relevant attributes — including
10 characteristics related to both the defendant and the alleged criminal conduct — and measure them
11 accurately and without bias, to determine their relevance. This expands the analytic task and the
12 resulting data needs substantially which is the basis for this amended motion.

13 Listed below are the data items necessary to conduct the relevant analyses to determine
14 whether disparity in charging decisions under California Penal Code section 187 ("Sect. 187")
15 exists. To ensure clarity, definitions and specifications are provided here:

16 Defendant Identification: Defense requests that the data be anonymized, with a unique
17 defendant ID number, such as XREF. If provided, the names will be used to remove any
18 duplication from the data and then destroyed, in keeping with best practices of social
19 science research.

20 Defendant Race: Defense requests demographic information, including race and
21 ethnicity (e.g. ‘Chinese’ or narrower cultural designations). Also Indigenous status or
22 tribal membership and national origin, if known.

23 Defendant Date of Birth: Defense requests the defendant’s birth month and year. Full
24 birthdates are not required. If only age is provided, the specific reference date for the
25 calculation (e.g., date of incident, arrest, charge or disposition) must be specified.

26 Charges: Defense requests a list of all charges, delineated by defendant (using either
27 name or ID number), along with the dates charges were filed. This includes:

- 28 a. Charges in the initial complaint

1 b. Charges added after probable cause determinations

2 c. Charges submitted to the jury.

3 Where applicable, information distinguishing between misdemeanors and felonies, or
4 between degrees (e.g., first vs. second-degree murder), must be included. Defense also
5 requests that non-literal string matching (e.g., regex search) be used to identify charges
6 where database inconsistencies or variations in statutory labeling may exist.

7 Case Dispositions: Defense requests the disposition for each charge, including but limited
8 to outcomes such as ‘dismissed’, not guilty’, and ‘guilty’ ‘plea’ and ‘half-time dismissal’,
9 to ensure accurate measurement and prevent double-counting.

10 Co-defendants: Defense requests identification of all individuals alleged to have engaged
11 in criminal conduct in connection with each homicide incident, even if they are charged
12 under separate case numbers. To facilitate this, defense requests an incident identification
13 number or other linking internal number that is used internally or by law enforcement
14 agencies.

15 **1. SPECIFIC DATA REQUESTS - DEFENSE REQUESTS THAT ALL CATEGORICAL**
16 **ITEMS REQUESTED BELOW IN ITEMS 2 - 3 INCLUDE:**

17 a. **List of All Defendants:** A list of all defendants charged with Sect. 187, including the
18 date of the offense, race, gender (if known), birth month/year and court case number.

19 b. **List of All Charges Filed:** All charges alleged against the defendant and the date that
20 they were filed, including all enhancements and any special circumstances.

21 c. **List of All Cases Where the Death Penalty Sought:** Indicating whether the death
22 penalty was sought, imposed and whether it was later dropped.

23 d. **List of Co-Defendants and Related Charges:** Including all defendants charged in
24 related incidents not limited to Sect. 187 filings.

25 e. **List of Disposition for All Charges:** Including all enhancements and special
26 circumstances, specifying whether resolved via plea, trial, dismissal, etc.

27 f. **All Local Charges:** Including any misdemeanor or felony charges substantiated by plea
28 or conviction.

1 g. **List of Prior Charges and Convictions:** Including juvenile and adult convictions
2 known to the District Attorney, with corresponding dates, counties, case numbers and
3 statutes relevant to sentencing enhancement (e.g., three Strikes Law).

4 h. **Investigating Agency Information:** Including:

5 i. Name of the investigating agency or agencies;

6 ii. Date(s) of the alleged incidents;

7 iii. Gender, age and race of victims(s)

8 iv. Incident ID number and any related report numbers or booking numbers.

9 i. **Time Period Requested:** 1/1/1972 through the present.

10 2. Defense requests all cases where a defendant was charged, at any point, with murder.

11 3. Defense requests all cases reviewed for potential filing of Special Circumstances under
12 Penal Code section 190.2, where the District Attorney declined to file special
13 circumstances.

14 4. Defense requests any office policies during the years 1972-2025 regarding the decision
15 to pursue the death penalty, including:

16 a. Factors considered

17 b. Decision makers involved

18 c. Precautions against racial bias

19 d. Dates of adoption, amendment or repeal of such policies.

20 5. Defense requests any policies in the office of the Fresno County District Attorney, written
21 or informal, during the years 1972-2025, relating to the promotion of prosecutors who
22 tried capital cases, including incentives for obtaining death verdicts.

23 6. Defense requests all training materials, written or informal, from 1972-2025 regarding
24 capital prosecutions that include any discussion of consideration of race, religion or
25 national origin, including:

26 a. Written handouts

27 b. Training binders

28 c. MCLE materials

- 1 d. Digital Resources (CDs/DVDs)
- 2 7. Defense requests all cases where the District Attorney's Office secured a special
- 3 circumstance conviction which resulted in a death sentence.
- 4 8. Defense requests all cases where the District Attorney secured a special circumstance
- 5 conviction resulting in a sentence of life without the possibility of parole.
- 6 9. Defense requests all cases where, after a penalty phase reversal, the District Attorney
- 7 retried the defendant and again sought the death penalty, including the race of the
- 8 defendant.
- 9 10. Defense requests all cases where there was a penalty phase reversal, including:
- 10 a. The post-reversal action taken (retrial, dismissal, resentencing)
- 11 b. The race of the defendant
- 12 c. Time served at the time of post-reversal disposition.
- 13 11. Defense requests that the Fresno County District Attorney produce for an in-camera
- 14 review by the Court any and all notes and other information during jury selection,
- 15 including juror *voir dire* during defendant's second trial in 1983, and to release to defense
- 16 counsel any information relevant to a potential claim under the CA Racial Justice Act,
- 17 Penal Code section 745.
- 18 12. Defense requests that the Fresno County District Attorney produce any and all
- 19 information about the internal recommendation sentencing process, including the criteria
- 20 used for making sentencing recommendations.
- 21 13. Defense requests any information, whether written or oral, indicating that a judge, attorney,
- 22 law enforcement officer, or juror involved in Douglas Stankewitz's case exhibited bias or
- 23 animus toward Mr. Stankewitz because of his race.

24 **III. FACTUAL BASIS FOR DISCOVERY REQUESTS RELATING TO DISPARATE**

25 **TREATMENT OF NATIVE AMERICANS**

26 Since 2017, the Stankewitz legal team has extensively reviewed the trial court transcripts,

27 appellate record and evidentiary documents. The Team has also drafted motions and writs with

28 this court and the district court of appeal. and prosecuted the 2021 petition for writ of habeas

1 corpus filed in this case. During this time, efforts have been made to obtain information now
2 sought in this motion. In 2022, a California Public Records Act (CPRA) request was submitted
3 to the Fresno County District Attorney’s office for data pertaining to this case. That request was
4 denied on the grounds that the request sought statistics, rather than records and because it
5 encompassed a 45-year time span. The Team has gathered data on Fresno murder sentences and
6 CDCR Fresno prisoners and included them in this motion.

7 Because Mr. Stankewitz is Native American, and because the prosecution improperly
8 questioned and excused the only Native American juror, defense counsel has made repeated
9 requests for discovery of juror notes. To date, no juror notes have been produced.

10 More recently, additional CPRA requests have been submitted to the Fresno County
11 District Attorney³ and to the California Department of Justice⁴ seeking records related to special
12 circumstances charging, filing and convictions. A request was also submitted to the California
13 Department of Corrections and Rehabilitation (CDCR) seeking data regarding Fresno prisoners
14 currently serving Life Without Parole (LWOP), disaggregated by race.⁵ The Fresno raw data
15 received from CDCR needs scholarly statistical analysis to determine what the percentages of
16 LWOP prisoners are nonwhite.

17 The defense has also invested substantial time attending trainings on the California Racial
18 Justice Act (CRJA), including programs by the Office of the State Public Defender (O.S.P.D.)
19 and California Public Defenders Association (CPDA). Using the resources and after
20 consultation with experts, the defense has attempted to gather as much of the needed information
21 independently as possible. Despite these efforts, certain critical information remains unavailable
22 without formal discovery.

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27 ³See Exhibit 30e, FCDA CPRA response, dated 2-24-25

⁴See Exhibit 30f, CA Dept. Of Justice response, dated 2-14-25

28 ⁵ See Exhibit 30g, CDCR request, dated 1-13-25, Exhibit 30h, CDCR Response dated 3-11-25, Exhibit 30zz, CDCR
response received 7/9/25 and Exhibit 31g, CPRA Query to CDCR and CDCR Response..

1 The defendant filed his initial MOTION FOR RELEVANT DATA PURSUANT TO
2 PENAL CODE SECTION 745(d) of the CALIFORNIA RACIAL JUSTICE ACT over one year
3 ago, on March 28, 2025. The defendant has also filed subsequent pleadings in support of his
4 745(d) motion. Despite these filed pleadings, to date, the Fresno DA has objected to providing
5 the data, rather than providing the requested RJA discovery.

6 **IV. UNITED STATES HAS A HISTORY OF GENOCIDE AND HATE AGAINST**
7 **INDIGENOUS PEOPLE**

8 The United States has a documented history of genocide against indigenous peoples,
9 tracing back to the time of colonization. Anglo-superiority ideology justified systemic violence
10 and marginalization, culminating in historical and institutional practices that continue to affect
11 Native communities today. Scholarship has noted that Native Americans on reservations remain
12 in extremely marginalized positions, with colonial mentalities persisting in the criminal legal
13 system and government programs. “When scholars add tribal sovereignty to their concerns,
14 extrapolating multi-threaded histories of territorial investigation and anti-“Indian” logic
15 permeate the discourse of western expansion and its laws. Those of Native American, Mexican
16 and African descent statistically bear the burden of the war over hegemonic dominance that
17 informs both the institutional and social imaginaries.⁶

18 “Native Americans on reservations remain those positioned in the most liminal of
19 states.”⁷ Unfortunately, the “Indian problem”, as characterized by the colonizers throughout US
20 history, has perpetuated the justification for their killing and treatment as subhumans by the
21 dominant culture.

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26 ⁶Contemporary Modernity and ‘Death Ethics’: Antecedents and Impacts of Western Expansion as War in the
27 Northern Plains, 1820 – 1880, doctoral dissertation by Dr. Leece LeeOliver at 1, refers to fn 2: See Jordan Winthrop
28 1974; Tomás Almaguer 1994; Michael Omi and Howard Winant 1994; Thomas Gossett 1997; Peter Wade 1997;
Immanuel Wallerstein 2004; David Roediger 2005; Robert Williams 2005; Audrey Smedley 2007; Stephen Silliman
2008; Steve Martinot 2010.)

⁷ *Ibid.*

1 In some instances, anti-Indian hate has come from the Ku Klux Klan. In 1958, the KKK
2 rallied against the Lumbee tribe in northeastern North Carolina. The Lumbee chased the
3 Klansmen off and then received help from the local authorities which restored peace. The
4 “Maxton Riot,” as it came to be called, generated massive local and national media attention.
5 Numerous national newspapers covered the story “describing how the Lumbee Indians ... had
6 humiliated the Ku Klux Klan.” In general, the media stories praised the Lumbee for standing up
7 to white racism and Klan terrorism, albeit by extralegal means. However, news coverage “relied
8 on racist stereotypes and simplistic Native American caricatures when commenting on the riot.”⁸

9 **V. UNITED STATES STEREOTYPES OF INDIANS DEMONSTRATE RACIAL**
10 **BIAS AGAINST THEM**

11 There are two stereotypes of Indians that persist to this day:

12 One: the only good Indian is a dead Indian. The exact origin of the proverb is unknown but in
13 1779, Major James Norris was recorded in a toast that expresses the early frontier motto:
14 “Civilization or death to all American savages.”⁹ “That means, bluntly put, change your ways
15 and assimilate the rules and life-style of the white conquerors and settlers or die...Dee Brown’s
16 best-selling book, *Bury My Heart at Wounded Knee: An Indian History of the American West*
17 (1990[1970]), gives a more factual account. Brown’s book contains a telling chapter with the
18 gruesome proverbial title “the Only Good Indian Is a Dead Indian”; the word “dead” meaning
19 both a literal death and, for those who survived the mass killings, a figurative death, that is, a
20 restricted life on the reservation with little freedom to continue the traditional life-style.”¹⁰

24 ⁸ “When Carolina Indians Went on the Warpath” the Media, the Klan, and the Lumbees of North Carolina by
25 Christopher A. Oakley, in *SOUTHERN CULTURES*, Winter 2008.

26 <https://www.southerncultures.org/article/carolina-indians-went-warpath-media-klan-lumbees-north-carolina/>

27 Last accessed on 3/11/26.

28 ⁹ As quoted in R. Pierce 1967:55. The banquet where the toast was given is reported in the journal of Major James
Norris. (Cook 1887:225-226)

¹⁰ See *The Only Good Indian is a Dead Indian History and Meaning of a Proverbial Stereotype* by Wolfgang Mieder,
Professor of German and Folklore and chair of the Dept of German and Russian at the Univ of Vermont. Published
in *The Journal of American Folklore*, Vol. 106, No. 419 (winter 1993) at 39. <https://doi.org/10.2307/541345>

1 “Even though some movies have portrayed Indians in a favorable light, most are guilty
2 of “the enhancement and perpetuation of stereotype motifs of the Indian as drunken, savage, or
3 treacherous, unreliable or childlike” (Friar and Friar 1972:264). Similar prejudices can, of course,
4 be observed in other forms of mass media and in everyday verbal communication in jokes, songs,
5 and proverbial slurs.”¹¹

6 The article goes on to describe how the proverb was used in a New Yorker cartoon in
7 1957, and a 1964 short story which includes the saying but modifies it to say “the only good
8 Indian is a dead drunk Indian.”¹²

9 Two: drunken Indians. “Perhaps no stereotype has been so long-lasting and so thoroughly
10 ensconced in our social fabric as that of the “drunken Indian.” Our federal government gave it
11 official recognition by prohibiting the sale of beverage alcohol to Indian people for over a
12 century. . . Many citizens – both Indian and non-Indian – have seen the “drunken Indian” as a
13 hopeless, powerless figure who had no alternative to drunkenness with which to cope with
14 poverty, the destruction of his culture, and the undermining of his family.”¹³

15 As with all stereotypes, these powerful Indian stereotypes underlie societal common
16 thinking about Indians/Native Americans and pervade individual beliefs about them.

17 **VI. CALIFORNIA HAS A HISTORY OF GENOCIDE AGAINST INDIGENOUS** 18 **PEOPLE**

19 California’s history mirrors the national pattern. Cultural genocide has taken the form of
20 erasure of the existence of indigenous people in the United States over the last 300 years, either
21 through extermination of the people themselves or through the elimination of their religion and
22 cultural practices. Much of this history is not widely known to the general public. Many people
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27 ¹¹ *Id.*, at 40.

¹² *Id.*, at 55.

28 ¹³ The Drunken Indian – Myths and Realities by Joseph Westermayer, MD, Ph.D. Published in *Psychiatric Annals*,
2013;4(11):29-36, at 29. Published online: November 1, 1974. Last accessed 3/9/2026.

1 think that Native Americans no longer exist. As a result, they have not been counted as a distinct
2 racial group.

3 The landmark 1886 case *United States vs. Kagama*:¹⁴ “recognized the hostility faced by
4 Native Americans from local populations and affirmed federal duties of protection “Because of
5 the local ill feeling, the people of the states where they are found are often their deadliest
6 enemies. From their very weakness and helplessness, so largely due to the course of dealings of
7 the Federal Government with them and the treaties in which it has been promised, there arises
8 the duty of protection, and with it the power. This has been recognized by this court, whenever
9 the question has arisen.”¹⁵

10 Historical accounts document atrocities that took place in California in the 1800s. These
11 accounts use available information that has not been re-historicized¹⁶. Specific to the Fresno
12 area, *An American Genocide: The United States and the California Indian Catastrophe*,¹⁷
13 describes one such brutal attack against the Ahwahanees in Yosemite. In one killing spree in
14 1951, Ahwahanee villages and food stores were systematically torched, making survival difficult
15 for retreating survivors.¹⁸ Their Chief was taken captive. Eventually they faced death and
16 starvation at Fresno Reservation.¹⁹ In 1856, a militia supported with rifles and ammunition by
17 the California governor, carried out a genocide on Yokuts Indians. They were further assisted by
18 federal troops.²⁰

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23 ¹⁴ 118 U.S. 375.

24 ¹⁵ [a]s cited in “Implicit divestiture of Tribal Powers: Locating Legitimate Sources of Authority in Indian Country,”
American Indian Law Review, Vol. 19, No. 2 (1994). Bruce Duthu 1994: 373-74).

25 ¹⁶ Dr. Lee uses this term to describe how history regarding Native Peoples has been re-written with a colonizer
26 perspective. ¹⁶Contemporary Modernity and ‘Death Ethics’: Antecedents and Impacts of Western Expansion as War
in the Northern Plains, 1820 – 1880, doctoral dissertation by Dr. Lee Oliver at 1.

27 ¹⁷ Benjamin Madley, *An American Genocide: The United States and the California Indian Catastrophe* (2016) at
194.

28 ¹⁸ This massacre is also described in a comprehensive list of Indian Massacres in Wikipedia:
https://en.wikipedia.org/wiki/List_of_Indian_massacres_in_North_America

¹⁹ *Ibid*, at 194

²⁰ *Ibid*, at 245.

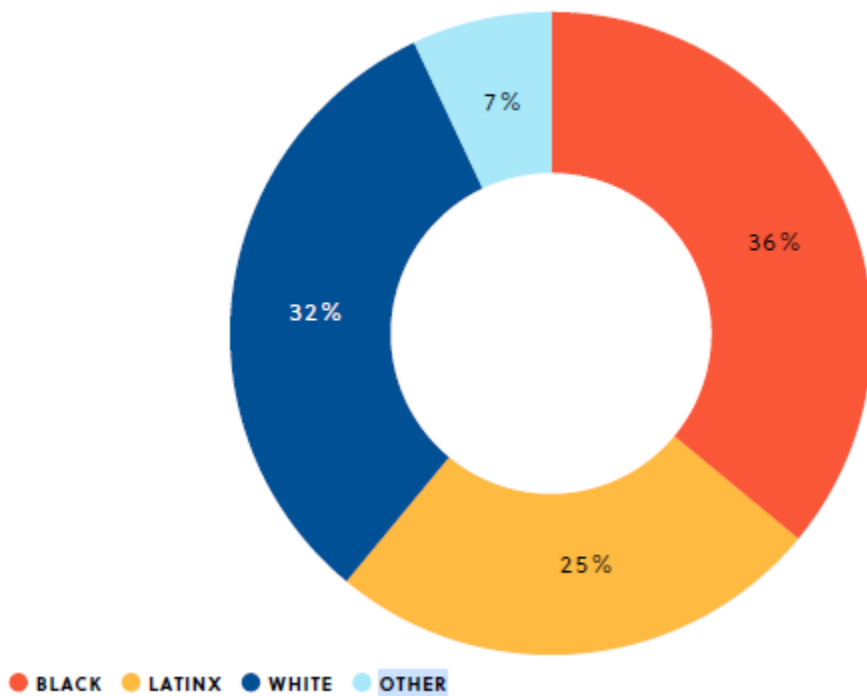
THIRD AMENDED MOTION FOR RELEVANT DATA PURSUANT TO PENAL CODE
SECTION 745(d) OF THE CALIFORNIA RACIAL JUSTICE ACT - 18

1 As demonstrated by the following charts, this historical discrimination continues to the
2 present day. For example,

3 A. DISPROPORTIONATE IMPACT ON CALIFORNIA’S DEATH ROW SHOW
4 DISCRIMINATION AGAINST PEOPLE OF COLOR

5 As of 2021, according to CDCR Office of Research, 68% of the people on Death Row are
6 people of color. The Other category includes American Indians and Asian Americans among other
7 groups.²¹

9 **FIGURE 5: RACIAL DEMOGRAPHICS OF CALIFORNIA'S DEATH ROW**



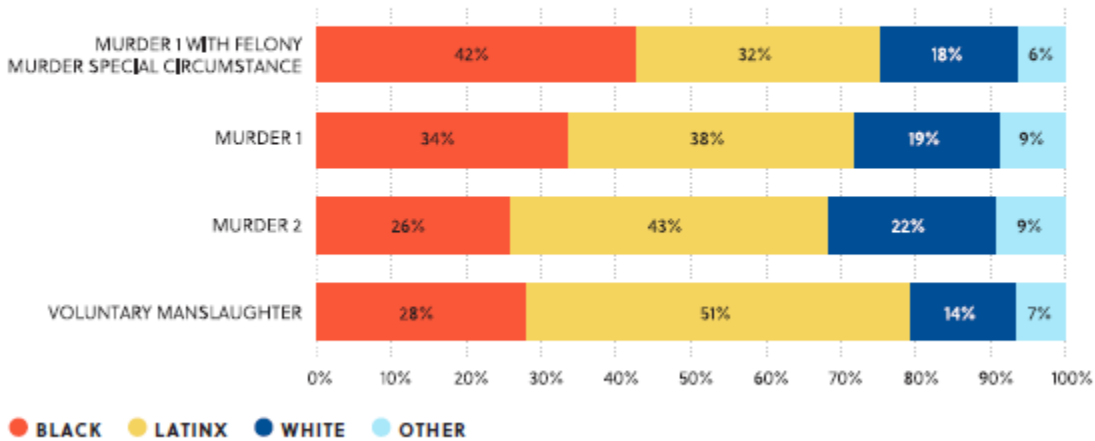
21 Source: Analysis of data provided by CDCR Office of Research.

23 **Source: Figure 5 – Death Penalty Report – Racial Demographics of California’s Death**
24 **Row.**

27 ²¹ Racial Demographics of California’s Death Row – Cttee on Revision of the Penal Code: Death Penalty Report -
28 2021 Annual Report CRPC Race Demographics of CDCR Population convicted of homicide, p.22, found at:
https://efaidnbmnnnibpcajpcglefindmkaj/https://clrc.ca.gov/CRPC/Pub/Reports/CRPC_AR2021.pdf

Further, for Murder 1, 81% of those convicted of homicide are people of color.²²

FIGURE 26: RACE DEMOGRAPHICS OF CDCR POPULATION CONVICTED OF HOMICIDE OFFENSES



Source: Felony-murder data provided by the UCLA Special Circumstances Conviction Project. All other data provided by CDCR Office of Research and is as of May 31, 2021.

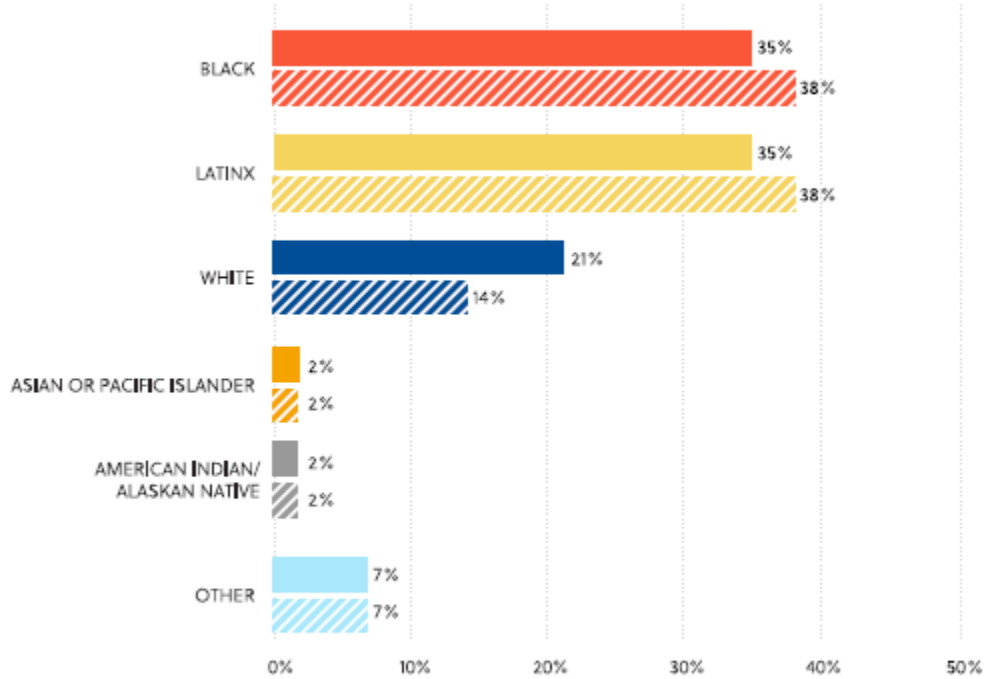
Source: Figure 26 – 2021 Annual Report CRPC Race Demographics of CDCR Population convicted of homicide.

B. DISPROPORTIONATE IMPACT AMONG LIFE WITHOUT PAROLE POPULATION SHOW DISCRIMINATION AGAINST PEOPLE OF COLOR.

Another example of continued discrimination is the population of people of color serving LWOP sentences, which is almost two times as many as whites serving LWOP. Specifically, this chart shows that American Indians make up 2% of the Life Without Parole population, and that American Indians make up 2% of the Life Without Parole population who were under age 26 at the time of the offense.

²² Racial Demographics of California’s Death Row – Cttee on Revision of the Penal Code: 2021 Annual Report CRPC Race Demographics of CDCR Population convicted of homicide, p.52, found at: https://efaidnbmnnnibpcajpcglclefindmkaj/https://clrc.ca.gov/CRPC/Pub/Reports/CRPC_AR2021.pdf

FIGURE 24: RACE AND AGE DEMOGRAPHICS OF LIFE WITHOUT PAROLE POPULATION



**SOLID BARS REPRESENT THE OVERALL LIFE WITHOUT PAROLE POPULATION.
STRIPED BARS REPRESENT THE LIFE WITHOUT PAROLE POPULATION WHO WERE UNDER 26 AT THE TIME OF THE OFFENSE.**

Source: Analysis of data provided by CDCR Office of Research.

Source: Figure 24: 2021 Annual Report CRPC Race and Age Demographics of Life Without Parole Population.²³

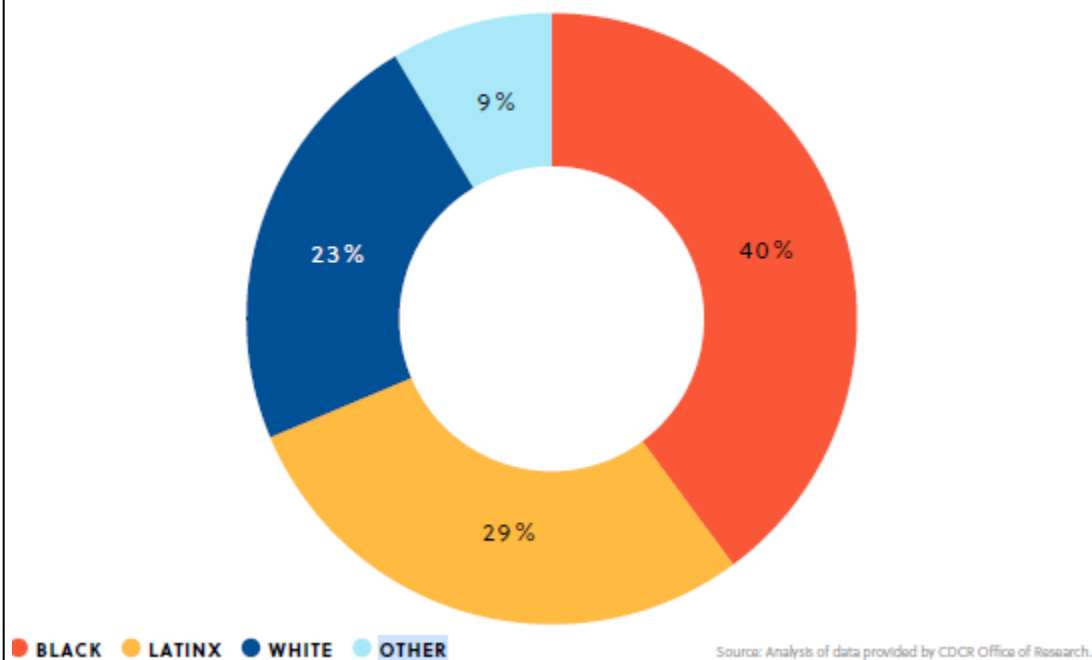
C. DISPROPORTIONATE DEATH SENTENCES FOR YOUTHFUL OFFENDERS SHOW DISCRIMINATION AGAINST PEOPLE OF COLOR.

Lastly, the disproportionate number of people of color who were youthful offenders, at the time of their offense. This chart shows that youthful offenders of color are given the death penalty more than three times as often than their white peers.

²³ 2021 Annual Report Committee Revision Penal Code Race and Age Demographics of Life Without Parole Population, p. 51, found at:

[//efaidnbmnnnibpcajpcglclefindmkaj/https://clrc.ca.gov/CRPC/Pub/Reports/CRPC_AR2021.pdf](https://clrc.ca.gov/CRPC/Pub/Reports/CRPC_AR2021.pdf)

1
2 **FIGURE 12: RACIAL DEMOGRAPHICS OF PEOPLE ON DEATH ROW WHO WERE 25**
3 **OR YOUNGER AT THE TIME OF THEIR OFFENSE**



15 **Source: Figure 12: Racial Demographics of People on Death Row Who were 25 or Younger**
16 **at the time of Their Offense – Cttee on Revision of the Penal Code: Death Penalty Report**
17 **– 77% people of color who were 25 or younger.²⁴**

18 **D. ANTI-NATIVE HATRED BY NEONAZI GROUPS CONTINUES PRESENT DAY**

19 Reported as recently as 2005, “by some accounts, more than 400 white supremacists live
20 in the Owens Valley, a long stretch of desert four hours north of Los Angeles.” “Several Paiute
21 families said they have been confronted or intimidated at sports events in Lone Pine and
22 Independence by skinheads throwing racial slurs, but outbreaks of violence here have been rare.”
23 Someone made a “written threat to the Bishop Paiute tribe claiming affiliation with the KKK.”
24 “Negative stereotypes of “drunken welfare Indians” in mass media have contributed to racist
25
26
27

28 ²⁴ The report was released in 2021, p. 30. It and the other charts cited can be found at:
https://clrc.ca.gov/CRPC/Reports/Annual_Reports.html

assaults, harassment and murders of tribal members.” The article contains numerous examples of hatred, assaults and murders of Native people in the 1900s – 2000s.²⁵

VII. FRESNO COUNTY HAS A HISTORY OF DISCRIMINATION AGAINST NONWHITE PEOPLE

According to the 2010 U.S. Census, the “Other” population in Fresno County was 1.7%. The Other number includes Native American who list it as their only race. Between 1990 – 2010, per the U S Census, as a part of Other, the Native American population went from 1% to 3.3%. Because Native Americans were included as part of a mixture of races, prior to 1990, it is impossible to know what percentage of the population they were. This chart provides the breakdown:

**RACE/ETHNIC POPULATION
FRESNO COUNTY
1970 - 2010**

Race/Ethnicity	1970		1980		1990		2000		2010	
	Population	Percent Share	Population	Percent Share	Population	Percent Share	Population	Percent Share	Population	Percent Share
White	268,418	65.0%	316,895	61.6%	338,595	50.7%	317,522	39.7%	331,144	33.7%
Hispanic	104,177	25.2%	150,790	29.3%	236,634	35.5%	351,636	44.0%	492,449	50.1%
Black	20,370	4.9%	24,557	4.8%	31,311	4.7%	40,291	5.0%	46,797	4.8%
Asian	20,088	4.9%	22,379	4.3%	54,110	8.1%	63,029	7.9%	92,099	9.4%
Pacific Islander							682	0.1%	802	0.1%
Other					6,840	1.0%	26,247	3.3%	20,187	2.1%
Total Non-White	144,635	35.0%	197,726	38.4%	328,895	49.3%	481,885	60.3%	652,334	66.3%
Total Population	413,053	100.0%	514,621	100.0%	667,490	100.0%	799,407	100.0%	983,478	100.0%

Sources: 1970-2000, U.S. Census
2010, State of California Department of Finance

The foundation of US genocide, US stereotypes and California genocide demonstrate how widespread racial discrimination against the indigenous people is in the US and California.

²⁵ See Exhibit 31c, “Hate crime shocks Paiute reservation; PART TWO, Indian Country Today, March 10, 2005. THIRD AMENDED MOTION FOR RELEVANT DATA PURSUANT TO PENAL CODE SECTION 745(d) OF THE CALIFORNIA RACIAL JUSTICE ACT - 23

1 The discrimination in the Fresno area is no less insidious. There is evidence of racial
2 discrimination against Native Americans in Fresno, both past and current. This discrimination,
3 described below, is shown in the community at large, and through the actions of government
4 officials in both the executive and judicial branches.

5 A. HATE GROUPS, INCLUDING THE KKK WERE ACTIVE IN FRESNO COUNTY IN
6 THE 1970S AND 1980S

7 The KKK was active in Fresno County in the 1970s and 1980s. There were dozens of
8 Fresno Bee articles which reported on KKK cross burnings, rallies and recruiting drives during
9 this period.²⁶ Some are documented with photos. Cross burnings occurred in Fresno in 1978.²⁷
10 There were confrontations between the Klan and black citizens.²⁸ As a result, Governor Pat
11 Brown created a Civil Rights Task Force to address the issue.²⁹ Law enforcement, specifically
12 the sheriff's department, included KKK members. Sargeant Lowdermilk, of the Fresno County
13 Sheriff's Department, ran for sheriff.³⁰ He was elevated to Grand Titan of the KKK in 1986, only
14 second in command to the Grand Dragon, the head of the KKK.³¹ Lowdermilk stated that
15 'sheriff's deputies' are secret members of the KKK.³² A Clovis post office box was listed as the
16 CA state headquarters for the KKK.³³ Fresno had two Klaverns.³⁴ Women were active members
17 and attended cross burnings in Fresno.³⁵

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23 ²⁶ A search of Fresno Bee articles on the KKK during the 1970s – 1980s yielded at least 35 stories. See Exhibit
24 30kk, Fresno Bee, dated 7-29-1982; Exhibit 30ll, Fresno Bee, dated 11-25-1981.

25 ²⁷ See Exhibit 30mm, Fresno Bee, dated 11-13-1979; Exhibit 30nn, Fresno Bee, dated 8-5-1977.

26 ²⁸ See Exhibit 30oo, Fresno Bee, dated 10-27-1980.

27 ²⁹ See Exhibit 30pp, Fresno Bee, dated 10-25-1981.

28 ³⁰ See Exhibit 30qq, Fresno Bee, dated 2-19-1982 Exhibit 30rr, Fresno Bee, dated 5-26-1982.

29 ³¹ See Exhibit 30ss, Hanford Sentinel, dated 1-21-1986, p. 4.

30 ³² See Exhibit 30ss, Hanford Sentinel, dated 1-21-1986, p. 4.

31 ³³ See Exhibit 30tt, Fresno Bee, dated 11-9-1980.

32 ³⁴ See Exhibit 30tt, Fresno Bee, dated 11-9-1980.

33 ³⁵ See Exhibit 30uu, Fresno Bee, dated 11-9-1980.

1 The activities of the KKK created an environment of fear and hatred toward non-whites.
2 As documented in the articles describing Gov. Brown’s Civil Rights Task Force, the hatred was
3 manifested in discrimination and mistreatment of non-whites.³⁶

4 B. RECENT FRESNO COMMUNITY DISCRIMINATION AGAINST NATIVE
5 AMERICANS:

6 **1. Yokuts Valley Name Change**

7 In 2023, the State of California, as part of an initiative to eliminate derogatory place
8 names in the State, renamed “Squaw Valley” (the word Squaw is widely acknowledged as being
9 a derogatory name to Native American women) to Yokuts Valley, after the local tribe. The
10 Fresno County Board of Supervisors sued the State to get the name change reversed. The lawsuit
11 was filed notwithstanding local residents voting in favor of the name change. “Today’s historic
12 victory represents decades of work led by Indigenous people in Fresno County and across the
13 nation to convey the harm that racist place names inflict on our communities,” Theodora Simon,
14 Navajo, Indigenous justice advocate with the ACLU of Northern California said in a statement.
15 “For over two hundred years, the stereotype of Indigenous women that the s-word conveys – as
16 unfit mothers, disposable, available to be used and abused by settlers – has been used to excuse
17 violence against them. The “squaw,” as a particular biological “Indian” in its female form, was
18 and remains the lowest common denominator of “the Indian” racial strata.³⁷ As such, it has been
19 used historically (and still is) to denigrate female Indians. It also justifies the forced removal of
20 Indigenous children to boarding schools, indentured servitude, and today into the foster care and
21 juvenile justice systems.” (Read more at:

22 <https://www.fresnobee.com/fresnoland/article271072387.html#storylink=cpy>)

23 In late 2023, the County lost its lawsuit against the State regarding the name change,
24 when a court determined that it should have sued the federal government, not the State. Voters
25

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28 ³⁶ See Exhibit 30pp, *supra*.

³⁷ LeeOliver dissertation, *supra*, at 43.

1 in Fresno County rejected Measure B in early 2024. Measure B would have reversed the naming
2 of Yokuts Valley from Squaw Valley, removing a term known to be a racist slur against Native
3 American women. The County spent tens of thousands of dollars to bring the lawsuit, which it
4 is now appealing. It also spent tens of thousands of dollars to put Measure B on the ballot, which
5 was defeated by the voters.³⁸

6 **2. Fresno County Native American Maternal Mortality Is 50% Higher Than The** 7 **State Average**

8 According to a 2021 study, Fresno County lags behind the rest of the State in virtually
9 every category that contributes to infant death. In 2018, 6.5 infants died for every 1,000 births in
10 Fresno County, a rate over 50% higher than the state average. Native American families in the
11 county suffer a twofold health crisis: Policies leave them at greater risk for medical
12 complications and death; and public institutions essentially make them disappear.

13 While Native families are known to have significant health problems during pregnancy,
14 birth and toddlerhood, officials consider the 37,000 Native people living in Fresno County to be
15 too small a population to collect solid data on. According to Rose Mary Rahn, director of
16 maternal, child and adolescent health at the county Department of Public Health, “When you’re
17 thinking about Native American, our population numbers are not significantly high, so we can’t
18 really drill down on that population specifically on their outcomes.”

19 But none of the funds are specifically earmarked for programs to support Native women
20 or their children, even though the Urban Indian Health Institute found the rate of infant mortality
21 for Native babies in Fresno County is more than three times that of white babies. The county, for
22 its part, says the Native infant mortality rate for 2015 to 2019 was 11% higher than the white
23 rate.³⁹

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26 ³⁸ Roman Rain Tree, Monache – fought for name change, see SF Chronicle story, found at:
27 <https://www.sfchronicle.com/bayarea/article/Two-California-towns-were-just-renamed-by-the-17713879.php>

28 ³⁹ Source: Native Americans Underserved, ‘Erased’ in Fresno County Health Data, Investigation Finds – USC
Schaeffer, found at: <https://healthpolicy.usc.edu/article/native-americans-underserved-erased-in-fresno-county-health-data-investigation-finds/>

1 **3. Fresno High School Had a Native American Mascot until 2021**

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3 It wasn't until 2021 that the Fresno Unified School District changed the Fresno High
4 School Native American warrior mascot. The mascot was removed after several years of action
5 by the local Yokuts tribe. Prior to the change, there were public protests opposing the change.
6 The protests happened despite the fact that the school kept the name 'warrior.'

7 **4. Clovis High Discriminated Against Pit River Tribe Member (2015)**

8
9 In 2015, Christian Titman, an 18-year-old member of the Pit River Tribe and a senior at
10 Clovis High School in California, sought to wear an eagle feather on his graduation cap to honor
11 his Native American heritage. The District tried to him from wearing a religiously and
12 culturally important ceremonial eagle feather at graduation, saying that his "accessory" was
13 not "acceptable." The Clovis Unified School District initially denied his request, citing dress
14 code policies. Once the ACLU, California Indian Legal Services, and the Native American
15 Rights Fund took legal action, the CUSD backed down. Titman's lawsuit asserted that the
16 district's actions violated his rights to freedom of expression and religion under the California
17 Constitution. The case was settled, allowing Titman to wear the eagle feather during the
18 ceremony. However, the District didn't change their discriminatory dress code.

19 **5. Clovis High Discrimination Against Native Student regarding regalia (2025)**

20 At present, ten years later, another Native student has been told that she cannot wear her
21 regalia to graduation this Spring, despite state law which allows it.

22 C. **FRESNO COUNTY LEGAL CASES DEMONSTRATE BIAS AGAINST NATIVE**
23 **AMERICANS:**

24 **1. Judicial Bias: Patty Dawson Assault Case**

25 In 2011, a Navajo and Apache Elder nurse was attacked and badly beaten by a white
26 woman in Clovis. The attacker then fled the scene, leaving Mrs. Dawson unconscious. It is well
27 known locally that numerous white supremacists movements have been active in Fresno and the
28 adjacent town of Clovis since the 1980s including the Ku Klux Klan, Aryan Nations, Aryan
THIRD AMENDED MOTION FOR RELEVANT DATA PURSUANT TO PENAL CODE
SECTION 745(d) OF THE CALIFORNIA RACIAL JUSTICE ACT - 27

1 Terror Brigade, Bay Area National Anarchists and Blood and Honour America Division, among
2 others. Local law enforcement failed to take any action for months. Despite the fact that law
3 enforcement was given the attacker’s license plate number and car description by witnesses, it
4 took the Native community protesting to get them to investigate the attack.⁴⁰

5 The attackers had visible white supremacist symbols/markings and spewed racists
6 rhetoric during the attack. Based on the language of the attackers, the local Native community
7 said that it was a hate crime. Nonetheless, a defendant was charged, but not with a hate crime.
8 The attackers subsequently threatened the victim and her family and the public defender. Based
9 on the crime, she could have been sentenced to 2 – 4 years of jail time; however, the trial court
10 suspended imposition of sentence and placed appellant on probation for three years. A condition
11 of probation was that appellant serve 365 days in county jail, with custody credits of 73 days.

12 **2. Law Enforcement Bias: Missing and Murdered Indigenous Woman case:
13 Bessie Walker**

14 Bessie Walker was a 27-year-old Indigenous mother of three murdered in Fresno County
15 in August 2021. Her relatives reported her missing within a few days. The Fresno County
16 Sheriff’s Office *allegedly* searched for her without success. After a limited and fruitless law
17 enforcement ‘search’ by the Sheriff’s office, approximately two weeks after she disappeared, her
18 friends and family organized a search party. She was found dead by friends and relatives right
19 near her home. To date, no charges have been filed regarding her death.

20 **D. FRESNO LAW ENFORCEMENT BIAS AGAINST INDIANS**

21 **1. FCSD Yearbooks Document Bias-Based Hiring/Racial Discrimination in the
22 Sheriff’s Office**

23 Racial bias in Fresno law enforcement is further demonstrated by the relative percentages
24 of officer and employees. Here is the percentage of White Officers/Employees and non-White
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28 ⁴⁰ Indian Country Today, 1/20/2012, found at: <https://ictnews.org/archive/hate-crimes-charges-unlikely-in-patty-dawson-case>

1 Officers/Employees for the FCSD contained in the 1976 – 1985 Yearbooks:^{41,42}. The Fresno
2 County Census population chart previously submitted to this court⁴³ shows that the White
3 population ranged from a high of 65% in 1970 to a low of 50.7% in 1990. By comparison, the white
4 officer/employee percentages ranged from a high of 90.8% in 1976 to a low of 82% in 1985.
5 Therefore, the white officers and employee percentages exceeded their representation in the
6 population by approximately between 26% in 1976 to 31.3% in 1985.

7 1976 Total Employees Pictured 493 - White Employees Pictured 448 (90.8% White)

8 1977 Total Employees Pictured 400 - White Employees Pictured 355 (88.75% White)

9 1978 Total Employees Pictured 570 - White Employees Pictured 491 (86% White)⁴⁴

10 1979 Total Employees Pictured 266 - White Employees Pictured 240 (90% White)

11 1980 Total Employees Pictured 290 - White Employees Pictured 255 (88% White)

12 1981 Total Employees Pictured 296 - White Employees Pictured 258 (87% White)

13 1982 Total Employees Pictured 568 - White Employees Pictured 428 (83% White)

14 1983 Total Employees Pictured 502 - White Employees Pictured 420 (84% White)

15 1984 Total Employees Pictured 495 - White Employees Pictured 426 (86% White)

16 1985 Total Employees Pictured 597 - White Employees Pictured 489 (82% White)

17 A large number of the non-white officers are either listed as cooks or laundry workers or
18 jail guards. There are almost no non-white officers of rank or supervisory roles.

19 **2. There Was Racial Bias Against Indians/Native Americans By Law Enforcement In**
20 **Fresno County During The Relevant Time Period for this Case**

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25 ⁴¹ The Yearbooks can be found at: <https://www.fresnosheriff.org/admin/info/history.html> (last accessed 12-28-25)

26 ⁴² For each Yearbook, counsel visually counted the individual employees and officers. Any officer who had a
27 Hispanic or Asian surname or appeared to be a person of color was counted as non-White. In order to avoid double
28 counting, the officers in group photos were not counted.

⁴³ See Race/Ethnic Population Fresno County U.S. Census Chart, p 23, *supra*. It shows that the Fresno County White
Population in 1970 was 65%; the White Population in 1980 was 61.6%; and the White Population in 1990 was 50.7%.

⁴⁴<https://publicinfo.fresnosheriff.org/docs/DocView.aspx?id=30&dbid=0&repo=SheriffPublic&cr=1> (last accessed
8-12-25)

1 a. Dr. Eduardo Duran’s 1988 Declaration and Defense Counsel Hugh Goodwin’s
2 1995 Declaration Document Racial Bias Against Native Americans in Fresno
3 County in the 1970s - 1980s

4 As stated by Eduardo Duran, Ph.D. in his 1988 declaration, “Indians in Fresno County are
5 regarded as requiring special scrutiny from law enforcement agencies and are frequently the objects
6 of harassment by the police”.⁴⁵

7 Dr. Duran’s declaration, filed in the Stankewitz case, explains that due to the prevailing
8 attitudes of the dominant white culture in Fresno County, a change of venue was needed in the 1983
9 Stankewitz trial. Although the purpose of his declaration was to support a change of venue
10 argument, the content of his declaration, contemporaneous with the Stankewitz 1983 trial, speaks
11 directly to bias and discrimination against Indians in Fresno. He states that given his “observations
12 and professional evaluation of the status of American Indians in Fresno County for the period from
13 1983 to 1987, it is my opinion that the degree of community bias and institutional racism that
14 pervaded Fresno County during these years was exceedingly high and would have unquestionably
15 had a marked effect upon the ability of prospective jurors to be impartial toward an American Indian
16 defendant.”⁴⁶

17 He further states “American Indians are, in the view of the dominant White culture of Fresno
18 County, generally considered to be an isolated, violent and dangerous community which to White
19 community must protect itself against. This attitude has deep historical roots in many rural counties
20 of California, including Fresno County, and resulted in the extermination of much of the Indian
21 population during the 19th century.”⁴⁷

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27 ⁴⁵ See Exhibit 30vv, Declaration of Eduardo Duran, dated April 12, 1988, at 4.

28 ⁴⁶ *Id.*, at 2.

⁴⁷ *Id.*, at 3.

1 “The dominant culture in Fresno County considers American Indians to be the perpetrators
2 of much of the wrongdoing in the community, a view that is expressed in the often heard remark
3 that “if it weren’t for those damned Indians, we wouldn’t have these problems.””⁴⁸

4 In the eyes of the majority, the typical Indian is a drunken, shiftless, often dangerous
5 individual, incapable of providing himself or his family with a decent life, whose destruction would
6 be no loss.”⁴⁹ [Emphasis added]

7 “The foregoing attitudes are often unconscious and frequently have their origins in guilt and
8 anxiety, for the Indian serves as the reminder to non-Indian people of the wrongs perpetrated against
9 the Indian people. This phenomenon both exacerbates the hostility against Indians – one wishes to
10 be rid of the source of the anxiety – and causes non-Indians to project their own violent feelings on
11 to the Indian, so that the latter is viewed as a hostile, alienated and dangerous individual.”⁵⁰

12 Hugh Goodwin, Mr. Stankewitz’s defense counsel in his 1983 second capital trial,
13 acknowledged the prejudice against Native Americans in Fresno County. He signed two
14 declarations admitting his many failures of representation. In one, he states that he “did not research
15 or consider the possibility of a motion for change of venue out of Fresno County based on the
16 pervasive prejudice against Native Americans in the County . . .”⁵¹ Based on his declaration, he
17 knew that there was prejudice against Native Americans in Fresno.

18 b. Fresno County Sheriff’s Office Annual Yearbooks (hereinafter “Yearbooks”)
19 Demonstrate Racial Bias against Indians in 1976 – 1985

20 i. FCSD Yearbooks Background

21 The validity of Dr. Duran’s declaration is backed up by additional contemporaneous
22 documents, specifically the Fresno County Sheriff’s Office Annual Yearbooks (FCSD Yearbooks
23 or Yearbooks). From 1957 – 1991, the Fresno County Sheriff’s Office Relief Organization
24

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27 ⁴⁸ *Id.*, at 3.

⁴⁹ *Id.*, at 4.

⁵⁰ *Id.*, at 4.

⁵¹ See Exhibit 30d, Declaration of Hugh Goodwin, paragraph 20, dated 11-15-1995.

1 (FSORO) published an annual yearbook. Defense counsel reviewed the FCSD Yearbooks for the
2 years 1971, and 1976 – 1985. The articles in the Yearbooks provide revealing information
3 regarding the perspective of law enforcement. Each Yearbook is approximately 200 pages long
4 and contains photos of the current FCSD officers and employees and photos and stories for the
5 law enforcement departments around the County. They also each contain stories regarding law
6 enforcement and local business ads.

7 Defense counsel took thirteen single spaced pages of content for the discrimination types
8 described in this brief. Contained below is a partial description of the racial bias against people of
9 color contained in the Yearbooks, many examples which specifically show bias against Indians.
10 The word commonly used to describe Native Americans in the 1970s and 1980s was “Indian.”
11 although the term itself is now considered demeaning by some, we have used that word to coincide
12 with the language in the Yearbooks.

13 ii. Discrimination in the Yearbooks - Bias Against Arrestees is a Constant Theme
14

15 Throughout the Yearbooks reviewed, one consistent theme is that once arrested, people
16 become criminals for life. This opinion is used to justify the actions of the FCSD officers which
17 often include limiting the rights of suspects, assuming that they are guilty and treating them as
18 such and denying them due process during the arrest and confinement processes. This attitude is
19 paired with a demeaning attitude toward people of color by the FCSD and its officers. These
20 attitudes toward arrestees is pervasive and impacts people of color the most. From 1970 – 1989,
21 the white population percentage in Fresno County decreased by 14%.⁵² Conversely, the
22 nonwhite population increased by 14%, primarily in the Hispanic racial group, which increased
23 by 10%.

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28 ⁵² See Race/Ethnic Population Fresno County U.S. Census Chart, p. 23, *supra*. It shows that the Fresno County White
Population in 1970 was 65%; the White Population in 1980 was 61.6%; and the White Population in 1990 was 50.7%.
THIRD AMENDED MOTION FOR RELEVANT DATA PURSUANT TO PENAL CODE
SECTION 745(d) OF THE CALIFORNIA RACIAL JUSTICE ACT - 32

1 During 1970 – 1989, the arrest rate for nonwhites versus whites was approximately double.
2 The Yearbooks, excerpted here, contain many negative characterizations of people who have been
3 arrested:

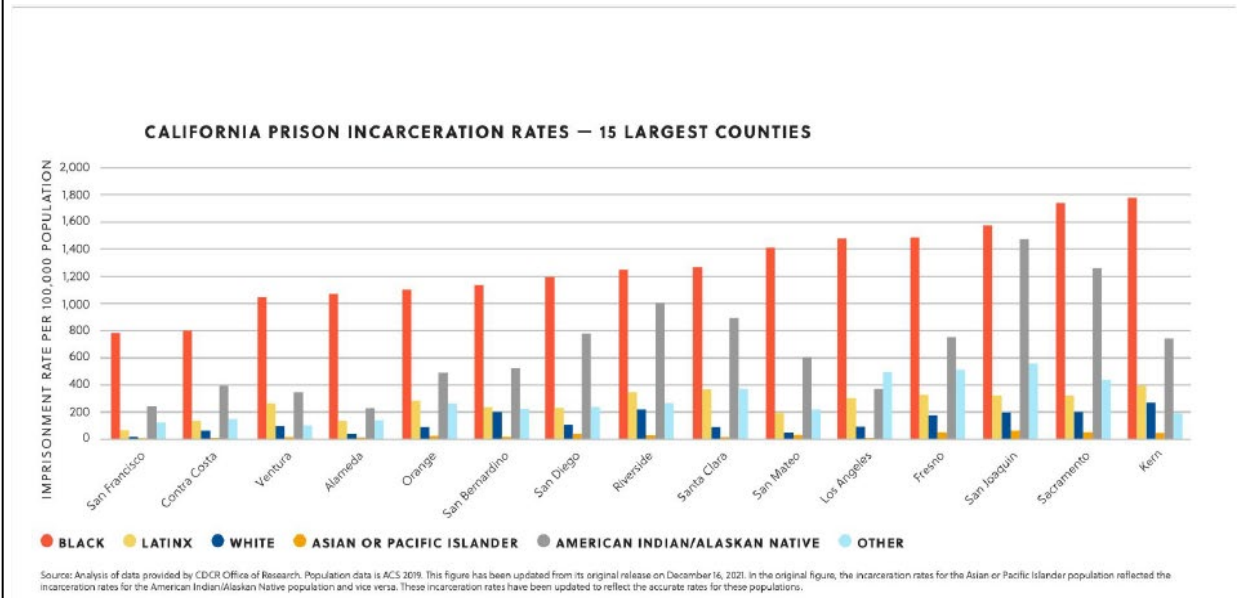
4 “As far as jail officers are concerned, an unconvicted inmate may be legally innocent, but there is
5 reasonable cause to believe he is guilty; otherwise he wouldn't have been arrested.” 1977 Yearbook,
6 p. 93.

7 “The rights of a person accused of a crime and the theory that he is innocent until proven guilty have
8 been emphasized and distorted to the point that much more concern is shown for the criminal than
9 for his victim.” 1977 Yearbook, p. 15.

10 “If Not Arrested (80%) Assumed to Continue Life of Crime”, In only 3% of committed crimes
11 is an offender convicted.” 1978 Yearbook, p.202

12 3. Historical Fresno County Incarceration and Arrest Rates Are Higher for 13 Nonwhites

14 The following chart shows the incarceration rates in the 15 Largest Counties in California
15 in 2019, including Fresno County:



24 CA Prison Incarceration Rates for 15 Largest Counties as of 2019 – Committee to Revise Penal Code

1 This chart shows the imprisonment rate per 100,000 people for each racial group in Fresno
2 County.⁵³ For American Indians, it shows an incarceration rate of just under 800 people per 100,000.
3 The chart shows an incarceration rate for white people of just under 200 people per 100,000.
4 Therefore, American Indians are incarcerated at four times the rate of white people.

5 The census chart “Race/Ethnic Population Fresno County 1970 – 2010, contained
6 at the beginning of Section VII, *supra*, shows the following racial percentages in 1980:

7 White	61.5%
8 Hispanic	29.3%
9 Black	4.8%
Asian/Pacific Islander/Other	4.3%

10 Comparatively, the Arrest Data for Fresno County shows (years 1980 – 1985 are averaged):⁵⁴

11 White	33.28%	(arrests represent approx. 54% of white population)
12 Hispanic	53.7%	(arrests represent approx. 183% of Hispanic population)
13 Black	10.8%	(arrests represent approx. 225% of Black population)
14 Other	2.29% ⁵⁵	

15 The arrest data is derived from the Online Arrest Data^{56,57} prepared by the CA DOJ. Arrest Data
16 for Fresno County is in Exhibit 31a hereto. Native Americans are included in the group ‘Other’.
17 The Other category is problematic because it is used differently by DOJ versus CDCR. For example,
18 the README file⁵⁸ describes ‘Other’ as “the race/ethnic group of the arrestee”, without explaining
19 which races/ethnic groups are included. CDCR, on the other hand, has separate categories for ‘Other’
20 and ‘American Indian’.⁵⁹ The CDCR webpage states that Ethnicity is self-reported and that the
21 ‘Other’ data includes offenders whose ethnicity is unknown or not self-reported.

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23
24 ⁵³ Unlike most of the State data and charts, this spreadsheet shows American Indian percentages.

25 ⁵⁴ The Arrest Data for Fresno County was extracted from the Online Arrest Data Spreadsheet.

26 ⁵⁵ It is not possible to determine exactly what races or ethnicities are included in ‘Other’. Defense counsel did the percentage calculations.

27 ⁵⁶ <https://openjustice.doj.ca.gov/data>. Under the heading Arrests, file name: Arrests.

28 ⁵⁷ The combined spreadsheet covers every county in the state and the period 1980 – 2024.

⁵⁸ README:https://data-openjustice.doj.ca.gov/sites/default/files/dataset/2025-07/Arrests%20Context_06162025.pdf

⁵⁹ <https://www.cdcr.ca.gov/capital-punishment/condemned-inmate-summary-report/>

1 The closest time period which coincides with the Stankewitz case is 1980 – 1985. For those
2 years, when you combine all of the nonwhite categories, the spreadsheet shows that a higher
3 percentage of nonwhites, 1.75 times as many, almost twice as many, were arrested in Fresno during
4 the years 1980 – 1985, than whites. Given that arrests for Black and Hispanic people are
5 approximately double the arrests for White people, and given the racial bias discussed in
6 defendant’s RJA pleadings, it is likely that Native Americans were also arrested at a much greater
7 rate than white people. The disparity in the data points up the need for complete data from the DA’s
8 office, along with statistical analysis. The defendant shouldn’t have to cobble together unreliable
9 and incomplete data to create statistics.

10 As is often the case, one bad thing leads to another. The attitude in the yearbooks creates a
11 presumption that people who are arrested are all criminals and will be for their entire lives. The
12 higher arrest rates result in higher incarceration rates for nonwhites. They also result in higher and
13 longer prison sentences for nonwhites. Once the defendant’s 745(d) motion is granted, the defense
14 statistician expert will be able to prove the higher charging rates and sentences meted out for Native
15 Americans in Fresno.

16 **4. Discrimination in the Yearbooks – Disparagement of Civil and Constitutional** 17 **Rights**

18 Another theme that runs throughout the Yearbooks is that it’s permissible to violate
19 individuals’ civil and constitutional rights. Here are some examples:

20 “Perhaps we should build a separate prison to house only those sentenced to life without possibility
21 of parole. Such inmates would be declared civilly dead, stripped of all rights except the right to live
22 without harassment or mistreatment. They'd be given ample food, adequate living quarters, and
23 opportunity for physical exercise and to work at useful tasks. But their daily routine would be strictly
24 regimented. They'd have no social worker to talk to and tell them they weren't really to blame for
their crimes; no rehabilitation programs; none of the privileges or amenities available to the regular
prison inmate. In other words, they would simply do time until they die.” 1977 Yearbook, p. 48.

25 “If juries are permitted to consider only those matters about which there is no doubt, then there
26 is no reason for their existence. Until some drastic changes are made in rules of evidence and in
27 court philosophy, people will continue to get away with murder.” 1980 Yearbook, p. 163

1 “In this particular case, it obviously was not in the best interests of the youngster's future to set him
2 free on such a technicality, when there was no question regarding his guilt.” 1980 Yearbook, p. 148.

3 “Finally, it is also time we stopped giving criminal defendants inducements to plead guilty, either by
4 reducing provable charges or placing upper limits on possible sentences. It's bad enough when judges
5 try to clear their calendars by promising light sentences in exchange for pleas of guilty; ours should
6 be a higher concern.” 1980 Yearbook, p. 39.

7 “Officers soon become extremely frustrated and bitter at seeing cases dismissed and guilty persons
8 go free because of some minor legal technicality that has no bearing on guilt or innocence.” 1980
9 Yearbook, p. 21.

10 “When Assistant Sheriff Bill Young retired late in March, he made a public statement to the effect
11 that there is little justice in the criminal justice system, and that the main concern seems to be in
12 finding a technicality on which a guilty person can be turned loose, rather than finding cause to
13 convict and punish him. Bill simply put into words what most of us in law enforcement have known
14 for a long time. How any responsible publication can take such a position, when its own pages
15 frequently carry accounts of obviously guilty persons being released on technicalities having nothing
16 to do with guilt or innocence, is incredible. Even so, they indicate the prevalent tendency of too many
17 judges to go overboard in protecting the rights of the person accused of a crime, even if it means
18 ignoring the rights of the victim of a crime.” 1981 Yearbook, p. 17

19 “Our criminal justice system is so weighted in favor of the criminal that it would be impossible for
20 us to effectively fight crime, no matter how much money we had available, or how innovative or
21 revolutionary our thinking.” 1981 Yearbook, p. 113.

22 “Unreasonable? Far-fetched? So is the unqualified requirement that a person be specifically advised
23 of his rights to counsel and to remain silent upon arrest, and that failure to do so can result in
24 dismissal, even when there is no doubt of guilt, the accused has been arrested numerous times before,
25 and thus already has a better understanding of his rights than does the officer who arrested him.”
26 1982 Yearbook, p. 19

27 “We feel that when an officer, with reasonable cause for suspicion, searches a person, premises, or
28 vehicle, and finds incriminating evidence, no one's civil rights have been violated, for the culprit
forfeited any pertinent rights when he opted for criminal behavior. No harm has been done, evidence
to prove a crime has been obtained, and there should be no restriction on the use of that evidence. If
the officer was wrong in his suspicions, and finds no such evidence, then he very possibly
has violated someone's civil rights, and can be held accountable. 1982 Yearbook, p. 39

“This requirement, of course, seems contrary to the basic presumption of innocence until proven
guilty. However, if we are to interpret that presumption so narrowly, then we shouldn't have arrested
the defendant in the first place, but cited him into court as we do on a minor traffic violation, no
matter how serious the charge.” 1982 Yearbook, p. 41

1 **5. Discrimination in the Yearbooks - Rehabilitation Of Criminals Is**
2 **Impossible**

3 One cynical view that is found through the Yearbooks is the view that criminals cannot be
4 rehabilitated. This view is used to justify the position that criminals shouldn't have any civil or
5 constitutional rights because they are a lost cause. Here are Yearbook excerpts that contain that view:

6 “Making the punishment fit the crime is a sick joke. We're told that we, society as a whole, are
7 actually the guilty whenever a crime is committed, because we had failed to provide the environment
8 or incentive that would have encouraged the perpetrator to be a law-abiding citizen. Therefore,
9 instead of punishing him, we assuage our guilt by spending enormous sums of money to make his
10 time in confinement as comfortable as possible. This is known as rehabilitation. We then turn him
11 loose at the earliest opportunity or slightest excuse. As a result of this perverted approach to holding
12 people responsible for their wrongful acts, we have so many present and would-be criminals on the
13 streets that decent citizens live in a constant state of fear for their lives and property, just as they did
14 when the British redcoats roamed the countryside.” 1977 Yearbook, p. 15

15 “The typical professional criminal of today, the one who makes his living by illegally appropriating,
16 in one way or another, the money or property of others, is not a criminal because his parents were
17 divorced, or because the other kids laughed at the shabby clothes he wore to school, or because he
18 hasn't been able to find an honest job. He's a criminal because he wants to be; because it's his
19 business. The old platitude that crime doesn't pay no longer applies, if it ever did. It pays quite well.”
20 1977 Yearbook, p. 17.

21 “All this makes it abundantly clear that crime is not a high-risk business. It's no wonder, then, that
22 so many now choose it as a vocation, just as others choose to be storekeepers, farmers, or craftsmen.”
23 1977 Yearbook, p. 19.

24 **6. Discrimination in the Yearbooks - Explicit and Implicit Racial Bias**

25 In general, the Yearbooks are replete with stories which disparage racial and ethnic
26 groups. There are no comparable stories about white individuals or groups.

27 1978 was the year that Mr. Stankewitz was arrested, investigated, charged and tried. One
28 article is titled “Prison Spawned Gang Violence in Fresno County.”⁶⁰ It discusses Mexican gangs
at length. There is no comparable article that discusses white gangs. Other articles appear to have
racially coded language. For example, in response to a planned POST survey, asking that it be

⁶⁰ *Ibid*, at 59 – 64.

1 completed before the new chief started, so as to address any “sacred cows”.⁶¹ In the same article,
2 in discussing the results of the POST survey, it states that “two sets of priorities were developed.
3 One dealt with those changes necessary either to bring the department into conformity with law
4 to include P.O.S.T. regulations or reduce a liability.” That same article appears to include racial
5 profiling, talking about “patrolling the Harvest Festival.” The Harvest Festival is explained as
6 when there is an influx of 10,000 people, likely referring to farm workers coming to harvest
7 crops.

8 The 1978 yearbook also contains a shocking chart which reinforces bias against those
9 arrested.⁶² It is entitled “The Criminal Injustice System – Criminal Has a Choice: If Not Arrested
10 (80%) Assumed to Continue Life of Crime.” Further stating that “[I]n only 3% of committed
11 crimes is an offender convicted.” It then goes on to state that criminals have many benefits
12 accorded to them, as compared to “Law Abiding Citizen.”

13 The 1985 yearbook was published two years after Mr. Stankewitz’s second trial and death
14 penalty conviction. Thus, these Yearbooks are representative of prevalent law enforcement
15 attitudes during the time.

16 The following are excerpts from the Yearbooks between 1976 – 1985 which show racial
17 bias:

18 “The quick and harsh justice of the old west, where a horse thief caught in the act was very
19 quickly hanged to the most convenient tree limb, may have denied the accused due process of
20 law, failed to take into account mitigating circumstances, and no doubt resulted in an occasional
21 execution of an innocent man. But at least it didn't make a prolonged circus of the event by
22 dragging it out for months or years and giving every newspaper in the nation a chance to fill
23 column after column with morbid details of his reaction to his pending execution, his tearful
24 visits with relatives, stories from former classmates and teachers about his childhood, the menu
25 of his last meal, and what he said just before the noose tightened about his neck.” 1977 Yearbook,
26 p. 46.

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28 ⁶¹ *Ibid*, at 159 – 161.

⁶² *Ibid*, at 202.

1 Clovis PD – “Many newcomers are attracted to Clovis because of its "Western Way of Life"
2 which has continued since its inception in 1912. [coded language for whites only?] 1977
Yearbook, p. 151

3 “A new wave of criminal violence has surfaced in Fresno County in the past two years, primarily
4 due to organized criminal activity by so-called "prison spawned gangs." These gangs have
5 primarily been formed among various ethnic groups, creating a subculture of criminality with an
6 organized structure of leaders and followers. To aid in an understanding of this concept of the
gang structure, the discussion will be focused on two Mexican-American prison ed gangs. 1978
Yearbook, p. 61 – 65.

8 Examples of racial profiling – “sacred cows” and “patrolling the Harvest Festival” 1978
9 Yearbook, p. 160

10 “Chief Sanchez, who has been a member of the Department for fifteen years, has under his
11 command a force of eight regular officers and eight reserves, hardly an overwhelming force to
12 cope with some of the problems that can develop when, in addition to bad weather, the harvest
season brings thousands of migrant workers to the surrounding ranches.” 1978 Yearbook, p. 179

13 “Huron has no alternative but to stay always in the background, being ridiculed. This has been
14 true since 1951, when it was first incorporated. It has been a migrant town, supplying the needs
15 of migrant workers, ever since it began, and because of the large influx every year of
undocumented workers, or aliens, it has been given nicknames like "Little Tijuana" and "Tortilla
16 Flats.”” 1980 Yearbook, p. 130

17 “During World War II there were several arrests of "Zoot Suiters," the young punks who wore
18 broad-brimmed dress hats, suit coats with padded shoulders, and trousers flared at the hips and
19 extremely narrow at the ankle, and preyed on innocent persons in West Fresno and other similar
communities in California cities. I understand that recently a play has been produced which
20 glorifies these criminals, attributing their anti-social tendencies to their social environment.”
1981 Yearbook, p. 95

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22 “Editorial: What next? “It seems that in spite of the rampant disregard and disrespect for law and
23 order that hurts every person in the nation, certain groups of supposedly law abiding citizens are
24 continually looking for new ways to hamper the crime suppression efforts of the police.” Now
25 one of those groups has decided that we are being blatantly racist when we refer, in official
26 correspondence such as wanted bulletins and radio broadcasts, to wanted persons as "Mexican,"
"Negro," "Filipino," "Chinese," etc. The allegation is that by doing so we are being derogatory
27 toward all persons of the ethnic background thus mentioned, or are implying that persons of such
background are prone to commit the type of crime for which the suspect is wanted. The
complainers suggest that we merely use skin color-white, black, brown, or yellow-in describing
28 wanted persons.

The allegation is ridiculous, of course.

THIRD AMENDED MOTION FOR RELEVANT DATA PURSUANT TO PENAL CODE
SECTION 745(d) OF THE CALIFORNIA RACIAL JUSTICE ACT - 39

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2 So far, the complaint of racism in this regard is still in the talking stage. However, certain civil
3 rights groups have a tendency to justify their existence by creating problems where none exists,
4 and some judges apparently like to call attention to themselves, and gain reputations as liberal
and revolutionary thinkers, even if it means making asinine decisions.” 1982 Yearbook, p. 15

5 “While under hypnosis Donner described the suspect as of Mexican descent, 25 to 30 years old,
6 about six feet, weighing about 170 to 180 pounds, and with dark wavy hair covering his ears,
7 and a thin mustache extending below the lip line. He also stated he had "Indian" features,
meaning prominent cheek bones.” 1984 Yearbook, p. 83

8 “Judging from Caro's past history, if he is ever freed it is quite likely he will murder again.” 1984
9 Yearbook, p. 92 [Note: Caro was Hispanic]

10 “Now it can be told – Rehabilitation” – is a story about how police officers violently physically
11 assaulted an alleged domestic violence perpetrator multiple times during his arrest. They then
12 hid the fact of the assault. Without knowing about the assault, the probation department
congratulated the sheriffs because the suspect then reformed. 1984 Yearbook, p. 125-6

13 “Caveman Courtship” is a long story about ‘Juan and Maria,’[per the editorial comment,
14 ‘fictitious [sic] names are used for the two main characters’], where Juan was allegedly in love
15 with Maria since he was a youth. It describes in depth Juan and Maria’s domestic violence
16 relationship. Juan subsequently assaulted, attempted to kidnap Maria and later succeeded in
kidnapping her. He then fled to Mexico to avoid prosecution. 1985 Yearbook, p. 99 – 114⁶³

17 “Now It Can Be Told – Informal Extradition” In another 1985 story, “Now It Can Be Told
18 Informal Extradition,”⁶⁴ describes how Fresno Sheriff’s officers went to Oklahoma to pick up a
19 suspect who was being extradited. The story discusses how then Gov. Brown waived extradition
20 for Dennis Banks, “[T]hose standards aren’t always strictly adhered to, of course, as indicated
21 by Gov. Jerry Brown’s refusal to let an Indian named Dennis Banks be extradited to South
22 Dakota, where he was wanted for shooting an officer.” No examples of white people who had
extradition waived are mentioned. That same story talks about ‘a big disturbance last night on
the Indian reservation, and we arrested a lot of people.” Such comments show racial bias against
Indians.

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24 “We had a big disturbance out on the Indian reservation last night, and arrested a lot of people.
25 We're so crowded we just don't have room for another prisoner." 1985 Yearbook, p. 149.

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28 ⁶³ *Ibid*, at 97 – 112.

⁶⁴ *Ibid*, at 145- 149.

1 “Reminisin by Al Collins” The story entitled ““Reminiscin”⁶⁵ is about the good old days of law
2 enforcement when “Department operations were a lot less formal ...” As stated in the article,
3 one officer had “a pet theory that an extra large footprint found at a crime scene automatically
4 meant it had been made by a member of a certain ethnic group.” “As he sat down Cal remarked
5 that as soon as the report was finished they should go check a certain area inhabited mostly by
6 the ethnic group of which he was sure a member had made the footprint, and to see if they could
7 find others to match.” [As it turned out, the footprint was made by a sheriff’s deputy.] “The
8 foregoing is just part of the material Al prepared. Space considerations preclude the use of it all.
9 Perhaps in next year's edition we may again share the memories of what Chief Collins and I and
10 many others think of as the good old days of law enforcement.” 1985 Yearbook, p. 152 - 161
11 Apparently, the good old days included racial profiling.

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**7. Penultimate Yearbook Story: Racial Bias, Anti-Civil Rights and
Stankewitz Family Hatred All Rolled Into One**

Perhaps the most concerning content is entitled “Getting Away With Murder”, found in
the 1980 Yearbook. It combines racial bias against Indians while violating defendants’ civil and
constitutional rights and shows the hatred of the Stankewitz family by the FCSD. The story is
primarily about a crime involving Mr. Stankewitz’s brothers Gary and Theodore. However, it
discusses Mr. Stankewitz’s case from 1978, repeating incorrect facts about what happened.

“At the time of his arrest, Gary refused to make a statement.” “Theodore”, age 15 at the
time, “also refused to make a statement”. “We pointed out to him that his shoes had obviously made
the footprints we had found at the murder scene, and that a conviction could mean the death penalty
for both him and his brother. Well, it looks like you're going the way of your brother," I told him.
"That ought to be nice-three family members on Death Row. That's something to be proud of.” Then
it asks “Could a penchant for coldblooded killing be a family trait.” It goes on “Gary was returned
to prison for violation of parole, but will no doubt be free, and may have killed someone else, by
the time this account is printed.” Then, violating Gary Stankewitz’s due process rights, it states

⁶⁵ *Ibid*, at 150 – 160.

1 “[W]e are sure that Gary Stankewitz killed Steve Adams, but because court rules kept us from
2 telling the jury everything we knew about the case, he can never be held accountable.”⁶⁶

3 “Later, Theo made a complete confession, in detail . . .” Apparently part of the reason that
4 the story was published was to emphasize that FCSD was not allowed to use Theodore’s
5 confession. This was allegedly because the officers involved threatened Theodore using Mr.
6 Stankewitz’s death penalty conviction. Clearly FCSD was more upset that they couldn’t get
7 Theodore’s confession into evidence than the fact that his civil and constitutional rights were
8 violated.

9 The assumption of these stories is that pass judgement on people of color and ethnic
10 origin as being criminals, without the subjects of the stories having the opportunity to give their
11 version of events. This is dangerous because it gives FCSD officers and Fresnans generally, a
12 reason to adopt similar negative attitudes toward people of color.

13 **8. Fresno Police Department Annuals Demonstrate Bias Against Police** 14 **Suspects and Nonwhite Suspects**

15 Because the Fresno Public Library is currently under renovation, defense counsel was
16 only able to access the 1970 Fresno Police Annual. That issue has one story entitled “Pity the
17 Poor Criminal” which, like many of the stories in the FCSD yearbooks, disparages defendants’
18 civil rights. It discusses how “a few important trends exist. First, crime is rising each year –
19 alarmingly so. Second, the **victims** of criminal acts have found, as have the police, that other
20 private citizens are unwilling to come to their aid, even unwilling to testify in their behalf to
21 punish a criminal. Third, the trends show far more “involvement” from the private sector **against**
22 the police, that is, helping a criminal escape, or refusing to come to the aid of an arresting officer,
23 than involvement **for** the police.”⁶⁷ It quotes a Police Inspector Bernard Deloughary, saying
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27 ⁶⁶ Defense counsel could not independently research the facts of the Adams case. Given that the case took place in
28 the 1980s, and our experience with FCSD ‘losing records’, FCSD would likely say that they no longer have the records.

⁶⁷ See Exhibit 31d, 1970 Fresno Police Annual, at 54.

1 “they let the hoods out faster than we can lock them up.” “I’m sick of the ‘O, that poor boy’
2 attitude judges and juries have toward defendants.”⁶⁸

3 Historical extra-legal punishments have been meted out locally against Indians. As stated
4 in the Madera Tribune, the first Fresno Superior Court judge ordered the extra-legal hanging of
5 an Indian in 1893. Previous extra-legal hangings of several Indians in Madera County occurred
6 in 1863 – 1864. *See* Exhibit 31e. Unfortunately, as recently as 2001, the Fresno Police Annual
7 contained racially biased content. In the 2001 issue, there is a picture of Jerry Dyer, before he
8 became police chief, with another employee, holding a noose. *See* Exhibit 31f.

9 **9. Fresno County Probation Department History is Racially Biased Against Indians**

10 The Fresno Probation Department “is an active member of the criminal justice system
11 and serves the people and courts in our county.” Probation Officers also deliver investigative
12 duties for the courts by producing sentencing reports and recommendations.”⁶⁹ Given the duties
13 of the probation department, they work closely with the other law enforcement agencies in the
14 County. The culture of the law enforcement agencies no doubt influences each other.

15 The Fresno Probation Department website has a history page⁷⁰. The page details some
16 indicia of racial bias. 1) it states that “the county’s only hanging occurred outside the county jail;”
17 2) “Concerns created the Office of the Probation Officer next to Indian affairs in the courthouse”;
18 and 3) H.A. Sessions, who was sworn in as the first probation officer in 1909, “made a
19 recommendation to the courts regarding Charlie Davis, a digger Indian⁷¹ who killed his medicine
20 man. Sessions convinced tribesmen to take their sick to the new county sanatorium and not kill
21 the medicine men when their efforts did not work. He then recommended probation for Davis.
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25 ⁶⁸ *See* Exhibit 31d, 1970 Fresno Police Annual , at 55.

26 ⁶⁹ <https://www.fresnocountyca.gov/Departments/Probation/About-Probation> (last accessed 8-17-25)

27 ⁷⁰ <https://www.fresnocountyca.gov/Departments/Probation/About-Probation/Probation-History> (last accessed 8-
17-25)

28 ⁷¹ “For very early on, “Digger” became a term of opprobrium—a taxonomic stigma—which could be used to label
Indians as base and inferior to the point of denying their humanity”. *See* The Digger Indian Stereotype in California
by Allan Lonnerberg, JOURNAL OF CALIFORNIA AND GREAT BASIN ANTHROPOLOGY, p. 215 - 216 (1981)
(found online at: <https://escholarship.org/uc/item/6qq09790>)

1 But Judge Church sent him to San Quentin. Chief Sessions circulated a petition signed by the
2 Board of Supervisors and traveled to Sacramento to win his release”. There is no way to know
3 whether this story is accurate or not; however, by saying that Indians, including Charlie Davis,
4 should be sent to sanatoriums, the dominant cultures’ institution, demonstrates demeaning
5 treatment and a condescending view of Indians.

6 Mr. Sessions wrote an article, published in 1917, in which he stated ““SENDING men to
7 prison does not protect society unless every sentence shall be for life. Short terms in prison are
8 absolute folly so far as the individual is concerned. They do vastly more damage than good. The
9 criminal shortterm, schooled in all the arts of vice, is turned loose on society without
10 supervision, and the bad results to others are much greater than the good done by "making an
11 example" of him.””⁷²

12 Given the derogatory nature of the term ‘digger Indian’,⁷³ it is alarming that the Probation
13 Department publicly uses it today without qualifications or explanation that ‘digger Indian’ is
14 derogatory. Given the historical discrimination against Indians by the Fresno Probation
15 Department, all reports regarding the defendant should be disregarded by the court. Further, the
16 Probation Department should not be consulted nor permitted to testify regarding the defendant.

17 18 E. FRESNO COUNTY IMPOSES A HIGHER DEATH SENTENCE RATE THAN 19 TWO THIRDS OF CALIFORNIA COUNTIES.

20 This following chart shows that during the period from 2000 – 2020, Fresno County
21 imposed approximately seven death sentences compared to the homicide rate. This put the
22 County in the top third of California counties.

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24
25
26 ⁷² <https://www.marxists.org/history/usa/pubs/westerncomrade/1711-westerncomrade-v5-n07.pdf> (Last accessed 8-
27 17-25)

28 ⁷³ "Digger" was also a curse: the use of it often served to encapsulate Indians as being treacherous, bloodthirsty, dirty
squalid, lazy, comic, and/or pathetic as the time and place dictated, and such portrayals
were often accompanied by violence. *Ibid*, at 216.

FIGURE 8: DEATH PENALTY USAGE RATE COMPARED TO HOMICIDE RATE

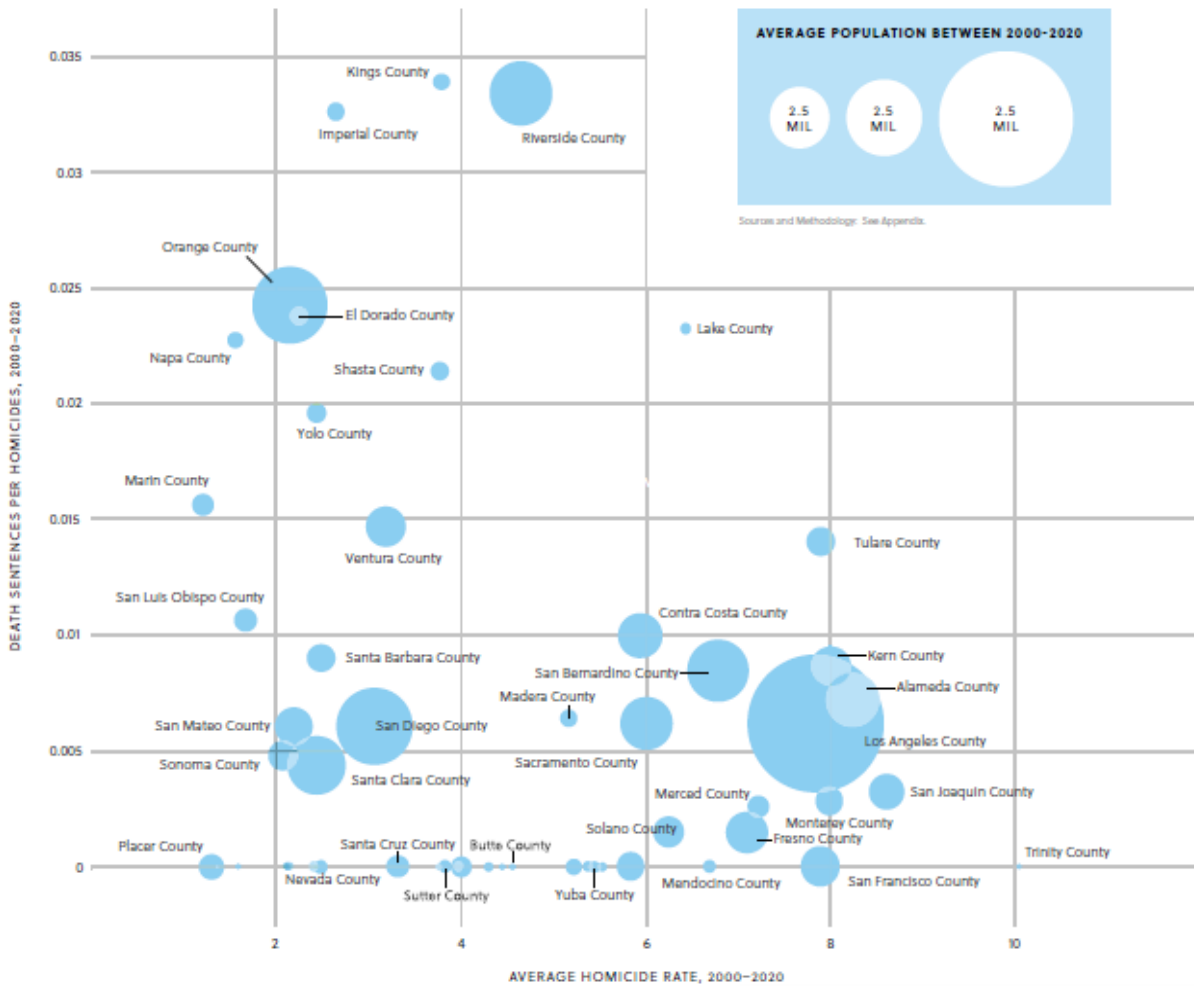


Figure 8: Death Penalty Usage Rate Compared to Homicide Rate - Cttee on Revision of the Penal Code: Death Penalty Report.⁷⁴

F. TWO NATIVE AMERICANS SENTENCED TO DEATH IN FRESNO

⁷⁴ Death Penalty Usage Rate Compared to Homicide Rate - Cttee on Revision of the Penal Code: Death Penalty Report, Released 2021, p. 26. Found at:

https://clrc.ca.gov/CRPC/Pub/Reports/CRPC_DPR.pdf

1 On California's Death Row, before it was 'disbanded' in 2024, there were two known
2 Native American men from Fresno. Clarence Ray Allen who said that he was Choctaw and
3 Cherokee. Allen was executed at San Quentin in 2006. The other is the defendant, who was
4 considered as "Condemned" for over 47 years⁷⁵ and housed on Death Row for over 46 years. In
5 Mr. Stankewitz's second trial, bias is evidenced by the questioning and elimination of the only
6 Indian juror on the panel; and by derogatory defense and prosecution argument regarding the
7 youth on Mr. Stankewitz's Indian reservation.⁷⁶

8 Consultation with Professor Beth Redbird, of Northwestern University⁷⁷ confirms that a
9 rigorous disparity is possible but requires access to the discovery requested herein.

10 G. KNOWN FRESNO SENTENCES & RESENTENCES WHICH DEMONSTRATE
11 RACIAL BIAS

12 A review of known Fresno murder cases sentences from 1978 – present is contained in
13 Exhibit 31b, a spreadsheet put together by the defense. Because the DA's office has not provided
14 any data, the defense gathered this information. The data comes from defense attorney records
15 and the Fresno DA's website; therefore, there are periods where data is missing. Similar to the
16 defense requests contained in Section II, supra, we have separated the murder cases and
17 sentences into several categories: 1) Defendants who got the Death Penalty; 2) Defendants where
18 Death Penalty Sought but not obtained; 3) Defendants Where Death Penalty Not Sought or
19 Settled Before Trial; and 4) Defendants Who Were Sentenced to LWOP or less. Although there
20 were many cases in the 1980s – 1990s where death was imposed or sought, based on the data
21 that we have, between 2000 – present, the Fresno DA's office only sought death in approximately
22 six cases. Since 2000, there have been only about six murder cases, including those with special
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25 ⁷⁵ Mr. Stankewitz was sentenced to LWOP on 5/3/2019; until defense counsel intervened, CDCR continued to
26 categorize list him as 'Condemned' until 7/7/2025. As a result, he was subjected to more restrictions until CDCR
reategorized him as LWOP.

27 ⁷⁶ See Section VIII, *infra*.

28 ⁷⁷ Dr. Redbird is a computational methodologist, with an expertise in survey design and analysis, big data, and the
measurement of invisible or hard to quantify processes. Her research focuses on law, race, place, and inequality,
and is an expert whom we have consulted for this 745(d) motion.

1 circumstances, where the DA has sought death or LWOP. In the vast majority of cases since
2 2000, Fresno murder convictions have resulted in sentences of life or less.

3 Based on the raw data contained in Exhibit 31b, for the twenty-two cases where death
4 was imposed, twelve of those were nonwhite men, 55% percent. In the twenty-eight cases where
5 death was sought, twenty of those were nonwhite men, 71% percent. These percentages are an
6 almost inverse relationship to the percentage of white employees at the FCSD during the same
7 time period. *See* Section VII.D.1, *supra*.

8 **1. Recent Example - Colin Dickey Double Murder Case – From Death Reduced To 50**
9 **To Life For 2 Murders**

10 Some local people still remember the gruesome murders of an elderly Fresno woman and
11 her disabled border committed by Colin R. Dickey in 1988.⁷⁸ Colin Dickey, who is white, was
12 convicted of double murder with special circumstances in 1991. He confessed the crimes to his
13 roommate. He was given the death penalty in 1992. After numerous appeals and post-conviction
14 writs, the death penalty phase was overturned in 2023.

15 After finding that the prosecutor deliberately elicited and failed to correct false and
16 misleading testimony from the State’s star witness, the Ninth Circuit held that the defendant was
17 entitled to habeas relief as to the jury’s special circumstances findings and the imposition of the
18 death penalty. (See *Dickey v. Davis* (2023) 69 F.4th 624; *Dickey v. Davis* (E.D. Cal. Sept. 7,
19 2023, No. 1:06-cv-00357-JLT-SAB) 2024 U.S. Dist. Lexis 91052 [2024 WL 2300965].) In its
20 2023 decision, the Ninth Circuit reversed and remanded the case to the federal district court. In
21 the intervening period between the Ninth Circuit opinion and the federal district court’s order
22 granting a conditional writ of habeas corpus, the People notified defendant and the court that
23 they did not intend to retry to special circumstances allegations.⁷⁹

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27 ⁷⁸ For a full recitation of the facts, *see* *People v. Dickey* (2024 5DCA) 2024 Cal. App. Unpub. LEXIS 7687 at 2 –
28 7.

⁷⁹ *See* *People v. Dickey* (2024 5DCA) 2024 Cal. App. Unpub. LEXIS 7687 at 11.

1 The federal district court stated that the State of California ‘may grant defendant a new
2 trial on the special-circumstances allegations or agree that he may be sentenced to a penalty other
3 than death in conformity with state law’. *Dickey v. Davis*, 2024 U.S. Dist. Lexis 91052. However,
4 when Dickey subsequently returned to Fresno Superior Court for resentencing in 2024,⁸⁰ the
5 Fresno District Attorney asked the court to resentence him to consecutive terms of 25 to Life on
6 each of the two murders. The court proceeded to do so. As a result, he will be eligible for parole
7 in 2027.

8 **VIII. SPECIFIC BIAS IN THE STANKEWITZ CASE**

9 The Stankewitz family was well known to Fresno law enforcement as being
10 Indian/Native American. This was due in large part to their living in an impoverished state on
11 the Auberry rancheria.⁸¹ Given the knowledge by law enforcement of Mr. Stankewitz being
12 Indian, and their explicit and implicit bias against Indians, Mr. Stankewitz should be allowed to
13 review any information, whether written or oral, relating to an instance in which a law enforcement
14 officer involved in Douglas Stankewitz’s case exhibited bias or animus toward Mr. Stankewitz
15 because of his race.

16 A. EXPLICIT AND IMPLICIT BIAS #1: QUESTIONING AND ELIMINATION OF 17 ONLY NATIVE AMERICAN JUROR IN SECOND TRIAL

18 In defendant’s 1983 trial, the prosecution used a peremptory challenge to remove the only
19 known Native American juror, Rosemary Moreno. Ms. Moreno, Panel 33, number 157, was
20 asked hardship *voir dire*, Hovey *voir dire* and general *voir dire* questions. The transcript of her
21 *voir dire* refers to question numbers. These question numbers refer to the questions on the juror
22 questionnaires. The answers to these questions give counsel information regarding the juror’s
23 race and ethnic background, experience with law enforcement and position on subjects related
24 to the crimes that are the subject of the prosecution. The juror questionnaires in this case have
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28 ⁸⁰ According to the Fresno Superior Court portal, Dickey was resentenced on 2/16/2024.

⁸¹ See Exhibit 30i, Declaration of Vincent Schiraldi, dated 3-14-2025, paragraph #37.

1 been lost and are no longer available. Therefore, we cannot match up her answers to specific
2 questions asked.

3 Prospective juror Rosemary Moreno stated that she was Indian. (In this case, ‘Indian’
4 was used in place of ‘Native American’, as was used by many people at the time). There may
5 have been other prospective jurors who were Native American but we do not know because we
6 do not have the juror questionnaires. Ms. Moreno also stated that she worked for Indian counsel.
7 The prosecution specifically asked her whether she would tend to favor Defendant, because he
8 is Indian. This question alone demonstrates racial bias because it assumes that she would favor
9 a man of her own race. We would need to compare the voir dire in other cases prosecuted by DA
10 Robinson to determine whether he asked this question of any white jurors in other trials.

11 Ms. Moreno without hesitation, answered “No, why should I? Because he is a human
12 being like everybody else.”

13 Importantly, after her initial voir dire was completed, defense counsel Goodwin stated
14 on the record that Ms. Moreno was the only prospective juror who was a peer. (T2 Vol. V RT
15 2694, ln 11 - 13)

16 As discussed above, Native Americans are a very small percentage of the population in
17 Fresno County. Given the limited sources for prospective jurors, the number of Native
18 Americans who are called to jury duty is far less. Prospective jurors are generally contacted using
19 voter registration rolls. Native Americans living on the reservation and in poverty in 1983, may
20 not have been registered to vote. Another way to determine whether there was racial
21 discrimination is to look at jurors who were struck and not struck, including whether similarly
22 situated jurors were removed for cause and a juror of the same race was removed using a
23 peremptory challenge. In this case, there were several jurors who, like Rosemary Moreno, knew
24 members of Defendant’s family. In this case, a survey of 233 prospective jurors shows that of
25 the four who said that they knew the Stankewitz family, three were removed for cause and only
26 one, Rosemary Moreno, was challenged with a peremptory. DDA Robinson did not give any
27 explanation for his peremptory challenge of Ms. Moreno and the court did not require an
28 explanation.

1 In a capital case, one criterion in determining whether a juror of the same race was
2 excused for racially discriminatory reasons is to look at how s/he answered death penalty related
3 questions. If the prospective juror answered the death penalty questions the same as other jurors,
4 but was still removed using a peremptory challenge, then it raises racial basis as a possible
5 reason. In this case, throughout numerous death penalty related questions by the attorneys and
6 the court, Ms. Moreno stated that she would be able to vote for the death penalty. (T2 Vol. V RT
7 2685 - 2691) Therefore, she couldn't be eliminated for cause as to voting for death. Given the
8 questioning of Ms. Moreno in both instances, and given DDA Robinson's racially biased
9 question about whether Ms. Moreno would treat Mr. Stankewitz favorably because he was
10 Indian, the likely explanation for her being excused was because she was Indian.

11 B. IMPLICIT BIAS #2: DEFENSE LAWYER ELICITED DAMNING
12 DISCRIMINATORY TESTIMONY FROM THE CLIENT'S NATIVE AMERICAN
13 SISTER-IN-LAW, DURING THE SECOND TRIAL PENALTY PHASE. THE
14 TESTIMONY WAS THEN REINFORCED TO THE JURY DURING THE DEFENSE
15 AND THE PROSECUTOR DURING THEIR CLOSING ARGUMENTS.

16 During the second trial penalty phase, defense counsel called only four witnesses. One
17 witness was Theresa Montgomery. Prior to her testimony, defense counsel gave a brief statement
18 where he stated that he was going to call Mrs. Montgomery to give background on Indian
19 reservations and what the defendant was exposed to. (T2 Vol. V RT 1038). Mrs. Montgomery's
20 testimony included negative characterizations of reservation life for young people, stating that
21 they were into drugs and alcohol. (T2 Vol. V RT 1044, ln. 8 – 13) Further that due to youth
22 involvement in drugs and alcohol, they drop out of school and just do nothing. (T2 Vol. V RT
23 1045, ln. 2 – 7) She also testified that the drug and alcohol situation on the reservation led to
24 destruction in their lives. (T2 Vol. V RT 1046, ln. 12 – 1047, ln. 3) She went on to describe how
25 drugs and alcohol abuse led to suicide on the reservation. (T2 Vol. V RT 1048, ln. 19 – 21)

26 During the closing argument in the penalty phase, referring to Mrs. Montgomery's
27 testimony, defense counsel stated that the defendant was raised on an Indian reservation. He told
28 the jury "if you're going to be really honest, I think you would have to conclude that being raised
on a reservation is certainly drastically different than the way you were raised and in the way

THIRD AMENDED MOTION FOR RELEVANT DATA PURSUANT TO PENAL CODE
SECTION 745(d) OF THE CALIFORNIA RACIAL JUSTICE ACT - 50

1 that we would want people generally to be raised”. (T2 Vol. V RT 1114, ln. 20 - 24) He also said
2 “[s]he mentioned about the extent to which alcohol and drugs just permeate the whole
3 reservation. And that from what she said, it could easily be concluded that this is the atmosphere
4 in which those people who live on a reservation are raised”. (T2 Vol. V RT 1114, ln. 25 – 1115,
5 ln. 3) He portrayed reservation kids as being raised without morals. (T2 Vol. V RT 1115, ln. 10
6 – 1116, ln. 1) The DA repeated defense counsel’s statements from Mrs. Montgomery about how
7 “drugs and alcohol pervaded Indian reservations locally”. (T2 Vol. V RT 1124, ln. 8-10) He
8 further stated “It’s really insulting to Mr. Stankewitz and maybe to Indians on reservations to
9 suggest that they can’t be law abiding”. (T2 Vol. V RT 1124, ln. 26 – 1125, ln. 2)

10 **IX. MEMORANDUM OF POINTS AND AUTHORITIES**

11 **A. THE LEGAL FRAMEWORK OF THE CA RACIAL JUSTICE ACT**

12 In 2020, the California legislature passed the RJA, which added Section 745 to the
13 California Penal Code. The Legislature declared in the RJA its intent “to eliminate racial bias
14 from California’s criminal justice system” and “to ensure that race plays no role at all in seeking
15 or obtaining convictions or in sentencing.” (See Stats. 2020, Ch. 317, § 2, subd. (i).) The RJA
16 was amended in 2024 to add retroactive application. The Legislature expressed its intent “to
17 ensure that individuals have access to all relevant evidence, including statistical evidence,
18 regarding potential discrimination in seeking or obtaining convictions or imposing sentences.”⁸²
19 In addition to evidence of intentional discrimination, the Act allows defendants to bring
20 challenges to charging decisions and sentencing based on statistical disparities in race, ethnicity,
21 or national origin.

22 Penal Code Section 745(d) authorizes the defense to file a motion requesting disclosure
23 to the defense of all evidence relevant to a *potential* violation of subdivision (a) in the possession
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25
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28 ⁸² See Stats. 2020, Ch. 317, § 2, subd. (j).

1 or control of the state. Under this provision, a court “shall order” the release of records requested
2 by a defendant relevant to a violation of section 745(a) “[u]pon a showing of good cause...”⁸³

3 The failure to release even confidential records that could be exculpatory (i.e. indicative
4 of racial bias) would be reversible error as was found by the First District Court of Appeal in
5 *People v. Stewart* (2020) 55 Cal.App.5th 755, which reversed a rape conviction for prosecutorial
6 misconduct in failing to disclose confidential juvenile records of a key prosecution witness that
7 the Court deemed exculpatory. The Court of Appeal balanced the need for confidentiality of the
8 juvenile records of the witness against the defendant’s right to a fair trial and determined the
9 right to a fair trial must be considered paramount.⁸⁴ In camera review by the lower court was
10 suggested as a viable means of protecting confidentiality of records not found to be relevant at
11 trial. We agree that any confidential records can be submitted to this court for *in camera* review,
12 released only on a finding of relevancy to a RJA claim and thereafter subject to a protective
13 order.

14 The CRJA is aimed at *implicit* bias, which the legislature found is pervasive throughout
15 every stage of the criminal justice system:

16 Even though racial bias is widely acknowledged as intolerable in our
17 criminal justice system, it nevertheless persists because courts
18 generally only address racial bias in its most extreme and blatant
19 forms. Implicit bias, although often unintentional and unconscious,
20 may inject racism and unfairness into proceedings similar to
21 intentional bias.

22 AB 2542, § 2, subd. (c).

23 An RJA motion must be brought initially at the trial court level. *People v Singh*, (2024
24 5DCA) 103 Cal. App.5th 76, 114-115, citing *People v Lashon* (2024 1DCA) 98 Cal.App.5th 805,
25 813 – 815.

26 Here, the defendant is seeking records to show RJA violations of (a)(1) and (a)(2) as to
27 bias in jury selection; and records to show RJA violations of (a)(3), (a)(4)(A)/(4)(B) as to bias in

28 ⁸³ *Id.*

⁸⁴ *Stewart, supra*, at p. 784-86.

1 getting a death penalty conviction of defendant by charging special circumstances, along with
2 getting additional increased incarceration by charging a gun enhancement.

3 B. CRJA STATUTORY LAW CHANGES EFFECTIVE 1/1/2026

4 In 2025, the CA legislature passed AB 1071 which amended the Racial Justice Act. The
5 amendments are and intended to clarify and strengthen the Act’s provisions.⁸⁵ As a part of the
6 bill, the Legislature enacted findings.⁸⁶ The findings give specific court case examples where the
7 legislature found that the RJA was misconstrued as having more limited application. The purpose
8 of the findings is to give the courts information to inform their application of the revised statute.

9 In short, as relevant here, “The Legislature also intends that individuals must be afforded
10 access to a broad range of relevant discovery to develop and support their potential RJA claims.
11 Otherwise, they are left in the impossible position of having their claims rejected for want of the
12 very data they seek. This is antithetical to the RJA.”⁸⁷ The findings instruct the courts to use a
13 low threshold to establish a prima facie showing for 745(a))1) – (4) violations.⁸⁸ Courts also
14 have at times failed to find a prima facie showing or a violation despite evidence of disparate
15 charging and sentencing. Further, “[t]he Legislature again emphasizes its rejection of *McCleskey*
16 *v. Kemp* (1987) 481 U.S. 279, and its intent that statistical evidence be sufficient for finding a
17 prima facie case and may suffice to show an RJA violation.⁸⁹ [Emphasis added]

18 Sect. 1(d) states: Systemic racism and the White supremacy on which it is founded have
19 remarkable powers of adaptation. When courts recognize only the most egregious, historic
20 manifestations of racism, they allow present-day racism to go uncorrected. (Roberts, “Racism,
21 Abolition, and Historical Resemblance” (2022) 136 Harv. L.Rev. F. 37.) The Legislature intends
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23

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25 ⁸⁵ The revised Racial Justice Act can be found at:

26 https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=745.&lawCode=PEN

27 ⁸⁶ The findings can be found at:

28 https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202520260AB1071

⁸⁷ AB 1071 § 1(b).

⁸⁸ This language is taken from Justice Liu’s dissent in *In re Mendoza* (2024) 2024 WL 5171483.

⁸⁹ AB 1071, § 1 (c).

1 that in applying the RJA, courts consider evidence of racism’s origins, insidious shifts, and
2 current manifestations.

3 In Sect. 1(e) states that courts are to impose remedies that serve to eliminate bias and
4 redress past harms.

5 C. JURY SELECTION AND THE CRJA

6 **1. The Racial Justice Act Prohibits Prosecutors From Barring Members Of**
7 **A Defendant’s Own Race From Serving As Jurors.**

8 The RJA prohibits those involved in a criminal trial from “exhibit[ing] bias or animus . .
9 . towards the defendant because of the defendant’s race,” “whether or not purposeful.”⁹⁰ And as
10 the seminal cases addressing racial discrimination in the composition of criminal juries have
11 made clear, barring jurors of the defendant’s race from serving as jurors when the defendant is
12 facing criminal sanction is itself discrimination against the defendant. The point was already
13 well-established when the high court reiterated, nearly a century and-a-half ago, that, [I]t is a
14 right to which [a person of color] is entitled, “that in the selection of jurors to pass upon his life,
15 liberty, or property, there shall be no exclusion of his race, and no discrimination against them,
16 because of their color.” *Neal v. Delaware* (1880) 103 U.S. 370, 394; accord, e.g., *Miller-el v.*
17 *Dretke* (2005) 545 U.S. 231, 237 [“Defendants are harmed, of course, when racial discrimination
18 in jury selection compromises the right of trial by impartial jury”], citing *Strauder v. W. Va.*
19 (1879) 100 U.S. 303, 308; and *Batson v. Kentucky*, 476 U.S. 79, 86 (1986) [“The Equal
20 Protection Clause guarantees the defendant that the State will not exclude members of his race
21 from the jury venire on account of race.”].

22 While there is a dearth of case law discussing the impact of the RJA on closed cases with
23 evidence of bias in jury selection, eliminating bias in the composition of juries was at the
24 forefront of the Legislature’s thinking when it enacted the RJA. When, in framing its findings
25 and declarations in support of the new law, the Legislature noted that “[m]ore and more judges
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28 ⁹⁰ Penal Code § 745, subd. (a)(2).

1 in California and across the country are recognizing that current law, as interpreted by the high
2 courts, is insufficient to address discrimination in our justice system,” three of the four cases it
3 cited in support concerned allegations of racial bias in jury selection.⁹¹ If, as declared, it was “the
4 intent of the Legislature to eliminate racial bias from California’s criminal justice system because
5 racism in any form or amount, at any stage of a criminal trial, is intolerable,” and “the further
6 intent of the Legislature [was]. to provide remedies that will eliminate racially discriminatory
7 practices in the criminal justice system” (Assem. Bill 2542, § 2, subds. (i) & (j)), the provisions
8 of the RJA must have been intended to remedy racial discrimination in the jury selection process.

9 Under the RJA, the Court may consider “statistical evidence, aggregate data or
10 nonstatistical evidence[,] and how “systemic and institutional racial bias, racial profiling and
11 historical patter of racially biased policing and prosecution may have contributed to, or cause
12 differences observed in, the data or impacted the availability of data overall.” RJA Sect. 745
13 subd. (h)(1).) The court may also consider “race-neutral reasons, or the lack thereof, as “relevant
14 factors to charges, convictions and sentences that are not influenced by implicit, systemic or
15 institutional bias based on race, ethnicity or national origin.” (*Ibid*). As one Court of Appeal has
16 stated:

17 The very nature of such unintentional and unconscious bias does not lend itself to
18 a simple, one size fits all analysis . . . [F]erretting out the existence of implicit bias
19 is a herculean task that involves careful consideration of a variety of types of
20 evidence, often including data and statistics, in search of the probability that an
21 actor was motivated by implicit bias. And although this clearly is an arduous task,
it is not impossible. However, this type of inquiry requires a case by case approach
based on the unique evidence offered.

22 (*Jackson v Superior Court* (2025) 109 Cal.App.5th 372, 385.)
23

24 Code of Civil Procedure, section 231.7, it provides the mechanism for addressing
25 discrimination in the use of peremptory challenges in criminal cases where jury selection began
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28 ⁹¹ Assem. Bill No. 2542 (2019-2020 Reg. Sess.), § 2, subd. (c) (Assem. Bill 2542)).

1 on or after January 1, 2022.⁹² The RJA, however, is now both prospective and retrospective in
2 application, and there is no danger of its provisions conflicting with the “Better than Batson” law
3 in cases tried before 2022. It thus remains consistent with the intent of the Legislature—and
4 indeed, necessary to effectuate that intent—for the remaining provisions of the RJA to be applied
5 to address all forms of racial discrimination in jury selection in those earlier cases, including Mr.
6 Stankewitz’s case. The RJA thus provides a tool for courts to retrospectively “remedy the harm
7 to the defendant’s case” resulting from exhibitions of bias or animus—including the markers of
8 implicit bias identified in Assembly Bill 3070—in jury selection.⁹³

9 Here, the prosecution secured a jury free of any members with ties to Native Americans.
10 How the prosecution achieved that result—and the role it played in racializing the entire trial—
11 evinces invidious discrimination, conscious or otherwise.

12 **2. Both The State And Federal Constitutions Prohibit Racial Bias During** 13 **Jury Selection.**

14 Jury selection has long been recognized as a critical stage of any criminal trial, and one
15 particularly susceptible to racism. “Jury selection is the primary means by which a court may
16 enforce a defendant’s right to be tried by a jury free from ethnic, racial, or political prejudice . .
17 . or predisposition about the defendant’s culpability.”⁹⁴

18 “[T]he use of peremptory challenges to remove prospective jurors on the sole ground of
19 group bias violates the right to trial by a jury drawn from a representative cross-section of the
20 community under article I, section 16, of the California Constitution.” *People v. Wheeler* (1978)
21 22 Cal. 3d 262, 276–77. It “also violates the defendant’s right to equal protection under the
22 Fourteenth Amendment to the United States Constitution.” *People v. Hamilton*, (2009) 45 Cal.
23 4th 863, 898, citing *Batson, supra*.” Group bias is a presumption that jurors are biased merely
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27 ⁹² Code Civ. Proc., § 231.7, subd. (n).

28 ⁹³ See Assem. Bill 2542, § 2, subd. (i); Code Civ. Proc., § 231.7, subd. (d)(3).

⁹⁴ *Gomez v. United States*, (1989) 490 U.S. 858, 873.

1 because they are members of an identifiable group distinguished on racial, religious, ethnic, or
2 similar grounds." *People v. Fuentes* (1991) 54 Cal.3d 707, 713.

3 "At issue in a *Batson/Wheeler* motion is whether any specific prospective juror is
4 challenged on account of bias against an identifiable group distinguished on racial, religious,
5 ethnic, or similar grounds. [Citation omitted.] Exclusion of even one prospective juror for
6 reasons impermissible under *Batson* and *Wheeler* constitutes structural error, requiring reversal.
7 *People v. Gutierrez* (2017) 2 Cal.5th 1150, 1158. In its most recent significant opinion on the
8 matter, the Supreme Court noted that "'the central concern' of the Fourteenth Amendment 'was
9 to put an end to governmental discrimination on account of race.'" *Flowers v. Mississippi*, (2019)
10 139 S. Ct. 2228, 2240–41 (2019), citing *Batson*, *supra*, at 85.

11 "Words may not be inserted in a statutory provision under the guise of interpretation."
12 (*Kirkwood v. Bank of America Nat. Trust and Sav. Association* (1954) 3 Cal.2d 333, 341; see
13 also *City and County of San Francisco v. International Union of Operating Engineers, Local 39*
14 (2007) 151 Cal.App.4th 938, 945.) The language and purpose of the statute must be effectuated
15 to encompass statements within the context of the case directed "towards the defendant" by
16 implicitly biased reference to the prospective jurors' race, ethnicity, or nationality. Where, as
17 here, explicit reference to the defendant's racial group is made by the prosecutor, then the RJA
18 is violated, even if the *Batson* objection is denied.

19 The CRJA's ban on decisions based on race that have a deleterious effect on a defendant,
20 even if they are not explicitly racist, applies here. The fact that the prosecution used a peremptory
21 challenge to exclude Ms. Moreno because she was a Native American could have been racist.
22 One important factor is whether the prosecution intended to use challenges to eliminate jurors of
23 the same race as the defendant. This has been proven in other cases by using notes taken by the
24 prosecutor in preparation for or during jury selection.⁹⁵ The District Attorney has previously
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26
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28 ⁹⁵ The Discovery Order issued in 1978 (T1 CR Vol. I CT 116) and still in effect, includes DA file notes.
THIRD AMENDED MOTION FOR RELEVANT DATA PURSUANT TO PENAL CODE
SECTION 745(d) OF THE CALIFORNIA RACIAL JUSTICE ACT - 57

1 stated that their file content prior to 2017 has been lost. Therefore, it is unknown whether jury
2 selection notes exist.⁹⁶

3 Implicit bias in a jury peremptory constitutes racial bias under the CRJA. This provision
4 is similar to the remedies for RJA violations. Although racial bias occurred at the time of
5 defendant's second trial in 1983, neither of the CRJA nor CCP 231.7 were in effect then.
6 Therefore, defendant's counsel could not have objected under either statute. But we are objecting
7 now. Here, the prosecution's questioning of and elimination of the only Indian juror constituted
8 implicit racial bias.

9 At present, *In re Jones* (S286215) was under consideration by the CA SC. It recently
10 issued an order to show cause why relief should not be granted and remanded the case to the
11 3DCA (C105469) for further proceedings. In *Jones*, all black jurors were eliminated by the
12 prosecution. In 2008, 19 years after trial, the defense was able to obtain the prosecutor's jury
13 notes. The notes revealed compelling evidence that the prosecutor intentionally used peremptory
14 challenges to exclude all the black jurors. One of the arguments in that case is that a racially
15 impermissible peremptory challenge of a juror was done with implicit bias and is a violation of
16 the CRJA.

17 D. JURY SELECTION RECORDS ARE RELEVANT TO A POTENTIAL VIOLATION
18 OF SECTION 745(A)(1) AND 745(A)(2)

19 In *People v Superior Court (Jones)* (2021 12 Cal.5th 348), the Ca Supreme court
20 discussed post-conviction discovery under PC 1054.9. In that case, the court held that jury
21 selection notes taken by a District Attorney are not attorney work product and are subject to
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25 ⁹⁶ The loss of the DA's file of all documents prior to 2017, admitted to by their office, is not completely true. During
26 the habeas evidentiary hearing in January 2024, a review of the DA's boxes uncovered documents from prior to 2017.
27 The court conducted an in-camera review of the boxes but no juror notes were turned over to the defense. The court
28 did not issue an order to show cause for habeas Claim 14 – THE PROSECUTION ELIMINATED THE ONLY
NATIVE AMERICAN JUROR IN VIOLATION OF DEFENDANT'S RIGHTS UNDER THE SIXTH
AMENDMENT TO AN IMPARTIAL JURY AND HIS RIGHT TO DUE PROCESS AND EQUAL PROTECTION
UNDER THE FOURTEENTH AMENDMENT. Query: Did the court decide that the juror notes should not be turned
over because the jury selection issue was not the subject of the evidentiary hearing?

1 disclosure. The court further stated that if the District Attorney is concerned about overbroad
2 discovery, then upon a proper showing, the court can conduct an *in camera* review and determine
3 whether an absolute work product protection applies to some or all of the material.⁹⁷

4 E. RACIALLY DEROGATORY LANGUAGE IS PROHIBITED BY THE CRJA,
5 INCLUDING THE RACIALLY DEROGATORY DESCRIPTIONS USED ABOUT
6 THE DEFENDANT’S INDIAN RANCHERIA USED AT DEFENDANT’S SECOND
PENALTY PHASE TRIAL

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8 The second type of conduct that violates the CRJA involves the use of discriminatory
9 language.⁹⁸ The question is whether an attorney or government actor "used racially
10 discriminatory language" or otherwise exhibited racial bias towards the defendant, whether or
11 not intentional.⁹⁹ The language must be used "during the defendant's trial, in court and during
12 the proceedings."¹⁰⁰

13 The CRJA says two things about "racially discriminatory language." First, the phrase is
14 defined: language that "to an objective observer, explicitly or implicitly appeals to racial bias,
15 including, but not limited to, racially charged or racially coded language, language that compares
16 the defendant to an animal, or that language that references the defendant's physical appearance,
17 culture, ethnicity, or national origin."¹⁰¹ Second, we're given a hint at how to spot it: "evidence
18 that particular words or images are used exclusively or disproportionately in cases where the
19 defendant is of a specific race...is relevant to determining whether language is
20 discriminatory."¹⁰²

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23 ⁹⁷ *Jones, supra*, at 366.

24 ⁹⁸The full text reads: “During the defendant’s trial, in court and during the proceedings, the judge, an attorney in the
25 case, a law enforcement officer involved in the case, an expert witness, or juror, used racially discriminatory
26 language about the defendant’s race, ethnicity, or national origin, or otherwise exhibited bias or animus towards the
27 defendant because of the defendant’s race, ethnicity, or national origin, whether or not purposeful. This paragraph
does not apply if the person speaking is relating language used by another that is relevant to the case or if the person
speaking is giving a racially neutral and unbiased physical description of the suspect.” (Pen. Code § 745(a)(2).

⁹⁹ Pen. Code, §745(a)(2).

¹⁰⁰ *Ibid.*

¹⁰¹ Pen. Code, §745(h)(4).

¹⁰² *Ibid.*

1 There is one exception to CRJA's prohibition on racial language: no violation occurs if
2 the speaker is describing language used by another that is relevant to the case.¹⁰³ The exception
3 is therefore narrow: the secondhand description must have a tendency in reason to prove or
4 disprove a disputed fact of consequence in the action.¹⁰⁴

5 The use of derogatory descriptions of life on the reservation of Mr. Stankewitz's tribe to
6 the jury, no doubt had an effect on how they thought of Mr. Stankewitz and whether his life was
7 worth saving. The description of drug and alcohol use and the youth being school dropouts likely
8 perpetuated and reinforced the negative beliefs that an all-white jury had about Indians. These
9 extensive remarks, repeated by both Mr. Stankewitz's counsel and DDA Robinson likely did
10 irreparable damage to his reputation, which motivated the jury to sentence him to death.

11 F. THE DA'S RECORDS ARE RELEVANT TO A POTENTIAL VIOLATION OF
12 SECTION 745(A)(3), 745(A)(4)(A) AND 745(A)(4)(B)

13 Evidence is relevant if it "ha[s] any tendency in reason to prove or disprove any disputed
14 fact that is of consequence to the determination of the action."¹⁰⁵ This standard is a "very broad"
15 one. *People v. Scheid* (1997) 16 Cal.4th 1, 16. The text of subdivision (d) otherwise underscores
16 that the standard here is especially broad. Indeed, the provision authorizes a defendant to seek
17 "all evidence relevant to a potential violation of subdivision (a)." *Cf. People v. Safety National*
18 *Casualty Corp.* (2016) 62 Cal. 4th 703, 712 [explaining that the phrase "all other proceedings"
19 was a "broadly phrased term" which "suggests the provision's reach is inclusive"]. That the
20 provision qualifies that the evidence need only be relevant to a "**potential violation**" underscores
21 that the defendant need not prove a section 745, subdivision (a) violation has occurred to request
22 disclosure of relevant evidence.

23 Here, Mr. Stankewitz seeks data and records relevant to prove a violation of section
24 745(a)(3) by a preponderance of the evidence that: "[T]he defendant was charged...with a more
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27 ¹⁰³ *Ibid.*

28 ¹⁰⁴ Evid. Code, §210

¹⁰⁵ Evid. Code, § 210.

1 serious offense than defendants of other races, ethnicities, or national origins who commit similar
2 offenses and are similarly situated, and the evidence establishes that the prosecution *more*
3 *frequently sought or obtained convictions* for more serious offenses against people who share
4 the defendant’s race, ethnicity, or national origin in the county where the convictions were sought
5 or obtained.”¹⁰⁶

6 Section 745 defines “[m]ore frequently sought or obtained” to mean when “statistical
7 evidence or aggregate data demonstrate a significant difference in seeking or obtaining
8 convictions or in imposing sentences comparing individuals who have committed similar
9 offenses and are similarly situated, and the prosecution cannot establish race-neutral reasons for
10 the disparity.”¹⁰⁷ Thus, whether the requested evidence is relevant turns on whether it has a
11 tendency to prove or disprove a violation of section 745(a)(3)/(a)(4).

12 The data and records that the defense seeks easily satisfy this standard. As a general
13 matter, the data and records that Mr. Stankewitz seeks will determine whether:

- 14 A. The District Attorney charged Mr. Stankewitz with a more serious offense—i.e., special
15 circumstances murder—than defendants of other races; and
- 16 B. There exists a significant difference in how the Fresno County District Attorney’s Office
17 charges special circumstances murder against Native American defendants, compared to
18 defendants of other races or ethnicities who committed similar offenses and are similarly
19 situated to Mr. Stankewitz.
- 20 C. There exists a significant difference in how the Fresno County District Attorney’s Office
21 requests the court to impose sentences death or LWOP sentences against Native
22 American defendants, compared to defendants of other races or ethnicities who
23 committed similar offenses and are similarly situated to Mr. Stankewitz.

24 A review of each request shows why this is so. For example, the requests seek a list of
25 all persons charged with murder, which identifies, in relevant part, the race and ethnicity of such
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28 ¹⁰⁶ Penal Code § 745(a)(3), emphasis added.

¹⁰⁷ *Ibid.*, § 745(h)(1).

1 individuals. The request further asks that the other charges and enhancements for persons
2 charged with murder be broken down.¹⁰⁸ This will allow the defense to identify the set of
3 individuals who committed a similar offense as Mr. Stankewitz allegedly did, but who were not
4 charged with special circumstances or gun enhancements. In other words, one could not make
5 the comparison that the RJA requires without knowing who else *could* have been charged with
6 certain charges or enhancements but were not. *See* PC § 745(a)(3), requiring the defendant to
7 show that he “was charged or convicted of a more serious offense than defendants of other races,
8 ethnicities, or national origins who commit similar offenses and are similarly situated.”; *See e.g.*
9 Catherine Grosso, et. al., *Death by Stereotype: Race, Ethnicity, and California’s Failure to*
10 *Implement Furman’s Narrowing Requirement*, 66 UCLA L. Rev. 1394, 1418-1421 (2019),
11 explaining the need to code all cases where special circumstances *could* have been charged in
12 order to determine whether special circumstances were imposed in an arbitrary and racially
13 biased manner.

14 The requests also ask for the data concerning persons charged with gun enhancements as
15 well. Although this request is primarily concerned with the charging of special circumstance
16 murder, the request for gun enhancements similar to the ones Mr. Stankewitz charged with will
17 allow him to determine which persons may have engaged in similar *conduct* but were not charged
18 with the same specific enhancements and allegations as Mr. Stankewitz.

19 Request Nos. below correspond to Specific Data Requests in Section II. 1., *supra*.

20 Requests No. 1 - 3 above seek information that will allow Mr. Stankewitz to assess the
21 District Attorney’s charging decisions according to a defendant’s race, ethnicity or national
22 origin, and to compare that information with the charging data that Mr. Stankewitz seeks. It will
23 also help him determine whether the District Attorney can demonstrate a racially neutral reason
24 for any significant racial differences that the data reveal. Requests 1 – 3 will allow Mr.
25 Stankewitz to assess the District Attorney’s charging decisions for gun enhancements according
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28 ¹⁰⁸ *See* Requests No. 1 – 3, at Section II.1., *supra*.

1 to a defendant's race, ethnicity or national origin, and to compare that information with the
2 charging data that Mr. Stankewitz seeks. It will also help him determine whether the District
3 Attorney can demonstrate a racially neutral reason for any significant racial differences that the
4 data reveal. See PC § 745(h)(1) [a showing of racial disparity requires that "the prosecution
5 cannot establish race-neutral reasons for the disparity."]

6 Requests No. 4 – 6 above would allow Mr. Stankewitz to see Fresno County's policies,
7 training and incentives regarding capital case decisions, and how they may have influenced
8 charging decisions. It will also help him determine whether the District Attorney can demonstrate
9 a racially neutral reason for any significant racial differences that the data reveal. See PC §
10 745(h)(1) [a showing of racial disparity requires that "the prosecution cannot establish race-
11 neutral reasons for the disparity."]

12 Requests No. 7 - 8 above would allow Mr. Stankewitz to see where the prosecution has
13 obtained convictions for the death penalty or LWOP. It will also help him determine whether the
14 District Attorney can demonstrate a racially neutral reason for any significant racial differences
15 that the data reveal. See PC § 745(h)(1) [a showing of racial disparity requires that "the
16 prosecution cannot establish race-neutral reasons for the disparity."]

17 Requests No. 9 - 10 above would allow Mr. Stankewitz to see whether the prosecution
18 has pursued the death penalty or LWOP in resentencing cases. It will also help him determine
19 whether the District Attorney can demonstrate a racially neutral reason for any significant racial
20 differences that the data reveal. See PC § 745(h)(1) [a showing of racial disparity requires that
21 "the prosecution cannot establish race-neutral reasons for the disparity."]

22 Request No. 11 is for Fresno County District Attorney jury selection notes from the 1983 trial.

23 Request No. 12 seeks information that will allow Mr. Stankewitz to assess whether racial
24 bias exists in the Fresno County District Attorney's internal recommendation sentencing process.

25 Request No. 13 seeks information that will allow Mr. Stankewitz to assess whether any
26 of the attorneys or law enforcement in this case exhibits racial bias or animus towards Mr.
27 Stankewitz because of his race. This is particularly relevant given the racially biased content of
28 the FCSD Yearbooks.

1 G. STATUS OF CPRA REQUESTS FOR DATA

2 In response to a recent CPRA request, the Fresno District Attorney’s Office stated that
3 they have records responsive to the request.¹⁰⁹ In a subsequent letter, they state what specific
4 data is available.¹¹⁰ However, according to statistical expert Professor Beth Redbird, because the
5 form of the data is aggregate, it cannot be used for statistical analysis. Therefore, they should be
6 ordered to provide the data in the form requested in defendant’s Specific Data Requests, at
7 Section II.1., *supra*.

8 In response to a recent CPRA request to the CA Department of Justice (DOJ), the DOJ
9 asked for more time to respond.¹¹¹ On May 9, 2025, the DOJ responded and described the data
10 that they have.¹¹² However, as with the Fresno DA data, because the form of the data is aggregate,
11 it cannot be used for statistical analysis.

12 In response to a recent CPRA request to CDCR regarding Fresno inmates serving LWOP,
13 CDCR provided data.¹¹³ Subsequently, defendant submitted revised data requests to include
14 Fresno inmates convicted of murder one serving LWOP by race; and for data of Fresno inmates
15 convicted of murder one serving Life sentences by race.¹¹⁴ CDCR responded by sending a
16 spreadsheet. *See* Exhibit 31h.

17 Lastly, the periods selected were used because it is contemplated that the defense, at a
18 hearing pursuant to PC 745(c), will provide “statistical evidence, aggregate data, expert
19 testimony, and the sworn testimony of witnesses” to support any charging disparities. The
20 periods were also selected they cover key dates¹¹⁵ in defendant’s case:

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24 ¹⁰⁹ *See* Exhibit 30e, Letter from FCDA, dated 2/24/25.

25 ¹¹⁰ *See* Exhibit 30e, Letter from Fresno DA, dated 2/24/25.

26 ¹¹¹ *See* Exhibit 30f, Letter from CA DOJ, dated 2/14/25.

27 ¹¹² *See* Exhibit 30ww, Letter from CA DOJ, dated 5/9/25.

¹¹³ *See* Exhibit 30h, Email from CDCR, dated 3/11/25; *also see* Exhibit 30zz, CDCR Spreadsheet, dated 7/9/25.

¹¹⁴ *See* Exhibit 31h for query submitted to CDCR and their response.

28 ¹¹⁵ The key dates in defendant’s case are: INFORMATION, AMENDED INFORMATION, PRELIMINARY
HEARING 2/27 – 2/28/1978; FIRST TRIAL: 1978; SECOND TRIAL: 1983; SENTENCING 11/18/1983;
SENTENCING 5/3/2019; SCHEDULED RESENTENCING 3/6/2025.

- 1 A. Original charging date
- 2 B. First trial date
- 3 C. Second Trial date
- 4 D. 1983 sentencing
- 5 E. 2019 sentencing
- 6 F. 2025 resentencing

7 Here, Mr. Stankewitz seeks records relevant to a potential violation of sections 745(a)(1),
8 745(a)(2), 745(a)(3), 745(a)(4)(A) and 745(a)(4)(B) and good cause exists for this court to
9 order the District Attorney to release such records.

10 Accordingly, the court should conclude that the requested records are relevant.¹¹⁶

11 Specifically, California Penal Code Section 745(a)(3) makes it a violation for the
12 defendant to be “charged or convicted of a more serious offense than defendants of other races,
13 ethnicities, or national origins who commit similar offenses and are similarly situated, and the
14 evidence establishes that the prosecution more frequently sought or obtained convictions for
15 more serious offenses against people who share the defendant’s race, ethnicity, or national origin
16 in the county where the convictions were sought or obtained.” The Legislature made clear that
17 its intent with the Act is to “provide remedies to eliminate racially discriminatory practices in
18 the criminal justice system in addition to intentional discrimination,” as well as “to ensure that
19 individuals have access to all relevant evidence, including statistical evidence, regarding
20 potential discrimination in seeking or obtaining convictions or imposing sentences.”¹¹⁷

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24 ¹¹⁶ Note in this regard that in *Weaver v. Superior Court* (2014) 224 Cal.App.4th 746, the Court of Appeal granted Mr.
25 Weaver’s CPRA request for *all* charging documents in homicide cases filed by the District Attorney between January
26 1977 and May 1993, a 26-year period of time, in a county, San Diego, that has a current population of 3,359,630, in
27 comparison to San Mateo County’s current population of 1,982,645. (See [https://worldpopulationreview.com/us-
counties/states/ca](https://worldpopulationreview.com/us-counties/states/ca) (accessed Aug. 10, 2023) The court rejected the prosecution’s claim that the request was too
28 burdensome. (See *Weaver, supra*, 224 Cal.App.4th at 752, “The approximately \$3,400 expense of generating the list
of cases at issue here is substantially less of a reason and pales in comparison to the interests of Weaver and the public
in disclosure.”)

¹¹⁷ Stats. 2020, ch. 317, § 2, subd. (j).

1 However, to demonstrate implicit bias under (a)(3) or (4), disparate charging, conviction
2 or sentencing, a defendant must present factual examples or provide supporting evidence which
3 demonstrates that a defendant was charged, convicted or sentenced in a more severe manner than
4 similarly situated defendants of other races, ethnicities or national origin in the county. See RJA
5 (a)(3) and (4). In other words, the statute applies to similar conduct by defendants and similarly
6 situated defendants. “The Legislature defined “similarly situated” in section 745, subdivision
7 (h)(6), as follows: “similarly situated” as means that factors that are relevant in charging and
8 sentencing are similar and do not require that all individuals in the comparison group are
9 identical.” *Mosby v. Superior Court* (4DCA, Div. 2 2024) 99 Cal. App. 5th 106, 124. RJA(a)(4)
10 “only applies to persons who have been sentenced.” *Mosby, supra*, at fn 5. In this case, the
11 defendant seeks to show that the prosecution’s decision to seek the death penalty in 1983, as well
12 as to seek an LWOP sentence currently amounts to disparate treatment.

13 Particularized facts can be documented with statistical analysis of cases brought by the
14 prosecution with the same charges and enhancements as a defendant. “Moreover, section 745
15 specifically allows the court to consider statistical evidence and aggregated data in the
16 determination whether a violation of the RJA has occurred. (§ 745, subd. (c)(1); see also § 745,
17 subd. (h)(1) [statistical evidence and aggregate data may be used to show racial disparities in
18 seeking or obtaining convictions or in imposing sentences.]” *Gonzalez v Superior Court* (2024)
19 108 Cal.App.5th Supp. 36 (Superior Court Of California, County Of Santa Clara, Appellate
20 Division, Case #23AP002906) at fn 7.¹¹⁸ *Accord, McDaniel v Superior Court* (1DCA, Div. 3)
21 2025 Cal.App. LEXIS 313 [statistical data is sufficient to meet the good cause requirement for
22 a discovery request under 745(d)].

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26 ¹¹⁸ In fact, numerous habeas petitions brought by prisoners under PC Sect. 745 have failed because they have not
27 included county-level data and therefore lacked statistical analysis. See *In re Banks*, 2025 Cal. LEXIS 39 CA SC
28 2025; *In re Mendoza*, 2024 Cal. LEXIS 7082 CA SC 2024. [Notably, the CA SC denied review and Justice Liu wrote
dissents because denying prisoners access to counsel and data from a county puts them in a Catch-22 situation which
is contrary to the purposes of the RJA. In his dissents, Justice Liu cites *Young v Superior Court* (1DCA, Div 4 2022)
79 Cal.App.5th]

1 “As Gonzales and the *Young* court note [*Young v. Superior Court* (1DCA, Div. 4 2022)
2 79 Cal.App.5th 138, 162 – 164. Full citation added], a defendant cannot make a more specific
3 demonstration of any kind of RJA violation without the discovery he seeks from the
4 People. Insisting upon such a showing at this juncture is circular. Instead, where the statistical
5 evidence Gonzales has presented supports an inference that Latinx people may have been
6 disproportionately charged with resisting arrest and that non-Latinx people who were similarly
7 situated by engaging in similar conduct may have been treated more leniently by not being so
8 charged, this is sufficient to show that an RJA violation could or might have occurred. The trial
9 court erred in its interpretation or application of section 745 to the contrary and stopped short of
10 fully exercising its discretion as to the balance of the *Alhambra*¹¹⁹ factors in determining good
11 cause and then potentially establishing the scope of any disclosure allowed; this constituted an
12 abuse of discretion in the denial of Gonzales’s motion for disclosure.” *Gonzalez, supra*, at 66

13 H. THE DEFENSE MEETS THE VERY LOW “GOOD CAUSE” STANDARD

14 In *Young v. Superior Court of Solano County* (2022) 79 Cal.App.5th 138, the First District
15 Court of Appeal discussed the “good cause” requirement in detail. The *Young* Court held that
16 “Client may claim entitlement to discovery under section 745(a) if he makes a plausible case,
17 based on specific facts, that any of the four enumerated violations of section 745, subdivision (a)
18 could or might have occurred.” *Young, supra*, at 144. To be entitled to discovery under the RJA’s
19 good cause standard, a defendant need not present specific facts of a strong case, but only a
20 “plausible one.”¹²⁰ The RJA’s good cause standard thus invites a forgiving standard of judicial
21 review. (Id. at 158-59 [stating that where good cause under the *Pitchess* standard is a “relatively
22 relaxed standard,” the good cause standard under the RJA is “*even more relaxed.*”] (emphasis
23 added). To satisfy this plausibility threshold, the defense need only present a “broad and flexible”
24 showing that an alleged violation of “any of the four enumerated violations” under the RJA
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28 ¹¹⁹ For a complete discussion of the *Alhambra* factor, see Section IX.L., *infra*.

¹²⁰ *Id.* at 168.

1 “could or might have occurred.”¹²¹ Because the RJA’s enumerated violations work “in tandem,”
2 information and records relevant to one violation “may be corroborative” of another violation.¹²²

3 The scope of permissible discovery under the RJA is also broad. Information and records
4 requested only need be “*reasonably calculated to lead to the discovery of admissible evidence*
5 probative of an RJA violation.” (*Young, supra*, 79 Cal.App.5th at 160 [Emphasis added].) The
6 scope of discovery thus permits a demand for statistical evidence and even aggregate data as
7 both forms of evidence are statutorily deemed appropriate to prove up an RJA claim.¹²³ For this
8 reason, the *Young* court held that the type of information that the RJA authorizes for discovery
9 includes “a written summary of information.”¹²⁴

10 The information and records that the Defendant seeks here are relevant to potential
11 violations of PC § 745(a)(1) (the prosecution exhibits bias by seeking the death penalty because
12 of defendant’s race); (a)(2) (Defense counsel and possibly the Prosecution, as well, exhibited
13 bias or animus toward defendant because of his race); (a)(3) (Defendant was charged or
14 convicted of a more serious offense than defendants of another race) and (a)(4)(A)/(B)
15 (Defendant received the most severe sentence possible, the death penalty, than was imposed on
16 other similarly situated individuals because of his race).

17 In *Young*, the Court of Appeals found the following information relevant to the question
18 of good cause: “(1) that the Defendant, a member of a marginalized racial group, presented
19 circumstances raising concerns of officer bias; and (2) any local and statewide studies that
20 suggest racial disparities in arrests, charging or sentencing are potentially at play in the county.

21 I. RJA MOTION CLAIMS SHOULD BE VIEWED AS A TOTALITY, RATHER THAN
22 IN ISOLATION

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27 ¹²¹ *Id.* at 158-60.

¹²² *Id.* at 163-64.

¹²³ See Penal Code § 745(c)(1).

¹²⁴ *Id.* at 158.

1 In *Hernandez*, the court held that a defendant's RJA claims should be viewed as a totality,
2 rather than each in isolation, because the separate instances of conduct, when combined may
3 show a RJA violation. "We are not persuaded that courts, when evaluating a motion alleging a
4 violation of the RJA, should view the moving party's individual claims in isolation and not
5 consider whether several discrete actions, in totality, would give rise to a violation. As another
6 panel of this court has noted, "Arguably, section 745, subdivision (a)(1) might allow a defendant
7 to establish a violation based on separate instances of conduct considered together; nothing in
8 the plain language of that subdivision expressly rules out this possibility." (*People v.*
9 *Wagstaff* (2025) 111 Cal.App.5th 1207, 1232.)" *Hernandez v. Superior Court* (H052774)
10 (6DCA 2025) 115 Ca.App.5th 1120, 1130.

11 "Furthermore, employing an approach which allows the trial court to consider the totality
12 of the proffered facts, as opposed to the reductionist approach suggested by the People, would
13 further promote the legislative purpose underlying the RJA, specifically its goal of addressing
14 " 'the failure of the judicial system to afford meaningful relief to victims of unintentional but
15 implicit bias.' [Citation.]" (*Howard, supra*, 104 Cal.App.5th at p. 648.) **Consequently, courts**
16 **should consider whether the claims, in the totality of the proffered facts, establish a**
17 **violation of the RJA at the prima facie stage, even if one or more of those claims, taken in**
18 **isolation, may not meet that threshold.** [Emphasis added] However, once a trial court
19 determines that the threshold has been met, singly or through some combination of claims, it
20 must proceed to the evidentiary hearing." *Ibid*, at 1130.

21 The defendant in *Hernandez* objected to two Hispanic jurors being dismissed by the
22 prosecution using peremptory challenges. The court allowed the attorneys to pose a hypothetical
23 to the individual jurors and ask them questions about it. The DA argued that the jurors in question
24 were unable to understand the concept of 'intent' and that was why she dismissed them. The trial
25 court overruled the defendant's objection. A court found implicit bias jury selection under CCP
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1 § 231.7.¹²⁵ The court cited *People v Jimenez* (4DCA, Div. 1 2024) 99 Cal.App.5th 534, 539–540
2 for the proposition that 231.7 “prohibits the ‘use [of] a peremptory challenge to remove a
3 prospective juror on the basis of the prospective juror’s race, ethnicity, gender, gender identity,
4 sexual orientation, national origin, or religious affiliation, or the perceived membership of the
5 prospective juror in any of those groups’.” (*Id.* at p. 540.) and “[d]iscrimination in violation of
6 this section need not be purposeful [and] may involve ‘unconscious bias,’ ” which “ ‘includes
7 implicit and institutional biases’ ” (*Jimenez*, at p. 540). The court held that the mistaken
8 overruling of a defense objection to a jury peremptory is subject to de novo review. The trial
9 court’s mistaken overruling of an objection to a peremptory challenge is not subject to harmless
10 error review; rather, any such error “shall be deemed prejudicial, the judgment shall be reversed,
11 and the case remanded for a new trial.” *People v. Aguilar* (4DCA, Div. 1 2026) 2026 Cal. App.
12 LEXIS 1.

13 J. HERE, DEFENDANT HAS OFFERED SPECIFIC FACTS TO SUPPORT THE CLAIM
14 THAT A VIOLATION OF THE RACIAL JUSTICE ACT COULD OR MIGHT HAVE
15 OCCURRED

16 After a thorough discussion of the uncodified legislative findings that the California
17 Legislature made when it passed the Racial Justice Act, the *Young* court concluded that a
18 defendant seeking discovery pursuant to the RJA “is required only to advance a plausible factual
19 foundation, based on specific facts, that a violation of the Racial Justice Act ‘could or might have
20 occurred’ in his case.”¹²⁶ The *Young* court summarized the defense’s argument as follows:
21 “Client argued he established good cause for discovery because (1) he is black, (2) studies in
22 California have shown black drivers are more likely to be stopped by police than any other racial
23 group, and (3) the circumstances of this traffic stop leading to Client’s arrest suggest the traffic
24 stop here was racially motivated.”¹²⁷

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27 ¹²⁵ CCP § 231.7 applies to criminal trials as of 1/1/2022.

¹²⁶ *Young, supra*, at 159.

¹²⁷ *Id.* at 161.

1 Historical, social and economic disparities partially underlie these issues as well.¹²⁸ AB 256
2 specifically compels the court to “consider whether systemic and institutional racial bias, racial
3 profiling, and historical patterns of racially biased policing and prosecution may have
4 contributed to, or caused differences observed in, the data or impacted the availability of data
5 overall.” Pen. Code, § 745, subd. (h)(1).

6 Here, we have presented evidence in the attached declarations, supporting references that
7 there were and are incidents of discrimination against Native Americans in Fresno. Additionally,
8 Figure 8: Death Penalty Usage Rage Compared to Homicide Rate - Cttee on Revision of the
9 Penal Code: Death Penalty Report, in Section VII.E., *supra*, raises the inference that there are a
10 disproportionate number of Native American men on Death Row from Fresno County. This
11 statistic, taken along with the youthful offender statistics,¹²⁹ of which Mr. Stankewitz was one,
12 demonstrates the relevance of the data of the Fresno County District Attorney’s office, regarding
13 the prosecution of youthful offenders of color. Currently, there is no publicly available data or
14 county-level statistics regarding racial disparities in charging decisions to seek the death penalty
15 in Fresno County.

16 Native Americans have historically been subjected to racial discrimination in criminal
17 courts. (See, e.g. Native Incarceration in the U. S., Prison Policy Initiative (2025)
18 <https://www.prisonpolicy.org/profiles/native.html>Heuvel, Opinion: *The injustices endured by*
19 *Native American youths continue to this day*, Washington Post, May 31, 2022.
20 <https://www.washingtonpost.com/opinions/2022/05/31/injustices-native-american-youth/>; *The*
21 *U.S. criminal justice system disproportionately hurts Native people: the data, visualized*, Prison
22 Policy Initiative (Oct. 8, 2021), at:

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28 ¹²⁸ See Sections IV, V, VI and VII, *supra*.

¹²⁹ See Section VI.C., Figure 12 Youthful Offender Chart, *supra*.

1 <https://www.prisonpolicy.org/blog/2021/10/08/indigenouspeoplesday/>; Sawyer, Avelar &
2 Utaite, *Report: Analyzing the 'Over Incarceration of Native Americans*, The Davis Vanguard
3 (Jan. 30, 2023)

4 [https://www.davisvanguard.org/2023/01/report-analyzing-the-over-incarceration-of-native-
5 americans/.](https://www.davisvanguard.org/2023/01/report-analyzing-the-over-incarceration-of-native-american/))

6 Statewide studies cited in Section VI., *supra*, assessing racial disparities that relate to
7 circumstances in this case further support good cause for Defendant's discovery request. *See*
8 *e.g. Young v. Superior Court, supra*, at 166, which held that where statewide studies may not
9 provide strong proof of a claim, they nevertheless have relevance to determining whether there
10 is "good cause" for defendant's discovery request.

11 The Court in *People v. Garcia*,¹³⁰ explained *Young* required only a minimal showing, a
12 "plausible justification" standard as a low threshold "minimal" and even more relaxed than the
13 "relatively relaxed" good cause standard for *Pitchess* discovery, which requires a logical link
14 between the charge and a proposed defense.¹³¹ In *Garcia*, the defendant also sought
15 discovery "to show that a longer or more severe sentence was imposed on the defendant than
16 was imposed on other similarly situated individuals convicted of the same offense, and longer
17 or more severe sentences were more frequently imposed for that offense on people that share the
18 defendant's race, ethnicity, or national origin than on defendants of other races, ethnicities, or
19 national origins in the county where the sentence was imposed." In support, the brief cited and
20 attached various reports, articles, and research on racial disparities in the criminal justice
21 system.¹³² *Garcia*, while noting the "plausible justification standard is "minimal," made it clear
22 that it must still be "based on specific facts."¹³³

23 K. DISCRIMINATORY EFFECT IS SUFFICIENT, DISCRIMINATORY INTENT IS
24 UNNECESSARY

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27 ¹³⁰ (DCA1, Div. 3 2022) 85 Cal.App.5th 290.

¹³¹ *Garcia*, citing *Young* at pp. 159-160.

¹³² *People v. Garcia, supra*, 85 Cal.App.5th at p. 294.

¹³³ *Garcia, supra*, at 297, citing *Young, supra*, at 159-60.

1
2 Laws like this, that have a discriminatory impact on people of color, are precisely what
3 the RJA was designed to address. Prior to the passage of the RJA, in order to prove race-based
4 selective prosecution, defendants had to prove both discriminatory effect and discriminatory
5 purpose. *Oyler v. Boles* (1962) 368 U.S. 448; *People v. Keenan* (1988) 46 Cal.3d 478, 506; *see*
6 *also People v. Montes* (2014) 58 Cal.4th 809, 829. Courts had denied defendants’ attempts to
7 make such a showing and to obtain discovery, even in the face of robust statistical evidence of
8 racial disparities like the ones at issue here. *See e.g., United States v. Armstrong* (1996) 517 U.S.
9 456, 458, 469. “Most famously, in 1987, the United States Supreme Court found that there was
10 ‘a discrepancy that appears to correlate with race’ in death penalty cases in Georgia, but the court
11 would not intervene without proof of a discriminatory purpose, concluding that we must simply
12 accept these disparities as ‘an inevitable part of our criminal justice system’”¹³⁴

13 It is with this precedent specifically in mind, the Legislature sought to provide remedies
14 to eliminate racially discriminatory *practices*, in addition to *intentional* discrimination.¹³⁵
15 During the legislative consideration of the bill that would become the RJA, the author of the bill,
16 Assemblymember Ash Kalra explained that “[t]he California Racial Justice Act is a
17 countermeasure to [the] widely condemned 1987 legal precedent established in the case of
18 [*McCleskey*][.]”¹³⁶

19 In passing the RJA, the Legislature explicitly stated that “even though racial bias is
20 widely acknowledged as intolerable in our criminal justice system, it nevertheless persists
21 because *courts generally only address racial bias in its most extreme and blatant forms.*”¹³⁷

22 [Emphasis added] The RJA sought to combat the existing precedent that “accepts racial
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26 ¹³⁴ Stats. 2020, ch.317, § 2, subd. (f), *citing McCleskey v. Kemp* (1987) 481 U.S. 279, 295-99, 312.

27 ¹³⁵ Stats. 2020, ch 317, § 2, subd. (j), emphasis added.

28 ¹³⁶ See Assem. Floor Analysis of Assem. Bill No. 2542 (2019–20 Reg. Sess.), as amended Aug. 25, 2020, pp. 3–4
(Assembly Floor Analysis of Assembly Bill No. 2542).

¹³⁷ *Id.* at subd. (c), emphasis added.

1 disparities in our criminal justice system as inevitable.”¹³⁸ “More and more judges in California
2 and across the country are recognizing that *current law, as interpreted by the high courts, is*
3 *insufficient to address discrimination in our justice system.*”¹³⁹ *Even when racism clearly*
4 *infects a criminal proceeding*, under current legal precedent, proof of purposeful discrimination
5 is often required, but *nearly impossible to establish*.¹⁴⁰ [Emphasis added]

6 As explained in *Stubblefield*, implicit bias requires a deeper analysis because it is more
7 subtle and harder to detect. The RJA does not focus on “how an appeal to racial bias might affect
8 a juror’s weighing of the evidence; the focus is on whether the challenged language would appeal
9 to the racial bias of a person who simply hears the language.” *People v. Stubblefield* (2024 6DCA)
10 107 Cal.App.5th 896, 920.

11 With the RJA, the Legislature has expressly declared that disproportionate charging and
12 sentencing practices will no longer be tolerated. Consequently, Mr. Stankewitz has shown good
13 cause for the requested discovery. He has demonstrated that he is unable to prove his CRJA
14 claims without charging and sentencing data and other discovery requests from the Fresno
15 District Attorney’s office. He has raised the specific facts regarding national California and
16 Fresno racial bias against Indians. These facts include documented prevailing anti-Indian
17 attitudes during the time of the initial investigation starting in 1978 and at the time of his second
18 trial in 1983. He has shown acts which show specific bias against him as an Indian. He seeks
19 discovery to learn what other issues of which we are unaware.

20 L. THE *YOUNG* COURT’S SIX *ALHAMBRA* FACTORS

21 In addition to the threshold showing of plausible justification, the *Young* Court sets forth
22 a six-part balancing test that this court must undertake at the hearing on this Motion for Relevant
23 Data under Penal Code Sect. 745(d) to decide whether the defense shall be permitted to obtain
24 the material it is requesting. The Court delineated that six-part test as follows: “(1) whether the
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27 ¹³⁸ *Id.* at subd. (f).

¹³⁹ *Id.*, emphasis added.

¹⁴⁰ *Id.*, emphasis added.

1 material requested is adequately described, (2) whether the requested material is reasonably
2 available to the government entity from which it is sought, (3) whether production of the records
3 containing the requested information would violate (i) third party confidentiality or privacy
4 rights or (ii) any protected governmental interest, (4) whether the defendant has acted in a timely
5 manner, (5) whether the time required to produce the requested information will necessitate and
6 unreasonable delay of defendant's trial and (6) whether the production of the records containing
7 the requested information would place an unreasonable burden on the governmental entity
8 involved."¹⁴¹

9 1. The Discovery Requested is Adequately Described

10 Requests No. 2 and 3 are directly relevant to an assessment of whether there has been a
11 racially disparate decision to seek the death penalty in this case by charging special
12 circumstances, including all enhancements. Those requests are also relevant to an assessment of
13 whether there has been a racially disparate decision on sentencing. Requests No. 4 - 6 are directly
14 relevant to an assessment of whether Fresno County District Attorney's policies regarding capital
15 cases are discriminatory or allow discriminatory charging of Native Americans. Requests No. 7
16 and 8 are directly relevant to show the cases in which the FCDA got special circumstances
17 convictions so that the data can be analyzed regarding the race of those convicted. Request No.
18 10 is directly relevant to show post-reversal resentencing cases, including what sentence the
19 FCDA has sought, including the race of the person being resentenced. Request No. 11 is for jury
20 selection notes from the Fresno District Attorney's office. Request No.12 is directly relevant to
21 whether any of the attorneys or law enforcement in this case exhibits racial bias or animus
22 towards Mr. Stankewitz because of his race.

23 2. The Discovery Requested Is Available to the Government
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¹⁴¹ *Young, supra*, at p. 144-45.

1 As demonstrated in Section VI.A, *supra*, Mr. Stankewitz has researched all of the readily
2 available data regarding racial disparities in seeking the death penalty that are available from
3 public sources. The information the defense requests regarding which individuals were chosen
4 to be eligible for the death penalty and how those decisions were made cases is uniquely available
5 to the government, that is, to the Fresno County District Attorney, the prosecuting entity in this
6 jurisdiction. Since 81% of those convicted of murder 1 on death row are people of color, there
7 appears to be a racial disparity in the decision to seek the death penalty and the criteria for making
8 these decisions should be examined. Further, youthful offenders of color are disproportionately
9 given the death penalty and the criteria for making these decisions should be examined.¹⁴²

10 3. No Confidentiality or Privacy Rights Would Be Violated

11 Although the District Attorney's office will almost certainly cite third party
12 confidentiality in arguing that the records should not be disclosed, this claim was squarely
13 rejected in *Weaver v. Superior Court* (2014) 224 Cal.App.4th 746. A public agency cannot
14 withhold records related to criminal prosecutions where it has publicly filed those records in
15 court. (*Id.* at 751.) Furthermore, PC § 13302 was modified in 2012 to state that, "[n]othing in
16 this section shall prohibit a public prosecutor from accessing and obtaining information from the
17 public prosecutor's case management database to respond to a request for publicly disclosable
18 information pursuant to the California Public Records Act." As such, a public prosecutor cannot
19 withhold otherwise publicly disclosable information. Moreover, Mr. Stankewitz has made his
20 request in a timely manner, the time required to produce the requested information will not
21 necessitate an unreasonable delay of defendant's sentencing, and the production of the records
22 containing the requested information would not place an unreasonable burden on the
23 governmental entity involved.

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¹⁴² See Section VI.C., *supra*.

1 Should any of these requests contain confidential information belonging to a third party,
2 the government has the option to redact any such information.¹⁴³ As to the jury selection notes
3 by the prosecutor, we have requested that the court review the documents *in camera* and release
4 to the defense any information it deems appropriate. Should other requested material be deemed
5 confidential, we ask the court for in camera review of the confidential materials to limit discovery
6 to those relevant under a RJA motion.

7 The California Supreme Court in *People v. Superior Court* (2021) 12 Cal.5th 348, held
8 that a prosecutor's confidential notes during jury selection were discoverable to show a potential
9 *Batson/Wheeler* violation and suggested in camera review to protect irrelevant, but confidential
10 work product from disclosure. We agree to follow the same procedure utilized in *Stewart*
11 wherein disclosure is limited to necessary parties and any pleadings referencing confidential
12 materials is filed under seal.

13 4. Defendant Acted in a Timely Manner

14 Defendant became eligible to file a petition under the Racial Justice Act on January 1,
15 2024.¹⁴⁴ This motion is timely.

16 5. Time Required Will Not Necessitate an Unreasonable Delay

17 There is no delay in any trial. Defendant remains incarcerated.

18 6. Production of Records Will Not Cause an Unreasonable Burden

19 Collecting and producing data regarding forty-seven years of charging patterns for these
20 very specific criteria, the decision to seek the death penalty based on only one special
21 circumstance, will not place an unreasonable burden on the government. This data could
22 foreseeably be regenerated much more easily for future requests that are such to come from
23 future defendants as well. In fact, the defense recently received RJA records from another Fresno
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28 ¹⁴³ See Exhibit 30e, FCDA CPRA response, dated 2/24/25.

¹⁴⁴ See Penal Code Sect. 745(j)(1)(3).

1 case which covered some of the same data that we are requesting but which covers a period of
2 just 10 years.

3 Mr. Stankewitz's discovery requests are designed to determine whether Native American
4 individuals like himself are charged more harshly than people of other races or ethnicities. State
5 and county-wide statistics demonstrate that there may be merit to these contentions.¹⁴⁵ Moreover,
6 it bears repeating that this is merely a "Motion for Relevant Discovery." The defense is merely
7 seeking to *gather* the requested discovery in order to *determine* whether there has been a
8 *potential* violation of the RJA. The defense need only show *good cause*. The defense need not
9 *prove* an RJA violation at this stage.

10 **X. CONCLUSION**

11 In this case, there are a number of discreet circumstances which constitute good cause
12 for granting defendant's 745(d) motion: 1) racial bias against Indians/Native Americans in the
13 US, California and Fresno County; 2) racial bias in jury selection; 2) the defense attorney's and
14 district attorney's closing argument derogatory remarks concerning Native American youth on
15 the reservations. Upon receiving discovery, defendant will be able to determine whether Fresno
16 used: racially biased charging of defendant with murder one and special circumstances; racially
17 biased sentencing of defendant to death penalty; and racially biased proposed sentencing of
18 defendant to LWOP.

19 For the foregoing reasons, the defendant respectfully requests an order compelling the
20 District Attorney to produce the requested discovery forthwith, specifically, within 30 days of
21 the issuance of the court's order.

22 Based on the extensive review of the record, available demographic data, historical
23 evidence and the modern manifestation of discrimination, there is good cause to believe that Mr.
24 Stankewitz's conviction, death sentence and LWOP sentence was influenced by racial bias
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28 ¹⁴⁵ See Sect. VI. & VII, *supra*.


1 against him as an enrolled member of the Monache Tribe. (Penal Code §745, sub. (a)(1)(2)(3)
2 and/or (4)))

3 Dated: March 12, 2026

4 Respectfully Submitted,

5
6 J. TONY SERRA
7 PETER JONES
8 CURTIS BRIGGS
9 MARSHALL D. HAMMONS

10 Attorneys for Defendant
11 DOUGLAS RAY STANKEWITZ

12 
13 By Curtis L. Briggs
14 Attorney for Defendant

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DECLARATION OF CURTIS L BRIGGS

Counsel, predicated on his information and belief, avers the following:

I am an attorney licensed to practice law in the State of California and have my professional office at 1311 Park St., #667, Alameda, CA, 94501. I am one of the attorneys of record and have represented Mr. Stankewitz in this action since 2017. Since that time, I have read the trial court transcripts, appellate record, evidentiary documents and drafted motions, writs and the petition for writ of habeas corpus filed in 2021. I have read the foregoing motion and know the contents thereof to be true based this declaration on my extensive review of the case file, as well as my subsequent independent research and investigation. All facts alleged in the above document not otherwise supported by citations to the record, exhibits or other documents are true of my own personal knowledge.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on March 12, 2026, at Alameda, California.


Curtis L. Briggs

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1 PROOF OF SERVICE

2
3 The undersigned declares:

4 I am a citizen of the United States. My business address is P. O. Box 7225, Cotati, CA
5 94931. I am over the age of eighteen years and not a party to the within action.

6
7 On the date set forth below, I served the foregoing document(s) described as

8
9 **THIRD AMENDED MOTION FOR RELEVANT DATA PURSUANT TO RJA 745 (d)**
10 **WITH EXHIBITS**

11 On all interested parties in this action as follows:

12 Elana Aron Smith
13 Office of the District Attorney
14 Fresno, CA 93721
15 Earon@Fresnocountyca.gov

Honorable Alvin M. Harrell, III
Lisa M. Villnueva, Clerk
Dept74@fresno.courts.ca.gov

16 Mail Overnight mail Personal service Fax

17 By Email or Electronic Filing/Service) CCP Sect. 1010.6 and California Rules of
18 Court, Rule 2.251. Based upon a Court Order, Local Rules of Court, or an agreement of the
19 parties to accept service by e-mail or electronic transmission, I caused the documents to be sent
20 to the person(s) listed above on the parties listed above who are signed up for electronic service.
21 I did not receive, within a reasonable time after the transmission, any electronic message or other
22 indication that the transmission was unsuccessful.

23 I declare under penalty of perjury that the foregoing is true and correct, and that this
24 declaration is executed on March 12, 2026, at Sebastopol, California.

25
26 
27 Alexandra Cock
28

THIRD AMENDED MOTION FOR RELEVANT DATA PURSUANT TO PENAL CODE
SECTION 745(d) OF THE CALIFORNIA RACIAL JUSTICE ACT - 81

ROSEMARY MORENO TRANSCRIPTS
(HABEAS EXHIBIT 14a) **EXHIBIT 30a**

1 MR. GOODWIN: I have no further questions of Mr.
2 Lemon.

3 THE COURT: Mr. Robinson?

4 MR. ROBINSON: I don't have any questions.

5 THE COURT: All right. Mr. Lemon, if you would just
6 step down and just wait outside the courtroom.

7 We are going to need you to come back -- before you
8 go, Mr. Lemon, I am going to ask you to come back Tuesday
9 morning at 9:30 for further proceedings in this matter.

10 I am going to ask you not to read anything in the
11 paper about it, not to discuss it with anyone, not to
12 listen to it on T.V. or listen to the radio to anything
13 about it. And I'm not suggesting that there's going to
14 be anything, but if there is, leave the room or shut it
15 off.

16 You understand that we want 12 people that get the
17 evidence from this courtroom and not from the media, who
18 is often not very accurate, as you may know.

19 MR. LEMON: Yeah. Okay.

20 THE COURT: Let the record show that neither counsel
21 wished to challenge this juror. Is that the sign I got?

22 MR. GOODWIN: Yes.

23 MR. ROBINSON: Yes.

24 THE CLERK: Panel 33, number 157, Rosemary Moreno.

25 ROSEMARY MORENO,

26 QUESTIONING BY THE COURT:

1 Q Would you state your name, please?

2 A Rosemary Moreno.

3 Q All right. Miss Moreno, I am going to ask you
4 some questions, and then the attorneys may want to ask
5 you some questions when I finish.

6 Have you or any member of your immediate family
7 or any close friend ever been the victim of any type
8 of assaultive crime? By "assaultive crime," it's one
9 where there was a personal confrontation with somebody
10 and where they were, say, beaten up or threatened with
11 a weapon or raped or anything of this type.

12 A No.

13 Q To the best of your knowledge, have you or
14 any member of your immediate family or any close friend
15 ever been charged with a crime of any kind?

16 A No.

17 Q And have you heard or read anything about this
18 case before coming to court as a juror?

19 A I heard about it but I haven't read anything.

20 Q Okay. When did you hear something about it?

21 A This summer.

22 Q This summer. And where did you hear something
23 about it?

24 A At work.

25 Q Okay. Was it somebody at work?

26 A Yeah. Well, I work as a teacher's aide, and one

1 of the little boys, the talk was he was related. But
2 that's all that I heard.

3 Q Okay. And who did you hear that from?

4 A From the coordinator.

5 Q Okay. Can you explain to me what they said?

6 A He said, "Oh, you know that little boy?"

7 I said, "Yes."

8 He says, "Well, did you know he was related?"

9 I said, "I don't know."

10 Q Related to who?

11 A To Mr. Stankewitz.

12 Q Okay.

13 A I said, "Yeah." I said, "I didn't know that,"

14 and I said, "Well, I don't know what actually happened,"

15 which he didn't say anything else.

16 Q Okay. I take it that when the coordinator
17 talked to you that the name Stankewitz had a meaning to
18 you at that time; is that correct?

19 A Yeah. I had known something, you know.

20 Q Okay. What did you know about the name Stankewitz,
21 or what had you heard?

22 A Oh, just that he was an indian man that was
23 sent up to death row for doing, you know, the crimes. But
24 I hadn't heard anything, you know -- I -- it's the first
25 time I heard it. That's what he had said to me. I said
26 I didn't know.

1 Q Okay. Who was it that said to you -- what
2 was it that the person said to you that --

3 A He just said, you know, the little boy was
4 just related.

5 Q The coordinator at school said the little boy
6 was related to somebody by the name of Stankewitz; is
7 that correct?

8 A Yeah.

9 Q You at that time already knew the name Stankewitz,
10 that he had been, you say, sent up to death row.

11 A Yes. That's what he was telling me that he
12 was.

13 Q That's what I'm asking. Did the same person
14 that told you that the little boy was related, did that
15 same person tell you about --

16 A Yeah. He was telling me.

17 Q Well, before that day, did the name Stankewitz
18 mean anything to you or had you heard anything about it
19 before?

20 A No.

21 Q You hadn't.

22 A No.

23 Q Did this person tell you anything about the
24 facts of the case or anything about what happened or
25 who supposedly did what to whom or anything?

26 A Huh-uh. He didn't say -- he just said that was,

1 that's what he was up there for, but he didn't go into --
2 I don't know if he knew himself. But that's all he
3 said..

4 And, you know, I didn't go and find out what this
5 man did and what had happened. I just left it at that.

6 Q Okay. What made you think they were talking
7 about this man here that's in court?

8 A Because that's who they said he was.

9 Q Stankewitz?

10 A Yeah. And when I came in, they had said it
11 was the Stankewitz case, and that's when I remembered
12 in my mind we had been talking about that.

13 Q Okay. Fine. You understand if you are
14 selected as a juror, it would be your duty to decide
15 the facts of this case based on the evidence presented
16 here during the trial. You understand that.

17 A Yes.

18 Q And that, therefore, anything that you hear
19 or read outside of the trial, you know, cannot be considered
20 by you as evidence.

21 A Yes. I have to keep an open mind.

22 Q Yes. Let me ask you this: Do you feel that
23 you could put out of your mind what this person told
24 you about this case and decide this case based on the
25 evidence presented here, or do you think that you wouldn't
26 be able to put that out of your mind and decide the

1 case?

2 A I could put it out of my mind. It's just to
3 hear the name. It just, you know, it popped in my
4 mind. But I could have an open mind and go through the
5 case and hear everybody and decide. It wouldn't bother
6 me.

7 I wouldn't put it to where I have to think about
8 it all the time, you know. It's just something that
9 I have to do.

10 THE COURT: Okay. Mr. Goodwin, you may inquire.

11 QUESTIONING BY MR. GOODWIN:

12 Q Miss Moreno, the problem I am having is that
13 I'm wondering whether or not all the conversation you
14 had with whoever this individual was, whether or not
15 you told us all of it.

16 A Well, see, I work for an Indian counsel. That's
17 why it had been brought up because, you know, that's
18 why he said that he was an Indian man that was sent up.
19 But after that we did not discuss anything.

20 Q Who is he that brought it up?

21 A He was my coordinator.

22 Q What's his name?

23 A Stan Rodriguez.

24 Q Stan Rodriguez. Where was it Stan Rodriguez
25 brought this information to your attention?

26 A We were at school with the kids.

1 Q Were you in the cafeteria?

2 A In the classroom.

3 Q With students?

4 A Yes.

5 Q How was it that you got to talking about
6 Stankewitz?

7 A Well, see, I had never worked -- this was the
8 first year the little boy was brought in.

9 Q What little boy is this?

10 A Fabian Stankewitz.

11 Q Okay. So some boy named Fabian Stankewitz was
12 brought into your classroom?

13 A Yeah. He was brought into the program this
14 year. And it's a genuine program we have for the kids,
15 and we work with these kids during the summer.

16 And while they are dancing and everything, we
17 were talking, and he was, you know, talking about the
18 little boy.

19 Q He was talking about Fabian?

20 A Yes.

21 Q What did he say about Fabian?

22 A He said, "Do you know that --" you know, "Fabian's
23 uncle is the guy that's set up in death row? He's an
24 Indian man."

25 I said, "I didn't know that. I don't know who the
26 guy is."

1 He says, well, that's what he had did.

2 Q What's what who had did?

3 A He said that Mr. Stankewitz was set up for a
4 murder and I said, well, I didn't know that's what he
5 had did. And that's all we had talked about.

6 And, you know, we just went on and the little boy,
7 you know, we tutored him. They danced. We got along
8 real good.

9 Q All right. Now, do you recall approximately
10 when that was?

11 A Probably about three, three and a half weeks
12 ago.

13 Q Is school out now?

14 A Yes. The program ended recently.

15 Q But the program was still in operation when this
16 conversation was had; is that right?

17 A Yes.

18 Q And you knew, did you not, that the only way
19 you can get to death row is to have been convicted of
20 a crime and sent up there.

21 A Yeah. See, I didn't know nothing about this
22 case, you know. So I had thought, well, maybe, you know,
23 it had already gone through. And that's why here I was
24 and here the case came. It just popped in my head.

25 Q You mean you thought he was on death row?

26 A Yeah. I took it as that. He was -- because I

1 hadn't heard anything.

2 Q And then you were called for jury service.

3 A Yeah.

4 Q And then you hear the name Stankewitz when?

5 A When the judge said that was the case that
6 we were going to be --

7 Q When was that? Do you remember?

8 A Monday.

9 Q This past Monday.

10 A Monday.

11 THE COURT: For the record, I believe it was -- that's
12 right. It was Monday. Excuse me. That's the first time
13 you had come here.

14 MISS MORENO: Yes.

15 MR. GOODWIN: Q When the judge said Stankewitz,
16 all of this comes to mind?

17 A Yeah. Just the little boy came to my, you
18 know, what the coordinator was telling me. And I said,
19 well, you know, I thought it had already gone through.
20 I didn't know, you know, that he had not gone through
21 court because I didn't hear anything.

22 Q Well, didn't you figure he must have gone
23 through something if he was up on death row?

24 A I didn't concentrate on it. I just let it go.
25 I wasn't worried about it. I just went on, you know,
26 with what I was doing.

1 Q What about now?

2 A Now? There's nothing to think about. That's
3 what I said. I have got to listen to what happened now.

4 Now I know that it didn't go through, that this
5 trial, that there's a trial coming up and I have to hear,
6 I can't say what he did or didn't do. Obviously, you
7 know, what was said to me, I took it that it had already
8 gone through, but it didn't. You know what I'm saying?

9 Q I understand what you're saying. You are saying
10 now that --

11 A Now realizing that this is happening now, I --

12 Q What do you think happened if he's up on death
13 row?

14 A I don't know what happens up on death row.
15 You see, I didn't know.

16 Q Do you know how a person would get to death
17 row?

18 A If he's convicted, I guess.

19 Q Okay.

20 A That's what I had thought that he had already
21 been through the court and been convicted, you know. But
22 now he's here and his trial is going. Obviously he hasn't
23 been. So maybe what I heard was wrong. I didn't dwell
24 on it. I just let it go.

25 Q Suppose it had gone through and he had been
26 sent to death row.

1 A And he's here again?

2 Q And you see him here now. Do you have any
3 way that you figure out he would be here now?

4 A Because they did not have evidence or something.
5 I don't know.

6 Q Wouldn't -- wouldn't you think that this would
7 be a second trial?

8 A Yeah. If he had been, you know -- if I had
9 known he had been already convicted once and it was a
10 second trial, but I don't know. Is this the first time
11 the man has gone through? I don't know.

12 Q Your information about his being on death row
13 and all of that is correct, see.

14 A Oh. See, now that I'm here, I thought, well,
15 maybe the information that was told to me was wrong.

16 Q Suppose -- now that you know what the situation
17 is and you put all that together that you heard, as you
18 sit here at this time, His Honor asked you and you are
19 the only one who knows that's the reason we are asking
20 questions, we don't know the answers but for the answers
21 that you give us as long as it indicates your true feelings
22 in response to what we are asking.

23 His Honor asked you if you would be able to block
24 out, to set aside, to not consider the things that you
25 have heard and the things that you have figured out that
26 resulted from what you heard. If you were selected as a

1 juror in this case, could you set all of that aside and
2 consider absolutely nothing except the evidence that
3 you hear in this case?

4 A Now that I realize what's happening, you know,
5 I could say that I could set aside and --

6 Q You could what?

7 A I could set, you know, what I've heard and
8 what people have said. I could set that aside because
9 I really don't know what this case -- I don't know the
10 actual facts. And I could listen to the facts and not
11 keep everything else out. And then, you know, decide.
12 But, you know, I just -- I wouldn't dwell on it, you
13 know.

14 Q Would it make any difference to you that
15 apparently a jury in the past has heard the evidence
16 and apparently convicted him because that's the only
17 way he could get on death row? Would that have any bearing
18 on your decision deciding the case?

19 A No. Because, you know, he didn't go through
20 the first time. Maybe there is more to it, you know,
21 what they did the first time.

22 Q You mentioned "maybe there's more to it."

23 A I don't know. I haven't heard this case. Maybe,
24 you know, there's something else that hasn't been brought
25 up, you know. Why hasn't he just -- why did they call
26 a second case? I don't know.

1 Q Well, what I'm really asking you is that you
2 won't -- one of the things that you won't engage in is
3 to try to figure out the difference between --

4 A The first one --

5 Q -- the trial that you are going to listen to
6 and whatever it was that happened in the past. Just as
7 you said, you don't know what happened back there except
8 you know the results of it.

9 A Yeah.

10 Q And if that would bother you or affect your
11 deliberations in any way, then, you know, that's what
12 we would like to know.

13 A It won't bother me because, like I said, I
14 don't know what happened. My concern wouldn't go back
15 and find out. It would just be listening to what the
16 man did or didn't do and what was to come out of it. And
17 then decide then. But to go back, and, you know, look
18 into the case personally --

19 Q Okay. You understand that as a juror you would
20 listen to what happens in this courtroom and you are
21 not an investigator. You are not supposed to go out and
22 find out anything.

23 A I know that. Why would I want to do that? It
24 would be the decision of the jurors that are picked.

25 Q So that, again, and it's always repetitious, that
26 you could set aside everything you have heard in the past

1 about Mr. Stankewitz and judge this case solely on the
2 basis of what you hear here in the courtroom.

3 A Yes, I can do that.

4 MR. GOODWIN: I have no further questions.

5 THE COURT: Mr. Robinson, any questions?

6 MR. ROBINSON: Yes.

7 QUESTIONING BY MR. ROBINSON:

8 Q Miss Moreno, the fact that you know a nephew
9 of the defendant, would that make a difference?

10 A No. It wouldn't make -- because I don't know
11 how close he is to -- that's why I brought it up because
12 I didn't know if you would want me to be on this. Maybe --
13 I thought maybe you thought it would be wrong.

14 But I just work -- my main concern with the boy
15 was just to make sure academically he was able to do
16 his work. But as for any relationship, you know, that
17 was within his family. I don't go into their lives like
18 that. That's just set aside.

19 Q What about the fact you were working for an
20 Indian counsel and the defendant is indian? Would that
21 make a difference to you?

22 A No. Because I am indian and I am not prejudiced.

23 Q Would you tend to favor the defendant because
24 he is indian?

25 A No. Why should I? Because he is just a human
26 being like everybody else.

1 Q Is there anything based on what we have been
2 discussing, namely what you have heard about the case,
3 that makes you think you should not sit as a juror in
4 this case?

5 A No. Because, you know, I don't know the facts
6 or anything, you know. I couldn't, you know, say, well,
7 I couldn't judge on the man.

8 MR. ROBINSON: I don't have any further questions.

9 MR. GOODWIN: I have no other questions.

10 FURTHER QUESTIONING BY THE COURT:

11 Q All right. I'm going to ask you some questions
12 now, Miss Moreno, concerning your duties as a juror. And
13 you understand, as I mentioned earlier, that you may be
14 called upon to determine what the penalty should be if
15 the defendant is found guilty of first degree murder and
16 if the special circumstances are found to be true, and
17 if one of them or both of them are, in which event the
18 jury would then be called upon to determine, after an
19 appropriate proceeding and further instructions on the
20 law, if the penalty shall be death or life in prison without
21 the possibility of parole. Do you understand that?

22 A Yes.

23 Q I must, therefore, ask you questions about
24 your attitude or state of mind concerning the death penalty.
25 And let me emphasize that I don't know whether the jury
26 will ever get to that phase of the trial, but I must ask

1 these questions because that possibility exists.

2 First I would like to ask you a couple of questions
3 about your duties during the guilt phase of the trial.

4 If the People prove beyond a reasonable doubt that
5 the defendant is guilty of murder in the first degree,
6 would you refuse to vote for such a verdict because of
7 any conscientious opinion you may have concerning the death
8 penalty knowing that to vote for such a verdict may
9 obligate the jury to get into the penalty phase of the
10 trial?

11 A No, I wouldn't.

12 Q All right. If the People prove beyond a
13 reasonable doubt that the defendant is guilty of murder
14 in the first degree and prove beyond a reasonable doubt
15 the truthfulness of one or more of the special circum-
16 stances alleged, would you refuse to vote for a verdict
17 of the truthfulness of the special circumstance because
18 of any conscientious opinion you may have concerning the
19 death penalty and knowing that to do so would obligate
20 the jury to get into that penalty phase?

21 A No, I wouldn't.

22 Q All right. Next question. Do you hold any
23 conscientious opinions concerning the death penalty
24 that, regardless of the evidence that might be developed
25 during the penalty phase of the trial, should we get
26 there, that you would automatically and absolutely refuse

1 to vote for the death penalty in any case?

2 ~~In other words, regardless of the evidence and because~~
3 of any conscientious objection to the death penalty that
4 you might have, would you in every case automatically vote
5 for life in prison without the possibility of parole
6 and never vote for a verdict of death?

7 A No, I wouldn't.

8 Q Do you hold any conscientious opinion concerning
9 the death penalty that, should we get into the penalty
10 phase of the trial, you would automatically in every
11 case vote for a verdict of death and under no circumstances
12 vote for a verdict of life in prison without the possibility
13 of parole?

14 A No.

15 Q So you would base your decision, if you are
16 selected as a juror in this case, on the evidence that's
17 presented during the trial and the law as given to you
18 by the Court despite any opinions you might hold concerning
19 the death penalty; is that correct?

20 A Yes.

21 Q All right. I want to go over a couple of things
22 with you.

23 You understand that before there would ever be a
24 penalty phase of the trial, it would mean that you and
25 11 other jurors have decided beyond a reasonable doubt
26 that the defendant was guilty of first degree murder, and

1 you and 11 other jurors would have to have found beyond
2 a reasonable doubt that one or both of these special
3 circumstances were true, that is that he committed the
4 murder during a robbery or that he committed the murder
5 during the kidnapping. And that only after those two
6 findings had been made, that he was guilty of first
7 degree murder and that one or both of the special circum-
8 stances were true, then and only then would there be a
9 penalty phase of the trial. Do you understand that?

10 A Yes.

11 Q And it's not -- in California it's not the
12 law that every person that's convicted of first degree
13 murder has a penalty trial where the death penalty could
14 be imposed. You understand.

15 It's only those first degree murders that are
16 committed in a certain way or under certain circumstances,
17 and those things are called special circumstances. And
18 those have been -- two of those have been alleged here
19 in this case. You understand that.

20 A Yes.

21 Q And even where there's a conviction of
22 first degree murder and a finding that there's a special
23 circumstance that's true, it does not mean that one penalty
24 or the other is automatic. It means there is a penalty
25 phase of the trial at which then the jury must decide
26 whether the penalty should be life in prison without the

1 possibility of parole or should be the death penalty.

2 You understand that.

3 A Yes.

4 Q During the penalty phase of the trial, evidence
5 may be presented to the jury concerning matters in
6 aggravation or mitigation, things you may properly
7 consider in deciding what the penalty should be. These
8 may be things that have nothing to do with the crimes
9 that have been charged. You understand that.

10 A Yes.

11 Q And after the evidence part of the penalty
12 phase is over with, then the lawyers have an opportunity
13 to present arguments to the jury as to what they feel
14 the case shows. Then the Court would instruct the
15 jury on the law that applies during the penalty phase.

16 Then the jurors would retire to the jury room and
17 start talking about the case. Then and only then should
18 you decide which of the two penalties to select. Do
19 you understand that?

20 A Yes.

21 Q Because if you did it any sooner, you wouldn't
22 have all the benefit of the evidence that may be presented
23 during the penalty phase. You wouldn't have the benefit
24 of the arguments of the lawyers or the Court's instructions
25 or the benefit of talking with your fellow jurors about
26 it. You understand that.

1 A Yes.

2 Q Do you feel that you could keep an open mind
3 until the end of the penalty phase before deciding what
4 the penalty should be?

5 A Yes, I do.

6 Q That just because you had found the defendant
7 guilty of murder in the first degree and had found a
8 special circumstance true, you wouldn't automatically
9 choose one penalty or the other.

10 A Oh, no.

11 Q Is that correct?

12 A Yes.

13 Q You would wait until the end of the penalty
14 phase before you decided what the proper penalty would
15 be.

16 A Yes.

17 Q All right. I would like to ask you a couple
18 more questions along the same line. It may sound like
19 I am repeating myself, but listen to the questions.

20 I want you to assume now for the purpose of these
21 questions only that the People prove that the defendant
22 is guilty of first degree murder beyond a reasonable
23 doubt, and I want you to further assume that the People
24 present evidence that proves beyond a reasonable doubt
25 that the murder of Theresa Graybeal was personally
26 committed by the defendant during the commission or

1 attempted commission of a robbery.

2 Would you in every case regardless of the evidence
3 that might be presented regarding aggravation or mitigation
4 in the penalty phase of the trial, would you automatically
5 vote for a verdict of death?

6 A No.

7 Q Again, assuming that the jury finds the
8 defendant guilty of murder in the first degree, for the
9 purpose of this question only, and further assuming
10 that the People present evidence sufficient to prove
11 beyond a reasonable doubt that the murder of Theresa
12 Graybeal was personally committed by the defendant during
13 the commission or attempted commission of a kidnapping,
14 which is the other special circumstance, would you in
15 every case regardless of the evidence that might be
16 produced in aggravation or mitigation in the penalty
17 phase of the trial, would you automatically vote for a
18 verdict of death?

19 A No.

20 THE COURT: All right. Thank you, Miss Moreno.

21 Mr. Goodwin?

22 MR. GOODWIN: I have no questions.

23 THE COURT: Mr. Robinson, you may question.

24 FURTHER QUESTIONING BY MR. ROBINSON:

25 Q Miss Moreno, do you feel there should be a
26 death penalty law in California?

1 A Yes, I do feel there should be.

2 Q So you personally favor the death penalty; is
3 that correct?

4 A Certain cases. Not all of them. Everybody
5 shouldn't go to the death penalty. Only if it's proven
6 it's done, you know, and they all agree to it, you know.

7 Q Okay. After the evidence is in and the judge
8 instructs the jury, the members of the jury deliberate
9 or discuss the case together. Would you have any problem
10 with listening to the other jurors and taking into
11 account what they have to say about the case?

12 A No, I wouldn't.

13 Q So you wouldn't adopt a position and then not
14 change it no matter what the others might say; is that
15 right?

16 A Yeah.

17 Q Now, there are some people who in theory favor
18 the death penalty, but if they were a juror they couldn't
19 actually return a death penalty verdict because they
20 would feel sorry for the defendant in court.

21 Would you actually be able to return a verdict of
22 -- for the death penalty if you thought it was warranted?

23 A If I thought it was, yes.

24 Q Some people believe the death penalty should
25 only be used for extreme murder cases such as mass murder.
26 Do you believe that?

1 A Yes, I do. That's when I think it should
2 be used.

3 Q In mass murders and no other cases?

4 A Well, maybe in a few other cases. But, you
5 know, first of all mass cases.

6 Q Well, in this case, there is only one person
7 killed. Would you say because of that you would never
8 vote for the death penalty in this case?

9 A No, I wouldn't.

10 MR. ROBINSON: I have no further questions.

11 MR. GOODWIN: I have no further questions.

12 THE COURT: Mrs. Moreno, you may step outside,
13 if you would, please.

14 (Thereupon Miss Moreno leaves the
15 courtroom.)

16 THE COURT: Either counsel wish to challenge this
17 juror?

18 MR. GOODWIN: No, Your Honor.

19 MR. ROBINSON: No.

20 THE COURT: This is, I think, the first juror
21 that we have had that is aware, that I am aware of, that
22 there was a death penalty imposed at a prior time. I
23 don't believe we had any other ones that haven't been
24 excused that are aware of this. She did state that she
25 could set this aside and -- I just wanted to point that
26 out.

1 THE COURT: It's the defendant's challenge.

2 MR. GOODWIN: The defendant would excuse Mrs.
3 Tsubota.

4 THE COURT: Mrs. Tsubota, you are excused. Thank
5 you.

6 THE CLERK: Panel 33, number 157, Rosemary Moreno.

7 THE COURT: Mrs. Moreno, have you sat on a jury
8 before?

9 MRS. MORENO: No, I haven't.

10 THE COURT: And are you acquainted with anyone
11 that's been mentioned as a possible witness, or the defen-
12 dant or either of the attorneys in this matter?

13 MRS. MORENO: No, I'm not.

14 THE COURT: Do you have any acquaintances or relatives
15 engaged in law enforcement?

16 MRS. MORENO: I have an uncle that's a retired
17 sheriff member for 10 years, and I have a close uncle
18 that's a CSO officer.

19 THE COURT: CSO officer? What is that?

20 MRS. MORENO: Community Service Officer.

21 THE COURT: Do you feel this would have any effect
22 on your ability to be a fair and impartial juror?

23 MRS. MORENO: No, I don't.

24 THE COURT: Your relationship or acquaintance there
25 wouldn't cause you to have any preconceived ideas about
26 the testimony of law enforcement officers, would it?

1 MRS. MORENO: No.

2 THE COURT: Any other friends or relatives involved
3 in law enforcement?

4 MRS. MORENO: No.

5 THE COURT: The sheriff that's retired, was he
6 a sheriff here in Fresno?

7 MRS. MORENO: Yes.

8 THE COURT: What was his name?

9 MRS. MORENO: Andrew Moreno.

10 THE COURT: Okay. If I asked you the questions I
11 have been asking the other prospective jurors, other
12 than the personal questions, is there any material way
13 your answers would be different than their answers?

14 MRS. MORENO: No.

15 THE COURT: Could you give us the personal information
16 I have asked of the other jurors?

17 MRS. MORENO: My name is Rosemary Moreno. I'm
18 married. I have a little boy that's two. I am a teacher's
19 aide. My husband is a chauffeur for the limousine service,
20 and he works for Shell Service Station.

21 THE COURT: Okay. Do you know of any reason at
22 all why you couldn't be a fair and impartial juror to
23 both sides in this case?

24 MRS. MORENO: No, I don't.

25 THE COURT: All right. Mr. Goodwin, you may inquire.

26 MR. GOODWIN: I have no questions of Mrs. Moreno,

1 Your Honor.

2 THE COURT: Mr. Robinson?

3 MR. ROBINSON: No questions, Your Honor.

4 THE COURT: All right. It's the People's challenge.

5 MR. ROBINSON: Yes, Your Honor. The People would
6 ask the Court to thank and excuse Mrs. Moreno.

7 THE COURT: You are excused, Mrs. Moreno.

8 THE CLERK: Panel 29, number 45, Bob Crane.

9 THE COURT: Mr. Crane, have you had any prior jury
10 service?

11 MR. CRANE: No, I haven't.

12 THE COURT: Are you acquainted with anyone that's
13 been mentioned as a possible witness or the defendant
14 or the attorneys here?

15 MR. CRANE: No.

16 THE COURT: Do you have any friends or -- close
17 friends or relatives engaged in law enforcement?

18 MR. CRANE: My grandfather was a sheriff, a deputy,
19 but he is retired now. It wasn't in Fresno.

20 THE COURT: It wasn't in Fresno. Did he ever discuss
21 his cases with you?

22 MR. CRANE: Not to any length. The funny ones.

23 THE COURT: Okay. Do you feel that relationship
24 would have any effect on your ability to be a fair and
25 impartial juror in this case?

26 MR. CRANE: No, I do not.

FRESNO SUPERIOR COURT LETTER RE
JUROR QUESTIONNAIRES (HABEAS EXHIBIT
14b) **EXHIBIT 30b**



**Superior Court of California
County of Fresno**

May 15, 2020

Alexandra Cock
2171 Francisco Blvd. E., Suite D
San Rafael, CA 94901

Re: Request for Records

Dear Ms. Cock:

The Court is in receipt of your letter dated May 6, 2020, requesting jury questionnaires for individuals summoned for and subjected to oral examination during *voir dire* in the second trial of Defendant Douglas Ray Stankewitz.

A review of the court files and records has been conducted and no records have been located responsive to your request. Accordingly, the no questionnaires will not be provided in response to your request.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jeannie D. Goshgarian", is written over a horizontal line.

Jeannie D. Goshgarian
Managing Research Attorney

HUGH GOODWIN 1995 DECLARATION
(HABEAS EXHIBIT 9a) **EXHIBIT 30d**

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DECLARATION OF HUGH W. GOODWIN

I, HUGH W. GOODWIN, under penalty of perjury, say:

1. I am an attorney licensed to practice in the State of California and I represented petitioner Douglas Ray Stankewitz in his 1983 retrial in Fresno County Superior Court for murder with special circumstances and other offenses in Case No. 255015-5.

2. I did not hire an investigator in this case, either at guilt phase or at penalty phase, and had no tactical reason for my failure to do so.

3. I did not interview members of Mr. Stankewitz's family to determine what they could contribute at the penalty phase.

4. I failed to interview Mr. Stankewitz's school teachers, his foster parents, psychiatrists, psychologists and anyone else who had examined him during his childhood and youth, and other persons familiar with his background. I did not visit his family home in Auberry. Consequently, I was unfamiliar with the hardship and abuse to which he had been subjected.

5. I did not consult with his prior attorneys, either from the trial or from the appeal, or obtain from them their files from the prior trial.

6. I did not have a psychiatric or psychological evaluation of Mr. Stankewitz made, and did not have a tactical reason for my failure to do so.

7. I did not investigate Mr. Stankewitz's history of mental disability and mental illness. As a result, I was unaware that he had a long history of mental disability and mental illness,

1 starting at least with his placement in Napa State Hospital at age
2 six. In particular, I was unaware that he had repeatedly been
3 diagnosed as suffering from paranoia, schizoaffective disorder,
4 possible epilepsy, fetal alcohol syndrome, and other mental
5 illnesses and disabilities. I also did not investigate and was
6 consequently unaware of Mr. Stankewitz's long history of drug and
7 alcohol abuse, or the fact that his drug and alcohol abuse were
8 continuing at the time I represented him.

9 8. I did not interview or consult with the mental health
10 experts who had been involved in Mr. Stankewitz's first trial.

11 9. When I was appointed, I knew that Mr. Stankewitz, in
12 his then mental state, would not accept any attorney who intended
13 to raise mental defenses or issues as to his mental competency. I
14 was also aware that the trial judge who would appoint me was
15 anxious to go forward with the merits of the case rather than
16 engaging in further litigation of competency. Under these
17 circumstances I accepted the appointment without knowing whether
18 Mr. Stankewitz was in fact mentally competent or whether there were
19 viable defenses other than mental defenses.

20 10. In my opinion Mr. Stankewitz was not mentally
21 competent when I represented him during the pretrial and trial
22 proceedings. His behavior at the time I represented him was
23 erratic and bizarre. I do not believe he was capable of
24 understanding the legal issues in his case, and in particular the
25 concept of *mens rea* as an element of the offense and the importance
26 of mitigating evidence at the penalty phase. I do not believe he
27 was capable of understanding that a person who had diminished

1 capacity, or is insane or unconscious at the time of the offense
2 could be found innocent and acquitted or found guilty of a lesser
3 included offense. If I had known of his long history of mental
4 illness and substance abuse, I would have refused to take Mr.
5 Stankewitz's wish for an exclusively "whodunit" defense at face
6 value, and would have insisted upon investigating and probably
7 presenting mental defenses such as diminished capacity, insanity,
8 voluntary intoxication and unconsciousness. I also would have
9 insisted upon investigating and actively pursuing a determination
10 of incompetence, and upon investigating and presenting evidence in
11 mitigation.

12 11. I did not obtain any written records related to Mr.
13 Stankewitz's background or the background of members of his family,
14 and in particular did not obtain his school records, the records of
15 his hospitalization at Napa State Hospital, his medical records, or
16 any records from California Department of Corrections or the Fresno
17 County Jail. I also failed to obtain similar records with respect
18 to any member of his family.

19 12. I did not have a tactical reason for failing to
20 object to the prosecutor's argument to the jury that Billy Bob
21 Brown, the government's only percipient witness, was not an
22 accomplice, was not armed during the episode for which Mr.
23 Stankewitz was on trial, and played no culpable role in the
24 Graybeal kidnapping.

25 13. I did not have a tactical reason for not requesting
26 an instruction that the alleged oral admissions by Mr. Stankewitz
27 that were offered against him at guilt phase and at penalty phase

were to be viewed with caution.

14. I did not have a tactical reason for failing to object to the admission of the writings that were found in Mr. Stankewitz's cell and admitted against him at trial.

15. I did not have a tactical reason for failing to obtain and offer a stipulation that the car in which Mr. Stankewitz was riding that was impounded by the police was not stolen.

16. I did not have a tactical reason for failure to investigate or present evidence of Billy Brown's history as a "snitch."

17. I did not have a tactical reason for my failure to object to the admission of Mr. Stankewitz's statement as to why he attacked inmate Hogan in an incident at San Quentin State Prison presented by the prosecution at the penalty phase.

18. I did not investigate the veracity of the testimony presented against Mr. Stankewitz concerning the car chase in which Mr. Stankewitz allegedly participated in 1973, and had no tactical reason for that failure.

19. It is my recollection that I met Mr. Stankewitz as a result of prior representation of other members of his family, in particular Johnny Stankewitz.

20. At the time of trial I was of course aware that Mr. Stankewitz was a Native American. I did not research or consider the possibility of a motion for a change of venue out of Fresno County based on the pervasive prejudice against Native Americans in the county, or on the basis of my reputation as a judge who had been criticized for bringing religion into the courtroom. I had

1 business interests, church involvement, and other cases in Fresno
2 County and the San Joaquin Valley which would have made it very
3 difficult for me to try the Stankewitz case in another county; I do
4 not recall discussing these concerns with Mr. Stankewitz, but they
5 may are likely to have affected my decision not to seek a change of
6 venue. I in any event did not have a strategic or tactical reason
7 for not considering or researching a change of venue motion.

21. I did not have a tactical reason for failing to
8 request an instruction on the lesser included offense of violation
9 of Vehicle Code Section 10851, based upon the evidence that Mr.
10 Stankewitz did not want to take the victim's automobile permanently
11 but simply to take it temporarily and then return it to her.

22. I did not have a tactical reason for not objecting
12 to the prosecutor's peremptory challenge of the only identified
13 Native American prospective juror at a time earlier than the motion
14 for a new trial.

23. I had no tactical reason for failing to voir dire
15 the jurors on whether their knowledge of my reputation would affect
16 the seriousness with which they took the presentation I made on Mr.
17 Stankewitz's behalf at the penalty phase.

24. I have never believed in the separation of church
18 and state, as I made clear when I was a judge. I recognize that
19 this is a controversial view which is not widely shared. When I
20 presented the testimony of a Deputy District Attorney and the
21 Fresno County Jail chaplain that they believed people could be
22 transformed by the power of God if they let God into their lives,
23 I knew that it was likely that on cross-examination they would

1 state that there was no evidence that Mr. Stankewitz would let God
2 into his life. Nonetheless, I believed that by presenting this
3 testimony, God's will would be done, and accordingly I did so.

4 25. Based upon my normal practice, my billing records
5 for this case would accurately reflect all the time I spent in
6 preparing for the trial.

7 I declare under penalty of perjury that the foregoing is true
8 and correct.

9 Executed in Fresno County, California, on this the 15 of
10 November, 1995.

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14 Hugh Wesley Goodwin
15 HUGH W. GOODWIN
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**FCDA CPRA RESPONSE DATED 2-24-25 -
EXHIBIT 30e**



COUNTY OF FRESNO

Lisa A. Smittcamp
District Attorney

February 24, 2025

VIA NEXT REQUEST

Alexandra Cock
P. O. Box 7225
Cotati, CA, 94931

Re.: Public Records Act Request dated February 3, 2025

Dear Ms. Cock,

On February 3, 2025, the Fresno County District Attorney's Office (the Department) received your request pursuant to the California Public Records Act (the Act) via the NextRequest portal. On February 12, 2025, the Department sent an extension letter to you indicating that the Department required an extension of time to February 27, 2025 pursuant to Gov. Code §7922.535(c)(2), due to the voluminous number of records requested.

Specifically, you request the following records from the Department:

All information is for the period from 1978 – present: the names and case #'s of all people charged with PC 187, all charges in those cases including special circumstances, race of defendant, race of victim(s), age of defendant at time and what sentence they received.

In your request, you seek a list of all homicide cases (Pen. Code §187(a)), filed by the Department between January 1, 1978 and February 3, 2025, the date of the current request. For these cases, you are requesting a list of all charges and enhancements in the case, including whether special circumstances were alleged. The Department interprets special circumstances to mean you are seeking cases in which the Department charged section 187(a) along with Penal Code section 190.2(a)(1) through 190.2(a)(22.). Further, you are requesting the race of the defendant, race of the victim, age of the defendant, and what sentence the defendant received.

The Department does not maintain a record in response to your request. (Gov. Code § 7920.530.) However, it is our purpose to provide assistance to you therefore, we will provide an explanation explaining how queries apply to our case management system.

The Department uses a case management system called eProsecutor. The primary purpose of this management system is for case management and workload distribution, and to share and store case information across the District Attorney's office. Over the years the capability has been developed to be able to design a query within our eProsecutor case management system to retrieve data from designated fields within the system. A query can be designed for our eProsecutor case management system to retrieve data from designated fields. A query, designed to retrieve information from before 2019, would entail a separate search of both the old and new management systems. Our electronic case management system relies on data entered by different staff on various occasions on cases since 1999. The data from cases prior 1999, as early as the late 1970s was previously stored in a separate system, and while some of the information was transferred over to eProsecutor when the conversion occurred, much of it was not. As such, only limited information is available by query for cases between 1978-1999.

What fields of information were created has evolved over time. Historically, there have been no specific requirements for data collection. So, to the extent we were able, we have attempted to create fields most helpful to the prosecution of crimes. But, the information entered has changed over time and the data entry has been lacking in uniformity and consistency. As a result, the information that we are able to retrieve can be inaccurate and varied in regard to reliability. While the information can serve our Department's interests well, the information was not intended for statistical or certifiable record purposes.

For the time period of January 1, 1978 through June 25, 1999, the Department is able to design a query, run it and compile the gathered records into a usable format. By doing this, the Department can provide the lead charge, the age of the defendant and the Fresno Superior Court number.

The Department is prohibited from disclosing both the case number and defendant name, or other identifying information, along with the case disposition, sentence information, or defendant demographic information. Providing a combination of this data would improperly disclose criminal history information that could be used to identify the holder of the record, in violation of state law. (Gov. Code, § 7927.705; Pen. Code, §§ 11141, 11142, 13300-13303; *Westbrook v. County of Los Angeles* (1994) 27 Cal.App.4th 157, 164-166; see *American Civil Liberties Union Foundation v. Deukmejian* (1982) 32 Cal.3d 440, 450 ["Not only names, aliases, addresses, and telephone numbers must be excluded, but also information which might lead the knowledgeable or inquisitive to infer the identity of the individual in question"].) As such, defendant's name and sentence information would not be provided.

Regarding defendant's race, when the conversion into the case management system in 1999 occurred, defendant race information was not transferred over into the new system. This information might be available if it was updated since 2019. As such, the

Department can attempt to retrieve Defendant race information in the unlikely event that it is available.

Regarding victim race, while this information might be available on cases from 1978-1999, such information is directly and solely derived from the records of investigation submitted by the arresting and investigative agencies. Because records of an investigation are exempt from the PRA, and the records containing demographic information of a victim or victims are not made public in any charging document, these records are exempt under Government Code section 7927.705. Further the records containing this information are not available in an electronic format, and are stored within the attorney case notes for each case. As such, retrieving this information would require a hand search of nearly 20 years of criminal files, many of which are stored off-site, are incomplete, and potentially voluminous, making the inquiry unduly time consuming and burdensome. (Government Code § 7922.000.) Additionally, because the victim race information in this instance would almost entirely sourced from the attorney's own case notes entry, they are privileged as attorney work product and are not required to be provided in response to a request under the PRA. (Gov. Code § 7927.705, and § 7922.000.) As such, victim race information will not be provided.

To obtain a list of cases where PC 187(a) is listed as the lead charge for the time period of January 1, 1978 through December 31, 1999, which includes the Fresno Superior Court number and the age of the defendant, it will take approximately **6 hours** to design the query, run it and compile the gathered records into a usable format. The Department's staff member who is able to create such a query has a salary rate of \$77/hour. **For 6 hours at his rate, the estimated amount to generate the lists you have requested will be \$462.00.**

Because your Request requires data extraction, compilation or programming, and are not records that we produce on a regular basis, Government Code section 7922.575(b) provides that the requestor shall bear the cost of producing the cost to construct the record.

Regarding the remainder of your request for the time period of June 26, 1999- February 3, 2025, the date of your request, the Department offers the following response:

As mentioned previously, Department is prohibited from disclosing both the case number and defendant name, or other identifying information, along with the case disposition, sentence information, or defendant demographic information. Providing a combination of this data would improperly disclose criminal history information that could be used to identify the holder of the record, in violation of state law. (Gov. Code, § 7927.705; Pen. Code, §§ 11141, 11142, 13300-13303; *Westbrook v. County of Los Angeles* (1994) 27 Cal.App.4th 157, 164-166; see *American Civil Liberties Union Foundation v. Deukmejian* (1982) 32 Cal.3d 440, 450 ["Not only names, aliases, addresses, and telephone numbers must be excluded, but also information which might lead the knowledgeable or inquisitive to infer the identity of the individual in question"].) As such, defendant's name and sentence information would not be provided.

Regarding defendant's race, the Department can provide this information, when available.

Regarding victim race, this information is directly and solely derived from the records of investigation submitted by the arresting and investigative agencies. Because records of an investigation are exempt from the PRA, and the records containing demographic information of a victim or victims are not made public in any charging document, these records are exempt under Government Code section 7927.705. As such, victim race information will not be provided.

Based on what is explained above, the Department can design and create queries to pull information from the requested categories: Charges Filed, Defendant age, defendant race, enhancements filed, and Fresno Superior Court number for the time period of June 26, 1999 through February 3, 2025, the date of your request.

I am advised that it will take approximately **5 hours** to design the query, run it and compile the gathered records into a usable format. The Department's staff member who is able to create such a query has a salary rate of \$77/hour. **For 5 hours at his rate, the estimated amount to generate the lists you have requested will be \$385.00.**

Because your Request requires data extraction, compilation or programming, and are not records that we produce on a regular basis, Government Code section 7922.575(b) provides that the requestor shall bear the cost of producing the cost to construct the record.

In regard to the records responsive to your Request, the Department requires that you provide payment in advance of the Department's performance of data extraction necessary to produce those records. In the event fewer hours are expended in performing such data extraction, the Department would notify you of the updated total, refund the overpayment, and request payment of the updated amount.

After we receive payment, it is anticipated that the query will be completed within sixty (60) days of the project's commencement. The Department will not begin this data extraction query until it receives the advance payment of \$462.00 or \$385.00 or the combined total of \$847.00.

Please contact the Department to move forward with this request. If the Department does not receive a response within thirty (30) days of the date of this letter, the Department will consider your request withdrawn.

Because your request seems to seek a voluminous number of records, any production may need to be over a period of time, and we may need to ask you whether you wish certain records to be made available before others.

To provide all responsive documents, it might be necessary for the Department to compile data, write programming language or a computer program, or construct a computer report to extract data from the Department's electronic records to respond to your request, at a cost to you. That would take additional time as well. If it

appears that such work is necessary, we will contact you before incurring those costs, to see whether you wish for the Department to proceed with that work.

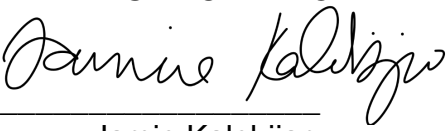
In addition, the Department is not required to create a record in order to comply with your request. (Gov. Code, § 7920.530; Haynie v. Superior Court (2001) 26 Cal.4th 1061, 1075.)

At the time records responsive to each category of records are produced, if any records are to be withheld, the Department will demonstrate that the records in question are exempt under express provisions of the Public Records Act, or that on the facts present, that the public interest served by not disclosing the records clearly outweighs the public interest served by disclosure of the records. (Gov. Code, § 7922.000)

If you have any questions regarding the foregoing, please contact me.

Sincerely,

LISA A. SMITTCAMP
DISTRICT ATTORNEY

By 

Jamie Kalebjian
Deputy District Attorney

**CA DEPT OF JUSTICE CPRA RESPONSE -
EXHIBIT 30f**



February 14, 2025

Alexandra Cock
P.O. Box 7225
Cotati, CA 94931
Sent via email: alexandra@attorneyac.com

Re: Public Records Act Request 2025-00301

Dear Alexandra Cock:

On February 4, 2025, the California Department of Justice (Department) received your request seeking records under the Public Records Act (PRA), as set forth in Government Code section 7920.000 et seq.

Specifically, you requested:

All information is for the period from 1978 – present: the names and case #'s of all people charged with PC 187, all charges in those cases including special circumstances, race of defendant, race of victim(s), age of defendant at time and what sentence they received.

For the reasons set forth below, this office is extending the date for responding to your request to February 28, 2025.

Agencies are permitted to extend the date for responding to a public records request for 14 days beyond the original 10-day deadline for responding under specified circumstances (Gov. Code, § 7922.535). As your request was received by this office on February 4, 2025, the time established for the original response is February 14, 2025. Fourteen days beyond this date is February 28, 2025.

Agencies may invoke the extension for several reasons, which may be summarized as follows:

1. The need to search for and collect records from field offices or other facilities that are separate from the office processing the request.

2. The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request.
3. The need for consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or among two or more components of the agency having substantial subject matter interest therein.
4. The need to compile data, to write programming language or a computer program, or to construct a computer report to extract data.

In this instance, an extension is needed to consult with multiple components of the Department with substantial interest in the records requested.

Sincerely,

A handwritten signature in cursive script that reads "Danielle Brousseau". The signature is written in black ink and is positioned below the word "Sincerely,".

DANIELLE BROUSSEAU, Staff Services Manager I
California Justice Information Services Division

For ROB BONTA
Attorney General

**CDCR CPRA REQUEST DATED 1-13-25 -
EXHIBIT 30g**

From: [CDCR Public Records](#)
To: [Alexandra Cock](#)
Subject: [Records Center] Data Concierge Service :: C022515-011325
Date: Tuesday, February 4, 2025 2:55:36 PM

Attachments:

[INV25-C022515-1_242025.pdf](#)

--- Please respond above this line ---



RE: PUBLIC RECORDS ACT REQUEST January 13, 2025, Reference # C022515-011325

Dear alexandra cock,

This letter is in response to your Public Records Act request dated January 13, 2025 in which you requested the following records:

“Please provide a list of every prisoner who is currently serving LWOP from Fresno County, including their date of admission and age of admission and sentencing date.”

CA Department of Corrections and Rehabilitation has identified non-exempt public records responsive to your request.

As stated in PRA C022651-01162, this PRA request will be responding to both C022515-011325 and C022651-01162’s request.

As such, CDCR can provide a list of incarcerated individuals currently in CDCR’s in-custody population who are serving a Life Without Parole (LWOP) sentence on any offense, and have a Sentencing County of Fresno on the case with the LWOP sentence.

Additionally, CDCR can also provide a list of the above cohort, but for those who have an LWOP sentence on a first degree murder offense, excluding attempts and conspiracies.

For both of these lists, the data elements will include the following:

- First Name
- Last Name
- Admission Date
- Age at Admission
- Sentence Pronounced Date

Pursuant to Government Code sections 7922.000, Government Code section 7927.705, incorporating: the protections enumerated in the Eighth Amendment to the United States Constitution, the holding of the United States Supreme Court in Farmer v. Brennan, 511 U.S. 825, 832-834 (1994), Right to Privacy as stated in the California Constitution Article 1, section 1, and WIC 827, these data will exclude identifying information pertaining to offenders under the age of 18, where disclosure is prohibited by law, and those who CDCR has determined that the release of their information would create an unreasonable risk of danger to themselves.

An invoice with itemized costs is attached. To pay electronically with a debit/credit card (Visa, MasterCard, and Discover) through the CDCR Public Records Portal choose “My Request Center” and then choose “View My

Invoices". Log in when prompted and then choose "Make Payment". Please note that there is a non-refundable 2.3% transaction fee associated with each debit/credit card payment.

Please make checks or money orders payable to "California Department of Corrections and Rehabilitation". Please also include reference to the "PRA No. C022515-011325" in the appropriate section of the check or money order.

Please mail checks or money orders to:

CA Department of Corrections and Rehabilitation
ATTN: CDCR-ASB-Rancho Cucamonga
P.O. Box 6000
Rancho Cucamonga, CA 91279-6000

Records will be provided promptly upon payment.

If you have any questions or need additional information, you can manage your request through the CDCR PUBLIC RECORDS PORTAL.

Sincerely,

Calvin Nguyen
Information Technology Associate
CA Department of Corrections and Rehabilitation

To monitor the progress or update this request please log into the [CDCR PUBLIC RECORDS PORTAL](#)



**CDCR CPRA RESPONSE DATED 3-11-25 -
EXHIBIT 30h**

From: [CDCR Public Records](#)
To: [Alexandra Cock](#)
Subject: [Records Center] Data Concierge Service :: C022515-011325
Date: Tuesday, March 11, 2025 8:48:01 AM

--- Please respond above this line ---



RE: PUBLIC RECORDS ACT REQUEST January 13, 2025, Reference # C022515-011325

Dear alexandra cock,

This letter is in response to your Public Records Act request dated January 13, 2025 in which you requested the following records:

"Please provide a list of every prisoner who is currently serving LWOP from Fresno County, including their date of admission and age of admission and sentencing date."

CDCR anticipates providing you with your responsive records within 30 days of the payment receipt date.

If you have any questions or need additional information, you can manage your request through the CDCR PUBLIC RECORDS PORTAL.

Sincerely,

Calvin Nguyen
Information Technology Associate
CA Department of Corrections and Rehabilitation

To monitor the progress or update this request please log into the [CDCR PUBLIC RECORDS PORTAL](#)



**DECLARATION OF VINCE SCHIRALDI
DATED 3-14-25 -EXHIBIT 30i**

SUPERIOR COURT OF CALIFORNIA, COUNTY OF FRESNO
CENTRAL DIVISION

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

vs.

DOUGLAS R. STANKEWITZ,

Defendant.

Case No. CF78227015

DECLARATION OF VINCENT N.
SCHIRALDI

I, Vincent Schiraldi, declare under the penalty of perjury, that the following is true and correct to the best of my knowledge:

1. I am a resident of the County of Montgomery, State of Maryland. I am over the age of 18 and if called upon to testify, can competently testify to the facts as set forth in this declaration.

2. I am currently the Maryland Secretary of Juvenile Services, Baltimore, Maryland. Prior to my current position, I was a Senior Fellow and Senior Research Scientist at the Columbia University Justice Lab, New York, New York. During 2021, I was the Commissioner, New York City Department of Correction. From 2017 – 2021, I was a Senior Research Scientist and Adjunct Professor, Columbia University. Prior to then, I was the

Western Regional Director of the National Center on Institutions and Alternatives (NCIA), and founder and Executive Director of the Center on Juvenile and Criminal Justice, both of which were national, private, non-profit organizations working with defendants and formerly incarcerated persons. Through both positions, I have frequently been called upon to assess the impact of particular offenders' backgrounds on their current behavior, and to evaluate how background factors have affected current behavior.

3. In the capacity of Executive Director and President of CJCJ, I founded and direct all facets of the organization's operations. In the year prior to my leaving CJCJ (2004), the organization worked with over 3,000 adult and juvenile offenders either facing sentencing or returning to the community from jail or prison. During the course of my work with NCIA and CJCJ, I have personally prepared over 250 reports for defendants awaiting sentencing in Federal, State and juvenile courts in 13 different states. Nine of those reports were prepared for defendants facing the death penalty in Federal and State Courts in California, Nevada, and Oregon. On each of those cases, I was court appointed as an expert witness.

4. Additionally, I have supervised the provision of over 500 sentencing reports by personnel in my office. The National Center on Institutions and Alternatives, by whom I was trained and employed for eight years, has prepared over 8,000 reports in all 50 states and 75% of the Federal jurisdictions nationwide. Prior to my position as founder and director of NCIA's Western Regional Office in San Francisco, which commenced in 1985, I founded and directed NCIA's New York City Office from 1983 to 1985.

5. I have attended at least ten workshops on how to prepare background history reports for defendants awaiting sentencing, at least three of which were devoted to the

development of background histories in capital cases. I have also read over 25 articles and reports on preparation of background histories in capital cases. I have lectured at sentencing and criminal justice training workshops before the National Legal Aid and Defender Association, the California Administrative Office of the Courts, the Center for Judicial Education and Research, the American Correctional Association, the American Society of Criminology, the Western Society of Criminology, and the National Community Sentencing Association. I was formerly Vice President of the National Association of Sentencing Advocates, a nationwide professional association for persons who prepare sentencing reports.

6. Additionally, I have written numerous articles about the preparation of sentencing reports, which have been published in the San Francisco Recorder, the San Francisco Lawyer, Federal Probation, and the California Attorneys for Criminal Justice Forum.

7. As part of my employment with CJCJ and NCIA, I have personally performed several system-wide analyses of adult and juvenile correctional systems. Under contract with the U.S. Department of Justice, I performed analyses of the local correctional systems for Santa Cruz and Sonoma Counties. Under contract with the State of Hawaii, I performed a multi-phase analysis of the Hawaii Juvenile Justice System. With funding from a private foundation, I performed an analysis of the unified correctional system for Dodge-Filmore-Olmstead Counties, Minnesota.

8. Prior to my employment with NCIA, from 1980 - 1982, I served in a counselor position with the New York State Division for Youth, where I was responsible for the management of a group home containing seven juvenile delinquent boys. In 1989, I was a

foster parent for a severely emotionally disturbed juvenile delinquent.

9. In 1983, I obtained my Masters in Social Work Degree from New York University. During that time, I was trained over a two year, 60 credit course of study, in the evaluation and treatment of individuals suffering from a variety of psychiatric and emotional problems. From 1977 - 1981, I attended the State University of New York at Binghamton, from which I obtained my Bachelors of Arts Degree in Social Psychology.

10. In 1990, I was appointed as the founding President of the San Francisco Juvenile Probation Commission. This Commission is unique among California counties in that the jurisdiction over the Juvenile Probation Department rests with the commission, rather than with the Superior Court. I served on that Commission until my term expired in 1992.

11. From 1988 until 1990, I was a member of the California Blue Ribbon Commission on Inmate Population Management. That Commission included two Superior Court Judges, the Attorney General, a Police Chief, a Sheriff, a District Attorney, a Chief Probation Officer, a Probation Officer, a Prison Guard, the directors of the Department of Corrections, California Youth Authority, Board of Prison Terms, Youthful Offender Parole Board, and Youth and Adult Correctional Agency, as well as several academics and researchers. The Commission's charge was to examine the California Youth Authority and California Department of Corrections and to make recommendations to the Governor and the Legislature on the most efficient, safe, and cost-effective method of operating those departments. The Commission took testimony from a divergent group of experts during our two-year life-span, producing a widely heralded report in 1990.

12. From 1992 to 1994, I was a member of the Criminal Justice Subcommittee of

the California Commission on the Status of African-American men. The Subcommittee is charged with the duty of evaluating the impact of youth and adult corrections of African American Men. I was also a member of both the Criminal Justice and the Juvenile Justice Advisory Committees of the Commission on California State Government Organization and Economy (Little Hoover Commission).

13. From 2015 to 2017 I served as Senior Advisor to the Mayor's Office of Criminal Justice in New York City. From 2010 to 2014, I served as Commissioner of the New York City Probation Department. From 2005 to 2010, I served as Director of the District of Columbia Department of Youth Rehabilitation Services, D.C.'s executive branch juvenile justice agency. I was also Commissioner of the New York City Department of Correction in 2021 and am currently Secretary of the Maryland Department of Juvenile Services. I am writing this in my personal capacity.

13. In my opinion, the expertise I bring, based upon my training and experience as an expert witness in background history development and testimony exceeds that which either defense counsel or investigators possess by themselves. Neither defense counsel nor investigators are trained to elicit key background information from the defendant, his family, his friends, and even his detractors. The years of counseling experience and interviewing techniques geared toward extracting this type of sensitive information about emotionally difficult events which have transpired in the lives of deeply emotionally disturbed individuals is exactly the realm of the social work profession. Within that profession, I possess specific training and experience relative to criminal offenders in general, and capital cases defendants in particular.

14. At the request of his then habeas defense counsel in the 1990s, Robert R. Bryan, I interviewed Douglas Stankewitz on several occasions. Both prior and subsequent to those interviews, I reviewed extensive background information regarding Douglas Stankewitz. Additionally, I personally interviewed several people who knew Douglas as a youth. The purpose of my work was to develop a full and complete background analysis of Douglas Stankewitz, and to comment on the effect of his background on his actions. I originally wrote this declaration in 1994. I updated this declaration in 2025 primarily to include the current status of Douglas's siblings and to include reference to two articles that I wrote regarding juvenile and young adult brain development.

15. Douglas Stankewitz was reared in an extraordinarily dysfunctional family. Both of his parents and each of his siblings have either died prematurely or have been incarcerated during their lives or, in some cases, both. Doug's mother, Marian Louise Sample Stankewitz, was an alcoholic who was arrested on ~~one~~ two occasions for physically abusing Doug, and was imprisoned on another occasion for homicide. Doug's father, William Stankewitz, was an alcoholic who was largely absent from the home. William was also a member of a violent, substance-abusing motorcycle gang. So chaotic was his upbringing that there was an occasion when Doug could not be returned home from foster care because both of his parents were imprisoned. Further, there was a point in time during 1992 when three of Doug's brothers were imprisoned in Pelican Bay State Prison, California's prison for hard *core, incorrigible prisoners.*

16. When Doug was not being reared in an abusive atmosphere at home, he was subjected to horrific, but not atypical, abuses in the various state-run institutions in which he

was held. During Doug's 19 placements, he was massively and unnecessarily drugged, tied to beds, beaten, sexually molested, neglected, deliberately tortured, and otherwise abused by staff. Even during his most solid and stable foster home placement with Rosamond Bollmeyer between ages seven and 11, there is evidence of profound sexual abuse.

17. The tragic instant offense occurred less than one month after Doug's release from jail. Prior to that time, from March 23, 1965 when he was first placed in Napa State Psychiatric Facility, until his arrest on the instant offense on February 9, 1978, a period of nearly 13 years, Doug spent all but 16 months in one form or another of government care. During the 48 hours which preceded the murder of Theresa Graybeal, Doug did not sleep, he consumed substantial quantities of alcohol, heroin, and methamphetamine, he was erroneously detained by police for an unfounded motor vehicle theft, and he had learned about the shooting of his brother.

18. Doug's unstable, violent and neglectful early childhood, along with the abuse he experienced in state care, and the disjointed nature of his upbringing, profoundly and very negatively affected his development. Combined with the severe substance abuse, sleep deprivation, and highly emotional nature of the period immediately preceding the instant offense, Doug's background history is critical both with respect to an analysis of his ability to form intent, and to penalty mitigation.

19. Parents

Father - Robert William Stankewitz

Robert William Stankewitz (nickname "Sonny") was born to the union of Irene (nee Page) and William Stankewitz, in Oklahoma, on July 24, 1933. Irene was Caucasian and

William, Sr. was part Caucasian and part Native American. The Stankewitz family moved from Oklahoma to Bakersfield, California in approximately 1938. These were the so-called "Dustbowl" days, when so many Oklahomans (as many as 10,000 per day at one period) moved to the Central Valley of California to flee the abject poverty brought about in Oklahoma by the combination of a record drought and the Great Depression. They were often met in California with tremendous resistance, including police barricades and civilian mobs established to prevent their immigration to Central valley corridor towns.

20. When Sonny was two years old, his parents separated, and Sonny was raised by his maternal grandmother. Although his mother subsequently remarried, Sonny remained with his grandmother until he enlisted in the military, underage, at the age of 16, in 1949. He was honorably discharged for being a minor in 1951. Sonny and his grandmother lived in Bakersfield for a few years before moving to the Fresno area. Both of Sonny's parents were described as alcoholics.

21. Sonny Stankewitz was himself an alcoholic who spent most of his time on the road as a truck driver. According to Marian Sample Stankewitz, Sonny's wife and Douglas' mother, Sonny came home for a day or week every several months -- "just long enough to get me pregnant and leave. When Sonny was home, he spent most of his evenings in bars or out with friends."

22. Sonny was extremely abusive to Marian and the children. Several of those interviewed talked about the severity of the beatings Sonny inflicted upon Marian. Indeed, according to Marian:

My husband beat me bad when I was pregnant with Douglas. He beat me so bad one time that he broke my nose. I had a black eye, too. That was

the worst beating I ever got from him. I was pretty big when it happened. It must have been when, I was five or six months pregnant. He'd kick me in the stomach a lot. He'd hit me in the face. I'd have black eyes and a busted lip.

Sonny was arrested in 1960 for "wife beating" and was convicted on separate occasions of "non-support" and "failure to provide for a minor." For this latter offense, he received a 180-day jail sentence.

23. Sonny married Marian Sample in 1955. In 1968, Sonny was sent to Soledad Prison for the offense of armed robbery. This offense occurred when Sonny and six other members of his motorcycle gang -- the Lucifer Knights -- robbed and shot up a local bar. The Lucifer Knights was a gang in the Fresno area known for their violence and substance abuse. In sentencing Sonny Stankewitz for this offense, Honorable L. I. Meyers of the Fresno County Superior Court stated:

This defendant has long been identified with an outlaw element of society STANKEWITZ appears to be a man of low intelligence, without education, who sees himself as a criminal. He dislikes law and law enforcement. He has no respect for the rights or feelings of others, and he likes violence. His rehabilitation will certainly tax the resources of the Department of Corrections.

I have no helpful suggestions but feel that he will be definite menace to society until there are substantial changes in his attitude.

24. In addition to his 1968 armed robbery offense, Sonny Stankewitz' rap sheet includes arrests for escape (from a California Youth Authority facility), forgery, disturbing the peace, drunk, contributing to the delinquency of a minor, fighting, probation violation, parole violation, battery, petty theft, and robbery. Mr. Stankewitz spent time in prison, jail, and the California Youth Authority.

25. Sonny and Marian separated when Mr. Stankewitz was sent to prison in 1968.

They were never legally divorced. Approximately five years prior to their separation, Sonny had also begun living with another- woman, Eva Rodriguez, in Reno, Nevada. Mr. Stankewitz fathered two children with Ms. Rodriguez. During the course of their marriage, Sonny also lived with two other women.

26. Sonny Stankewitz was released from Soledad on December 24, 1971. Because Marian Stankewitz was in prison for a manslaughter conviction at the time, Douglas Stankewitz, then age 13, was placed with his father for a brief period. This was the first time Doug had lived with Sonny since 1965, when Doug was age five, and the only time Sonny was Doug's primary caretaker. In less than one month, Douglas was picked up as a runaway because Sonny had beaten Doug's brother Johnnie so badly that Doug left home. Doug was never again placed with Sonny.

27 Sonny Stankewitz died of a heart attack in 7/29/1980. Since he was still legally married to Marian, she was his widow.

28. Mother - Marian Sample Stankewitz

Marian Sample was born on December 25, 1934, to the union of Mae and Sam Sample on the Mono Indian Reservation in Auberry, California, where she was also raised. She had three brothers, Jack, Floyd, and Herbert (who was incarcerated in Folsom Prison, now deceased), and three sisters, Margaret, Wilma, and Arcie. All of Marian's siblings had alcohol problems, including Marian, and all have arrest records. Indeed, Marian's sister Wilma and her oldest son, Frank Montgomery, were arrested as recently as 1993 on rape charges.

29. Marian worked most of her young life as a farm laborer, picking grapes and

vegetables. She was sent to boarding school from age seven to age 12, along with several of her siblings, because their parents were having marital problems.

30. Marian began drinking alcohol and engaging in sexual relations at the age of 15. She left school in the ninth grade when she became pregnant with her first child. Before she was age 20, Marian became pregnant three times and bore two children out of wedlock to different fathers. Her first son Frank Montgomery was born in 1951 when Marian was age 16. After that, at age 17, Marian became pregnant with twins, whom she miscarried. In 1954, when Marian was age 19, Gary Lewis, her second son, was born.

32. Marian met Sonny when he was the foreman on a farm where she was picking grapes. Sonny had recently been released from prison. The couple was married on January 18, 1955, when Marian was 21 and Sonny was 22.

33. When Marian left home to live with Sonny, her mother let her take her second son, Gary Lewis, but not her first son, Frank Montgomery, with her. Frank Montgomery was raised by his maternal grandmother until he was approximately age 15.

34. On August 17, 1955, fewer than nine months after they were married, Glenda Stankewitz was born to the union of Sonny and Marian Stankewitz. It was during Marian's pregnancy with Glenda that Sonny first began to physically abuse her. Marian caught Sonny in bed with Marian's sister, Wilma Sample. Sonny knocked Marian down and held a knife to her throat at the time.

35. Over the next 11 years, Sonny and Marian bore 9 children. Marian reports that on each occasion, Sonny denied parentage of the Stankewitz children, although he often came to accept that he was their father after they were born. Sonny consistently failed to supply any

child support.

36. Sonny's failure to pay child support and the difficulty with obtaining welfare support when one is married to someone who has a job caught Marian in a bind that left her and her children destitute and poor. This necessitated their moving "every few months" according to Marian and meant that she had to depend on charity often to feed and clothe her children. Marian's sister Margaret Marquez (nee Sample) recalls:

A lot of times there was no food in the house. Sometimes we'd save our oatmeal for them because they had nothing. Sometimes, I'd give them a bag of potatoes just so they would have something to put in their stomachs.

37. The Stankewitz family's poverty was also documented throughout the years by various human service workers with whom the family came into contact. In a letter dated December 8, 1965 from Deputy Probation Officer Joe R. Walden, he states:

"Placement of the minor (Doug) with his natural parents is out of the question at this time. The minor's mother is currently living on the Indian reservation in Auberry in a sub-standard dwelling without electricity or running water. The whereabouts of the minor's father are unknown. The minor's siblings have all been temporarily removed from the custody of their parents..."

38. A 1970 letter from James L. Caffee to Probation Officer Roger R. Nelson states that Mrs. Stankewitz "has 10 children at home from three different fathers and that all of the kids are in some kind of problem, either with the school or society and she is now being evicted from her home." In a 1967 probation report relative to Willie Stankewitz, the probation officer noted that:

...there were no improvements or efforts made to upgrade the standards of housekeeping and that Mrs. Stankewitz still maintains her negative attitude. The house was found to be infested with cockroaches and fleas. Milk cartons and other articles were strewn all over the floor. That the children often could not eat at the table because the cockroaches over ran it. The sleeping arrangements were inadequate . . . with five children often sharing one bed.

39. Marian describes massive alcohol consumption, before, during and after pregnancies. She also relates that Sonny was consistently abusive of her during his short periods at home. Indeed, during her next pregnancy with twins in 1956, Sonny beat Marian so badly that he was jailed for it. All of the Stankewitz children, including Doug, regularly witnessed these beatings. The children witnessed one occasion when Sonny attempted to run Marian over with the family car. The children all looked on in tears. The couple's oldest daughter, Glenda, recalls often trying in vain to shield her younger siblings from witnessing these violent episodes.

40. Like Sonny, Marian has a criminal arrest record and has spent time in both jail and prison. According to California Department of Corrections ("CDC") records, Marian's record includes arrests for assault with a deadly weapon, grand theft auto, disturbing the peace and drunk driving. In addition, in 1957, Marian served a 90 day-sentence for battery.

41. On October 21, 1971, Marian plead guilty to involuntary manslaughter and was sentenced to six months to 15 years in prison. Marian had been at a July 4th celebration called the "Logger's Jamboree" attended primarily by Native Americans, when she got into an argument with Ray Charles Walker. When Mr. Walker slapped Marian, she produced a gun from her purse and shot and killed him. Marian stated about the celebration "this happened on every celebration. The Indians get together and get drunk and fight and the next day they are friends again. If I wasn't drunk this would never have happened..." Prior to her release from prison, CDC psychiatrist Joseph F. Roh, M.D. wrote "Her violence potential while institutionalized was average and upon release it would probably increase and become moderate to high. She has a serious problem with alcohol and if possible she should attend

AA."

42. While in prison at the California Institute for Women, Marian attended and completed a nurse's aide training course. Marian was able to obtain employment as a nurse's aide upon release. Marian was employed in this profession for approximately the next 10 years until she retired due to bad health (diabetes and arthritis). Marian's diabetes necessitated the amputation of both of her legs and she received dialysis three times per week. She passed away on November 12, 1995.

43. Siblings

In my 45 years practicing in the field of criminal and juvenile justice, I have never seen a group of offspring who document and attest to their family's dysfunction more clearly than is the case in the Stankewitz family. The Stankewitz family is unique because of the high number of siblings, the fact that they have all been incarcerated or died prematurely and the severity of the abuse and neglect that they experienced. With Douglas being among the youngest, he was especially susceptible to be influenced towards criminality. The following is a listing of the children born to Marian and to Marian and Sonny, along with pertinent information about each.

44. Frank Montgomery – half brother - deceased (unknown date)

Frank Montgomery has been incarcerated in both jail and state prison on numerous occasions for both property and violent offenses. He was also a substance abuser at a very young age. He died in prison while serving a life sentence.

45. Frank Montgomery did not live with the Stankewitz family until he was a teenager, when he went to live with his mother because his grandmother could no longer

control him. When Frank moved in with the Stankewitz family, he is described as being violent and sadistic to the younger Stankewitz children, particularly Doug. At the age of 17, Frank was charged with murder.

46. According to Glenda Stankewitz Padilla, Frank would regularly beat her and her younger siblings and actually stabbed her on one occasion. Additionally, Frank would force her and Gary Lewis to steal under threat of abuse. Glenda relates:

When Frank came home, he was really mean. He'd hit my brothers and sisters. I'd try to protect them, and he'd beat me up. My mom wanted him to take care of us.

The paddy wagon brought me and Gary home one time for stealing sodas. But we couldn't tell my mom it was because of Frank, so we got beat up with boards. My mom did that.

He was a bad role model. He'd sniff airplane glue all the time, and my brothers would see that and there was nothing I could do. I couldn't tell my mom about anything because she thought she needed him. If we told my mom he did it, we'd get beat up by him. So I couldn't tell on him or I'd get beat up twice, by him and by my mom. I don't know if he was her favorite, but she let him do whatever he wanted.

47. Frank Montgomery was released from prison in July 1993 where he was serving time on a parole violation after an original commitment for robbery. What we know from law enforcement and other records is that in May 1973, Frank was serving a sentence in the California Youth Authority, and in 1979, he was in Soledad. During the investigation of my original report, he was living in a bedroll in the woods in a rural section of Fresno County. His parole was again revoked after he was charged with the offense of rape. His co-defendant was Marian's sister Wilma Sample.

48. Gary Lewis – half brother - deceased 5/8/1997

As is the case for several of the Stankewitz children, Gary "Tramp" Lewis has served time in Pelican Bay state prison, California's prison for serious recalcitrant offenders.

According to records, Gary was in juvenile hall in 1965 (age 11) and again in 1971 (age 17). He was in the Fresno jail in May 1973, and in Deuel Correctional Facility in 1978. According to Glenda Stankewitz, she and Gary "hit the streets" and became runaways and substance abusers at the extraordinarily young ages of 13 (for her) and 14 (for Gary). At age 15 (for her) and 16 (for Gary) they both became heroin addicts.

49. Prior to his death, Gary was incarcerated in the Los Angeles County Jail and was described by family members as a violent person with prison gang affiliations.

50. Glenda Mae Stankewitz Padilla – sister - deceased 12/26/2015

Both Glenda and Marian report that Glenda did a good deal of the child rearing in the Stankewitz family, although only a child herself (she was only three years older than Doug, for example). Glenda reports:

When I left home, my mom wasn't even drinking. But I was fed up. I didn't want that responsibility [of raising all the children]. The first time I left, my mom put me in juvenile hall, but even then I didn't want to go home. I had my first child when I was 15. I lost him when he was a month old. That's when I kind of freaked out. That's when I got into dope.

51. Glenda had numerous arrests and has served time in prison for drug sales. Indeed, Glenda was arrested, tried and convicted for possession of PCP while Doug was going through his second trial in 1983. This arrest occurred in the courtroom in which Doug was being tried.

52. Glenda and her mother often had a volatile relationship. At the time of the instant offense in 1978, Glenda and Marian lived together in Sacramento. During this time, Glenda reports that Marian brandished a gun at Glenda, and Glenda in turn beat Marian up.

53. After a 20-year heroin addiction, Glenda was clean and sober for the rest of

her life.

54. Wilma Roberta Stankewitz – sister - (deceased in 1979 at age 22)

Wilma was placed in foster care from 1965 until 1973. She was killed in an automobile accident in Los Angeles in 1979.

55. William "Willie" Robert Stankewitz – brother - age 68

Willie was known to the Fresno County Probation Department from age seven (1965). Prior to 1974, he appeared before the court on at least seven occasions. Willie committed a series of robberies as a teenager for which he was placed in the California Youth Authority. In 1973, Willie, his friend Emmet Riley, and his cousin, Charlene Marquez were involved in a robbery resulting in the stabbing death of Riley. In a 1973 report from the California Youth Authority relative to Willie, it is noted that lack of supervision and disrespect for authority in the Stankewitz home predisposed the children to delinquency. At that time, five of the eleven Stankewitz children were delinquent wards of the court and Frank Montgomery, an adult, was incarcerated on a homicide charge.

56. Willie reports that he began sniffing glue at the age of eight and that he taught his brother, Doug, to do so when Doug was only five years old. Willie regularly supplied Doug with drugs such as heroin, marijuana, methamphetamine, and alcohol. During the writing of my original report, Willie was incarcerated in California State Prison, Los Angeles County. During his time at Pelican Bay State Prison, a prison for California's worst offenders, he managed to get himself placed in Administrative Segregation.

57. Glenda Stankewitz Padilla reports that, for some reason about which she is not clear to this day, all of Doug's older brothers -- Frank, Gary, and Willie -- used to pick on and

tease Doug constantly. According to Glenda:

I don't know why they picked on him. He was the quiet one. Johnny was hyper and wild. And Doug was the loving one. He was not like my other brothers. Doug was loving toward animals. I never saw my other brothers love things like that.

The kids never stayed in the house. They played outside and picked on Doug. The boys picked on Doug a lot. They always picked on him. When I would hear him start to cry, I would run out there. I was always out there to stop it because my dad held me responsible. I'd tell him not to cry because my dad didn't like that. And if they didn't stop, I would get beat up for it.

Having been admitted to CDCR in 2003, Willie is serving a life sentence at Kern Valley State Prison.

58. Douglas Ray Stankewitz - age 66

59. John Ray Stankewitz – brother - (deceased 4/4/1990 at age 30)

By the astonishingly young age of eight, Johnnie Stankewitz was a delinquent ward of the court. Johnnie Stankewitz was incarcerated in the Fresno County Juvenile Hall and in the California Youth Authority, Preston Institution, by age 12. Johnnie spent most of his life in foster homes, like so many of his brothers and sisters. Along with Doug, John was involved in the robbery/car chase/shoot-out which resulted in the death of Eddie Davis in 1973.

60. It is important to note here that, in considering Douglas Stankewitz' involvement in this shootout about which the jury heard from witnesses George Key and the arresting California Highway Patrol officer, no mention was made of the fact that Johnnie was also in the vehicle. It was made clear to the jury that shots were fired from the back seat of the car while Eddie Davis was driving. The jury was falsely told that Doug was the only passenger, leading to the inescapable conclusion that Doug had fired shots on police officers. Surely this was a circumstance in aggravation which weighed heavily in the jury's decision-

making.

61. In 1981, John was shot in the back, his spleen was badly damaged, and he was paralyzed from the waist down. Although his family reports that he died in 1990 from complications from this shooting, his death certificate indicates that the cause of death is an overdose of cocaine and heroin.

62. Roger Lee "Lonely" Stankewitz – brother - deceased (unknown date)

Roger recalled when he was placed in a foster home at the age of three when his mother was incarcerated for child abuse as follows:

All I remember, it was around 2:00 a.m. and the social worker took my brothers and sisters to the hospital to check for bruises and lice. Then I remember sitting in a car next to the window and my sister telling me to run away.

I did not know what she meant, but I guess she knew that we were being taken away and that we were not going to be together.

I was taken to a foster home in Fresno. They raised me like a girl. They taught me how to cook and sew. I never learned sports.

63. Roger was placed in the adolescent section of Camarillo State Hospital in 1978, and has spent time at NORCO, a correctional drug rehabilitation facility, for numerous petty theft and burglary charges. Roger was a transvestite prostitute, living in a single room occupancy hotel in the Chinatown section of Fresno. He evidenced an ongoing substance abuse problem.

64. Rhonda Sue Stankewitz – sister - deceased in 1986 at age 24

Rhonda was also in foster care from 1965 (age two) until 1973 (age 10). Prior to 1972, three dependency petitions were filed on behalf of Rhonda. Rhonda was stabbed to death by her lover at the age of 24.

65. Theodore Floyd "Teddy" Stankewitz – brother - age 60

Theodore was also removed from the Stankewitz home in 1965, at the age of one, and spent the next 13 years of his life in foster care: admitted to CDCR in 2003, Teddy is currently serving a life sentence at Avenal State Prison. He has also served time in prisons in Folsom and Calpatria.

66. Rodney Stankewitz – brother - age 58

Rodney Stankewitz was paroled from Pelican Bay State Prison on July 15, 1992, where he was imprisoned on the charges of robbery and rape. Admitted to CDCR again in 2006, Rodney is currently serving time at San Quentin State Prison.

67. Douglas Ray Stankewitz

1958 - 1966 Chaotic, abusive upbringing at home resulting in placement in a psychiatric facility

68. Douglas Ray Stankewitz was born to the union of Marian and Sonny Stankewitz on May 31, 1958. From even prior to Doug's birth, the chaotic and violent nature of life in the Stankewitz family is evident. According to Marian Stankewitz, she consumed massive quantities of alcohol during her pregnancy with Doug. Marian reports that during that pregnancy, she would often begin drinking on Friday night and drink straight through the weekend, combining beer and mixed drinks.

69. In addition to her alcohol consumption during her pregnancy with Doug, Marian was the victim of numerous savage beatings while Doug was in utero. These included blows to the abdomen as well as to the face. Indeed, when Doug was born, his father was absent because he was serving a jail sentence for battery.

70. In utero abuse and alcohol consumption by pregnant women have been shown to correlate with neurological impairment and fetal alcohol syndrome.

71. Despite these numerous incidents of alcohol consumption and physical trauma, Marian never went to see a doctor during her pregnancy. Marian reports that she never saw a doctor prior to giving birth to any of her children, but that she would "just go in when I was ready to have the baby."

72. Doug was taken to the Emergency Room at Fresno Hospital on three separate occasions prior to his first birthday. At the age of one, he was cared for for a period of time by his aunt Margaret Marquez.

73. As early as age six, in his pre-first grade report from school, it is clear that the effects of Douglas' abuse and neglect at the hands of his parents was taking its toll.

According to a report by Mildred Wilkens of Lowell School in Fresno:

Many behavioral problems...Some days comes in happy and would do work to best of his ability and seem to be enjoying himself. A little later with no visible or apparent reason he would get a stubborn streak, refuse to participate in either group activities or alone...Sometimes, if left alone, he would join his group. Other times he would run out the door, yelling, kicking and screaming.

74. By this time, Douglas' disjointed upbringing was clearly resulting in his being an outcast by his agemates. According to Ms. Wilkens, she would inform the other children in Doug's class that "we have to help Doug with rules, and to be kind to him... The children seemed to understand and not resent it, and they knew that they were not to act like he was acting."

75. Ms. Wilkens went on to note that "surprise" incidents (like a substitute teacher) generally made him embarrassed and then angry and he would misbehave. Further,

she reports that at this age, Doug was unable to sit still for long enough to read and do other tasks that his agemates were doing.

76. Each of these indicators - restlessness, volatility of mood swings, inability to adapt to minor changes, and being perceived even by five-year-old agemates as exhibiting age-inappropriate behavior - are early signs of the abuse, neglect, and general deprivation that Douglas was experiencing at the time. Additionally, Douglas began to exhibit a speech impediment as well. All of these are behavioral manifestations which correlate with neurological impairment.

77. It is common for teachers who are unaware of either physical abuse in their students' homes or of neurological impairments to conclude that misbehavior occurs for "no visible or apparent reason" as Ms. Wilkens concluded. Often such behaviors are treated as controllable misbehavior which the child is simply refusing to alter rather than neurological impairment or fetal alcohol syndrome over which the child has no control. Furthermore, since Doug's physical abuse occurred prior to the passage of the Juvenile Justice and Delinquency Prevention Act of 1974, it was extremely uncommon for school professionals or Child Protective Service workers to "pry" into the private lives of families in which abuse was suspected.

78. In November 1964, Douglas was the victim of a documented, severe beating by his mother Marian. According to the police report dated November 18, 1964, the police received a report that an injured or sick boy was wandering alone in the streets. They picked Douglas up and observed signs of a beating on him. The police stated that "he almost appeared in shock."

79. Marian Stankewitz admitted to police that she beat Doug severely with an ironing chord, and that she was "having trouble with the boy." She stated that she was sick and had just gotten out of bed, and that that may have contributed to her actions. Her husband, Sonny, was in jail at that time. Due to the large number of children in the home (nine) and the fact that her husband was in jail, the police released Marian with a warning.

80. Less than three months later, on February 13, 1965, Douglas was brought to the police station by a citizen who said he found Doug on his doorstep. Less than two weeks after that, Doug showed up on his neighbors' doorstep because he had again been beaten by his mother with an extension cord. Officers found extensive welts on his back and all over his body, and suspected that "possibly some other method was used" as well.

81. Marian again admitted that she had abused Doug, stating that he had dropped his one-year-old brother, Teddy, on the floor. Both William and Glenda Stankewitz report that physical and emotional abuse was the norm in the Stankewitz family, more often at the hands of Marian than Sonny.

82. All of Marian's children were taken from her at this time, and she was jailed for this offense. Douglas remained in the hospital from February 26, 1965 until March 9, 1965. During his hospitalization, Douglas was so distraught that physical restraints were used on him which he frequently chewed through.

83. On March 9, and then again on March 10, 1965, Doug was placed unsuccessfully in two consecutive foster homes. Joe Walden, former Director of Institutions for the Fresno County Probation Department, was Doug's probation officer at the time. He described Doug's life circumstances in a letter dated June 22, 1992, as follows:

My recollection is that you were either 6 or 7 years old when I encountered you. The circumstances of our meeting were that you had been removed from your parents' custody as a result of your mother beating you with an electrical cord. You had been placed in a foster home and kept threatening to run away. The day prior to my meeting you, you had attempted to run away from the foster home while the social worker was visiting you. She had to chase you across the field before she could catch you and bring you back. She sprained her ankle in the process. When your runaway threats continued, she called me and asked for my assistance in moving you to a foster home.

When we arrived to take you to a different foster home, my impressions were of a very small, very cute, and very happy little boy. Your bag was all packed, you appeared very happy to see the social worker again and you eagerly got into the car with us to go. After we began driving, you expressed repeatedly a desire to see your "mommy". We tried to explain to you that your mother was in jail and that you could not see her at that time. You became very upset and were almost hysterical when we arrived at the new foster home. When we arrived there, you agreed that you would go in and meet the people. You looked around and sat quietly for a few minutes, then again became upset indicating that you were going to leave and wanted to see your mommy. At that point, I wrapped my arms around you and sat you in my lap and tried to talk to you...Late that same evening, I received a call from the foster parents asking me to come get you because you had been threatening to throw a chair through their plate glass window in an attempt to run away.

At that point, I obtained the assistance of another social worker and came to pick you up. When you saw me, you came eagerly over and told me you were ready to go. You proceeded to hop right into the car and were happy and talkative. We stopped and bought a soda for you and then drove to Juvenile Hall, where you were placed in custody for being out of control.

While at Juvenile Hall, you were originally placed in the younger boys unit and then were transferred after a few days to the girls unit due to behavior problems. My recollection is that you got along very well in the girls unit and that the girls greatly enjoyed taking care of you and "mothering" you.

84. On March 23, 1965, Doug was ordered to Napa State Psychiatric Hospital for observation for a period not to exceed 90 days. In a report by psychologist Donn Beedle, Ph.D., Doug is described as follows:

Douglas is a rather hyper-active boy who apparently becomes pretty emotional and aggressive at times. He is spontaneous in his talk although his speech is "baby talk" which makes understanding sometimes difficult.

Dr. Beedle also indicated that Doug's figure drawings were "emotionally ...infantile and anxiety ridden," and that Doug reversed most of the letters in his name when printing and reversed his numerals as well. Coupled with his speech impediment, these were considered indicators of neurological impairment by Napa staff.

85. In a June 16, 1965 letter to the Fresno County Probation Department from Napa psychiatric social worker Stephen Graham, Mr. Graham describes Douglas as follows:

...Douglas is a very emotionally disturbed child, has experienced the trauma of severe physical abuse by his mother, and has been completely unmanageable in two foster home situations prior to his admission here...

Most of the time he is a charming little boy but frequently has tantrums when he appears to lose control of his actions. These tantrums are becoming less frequent and Douglas understands that he has to work to control them. He is able to talk to the staff about this and with a lot of support it is felt that he will soon be able to exercise more control over them. He likes to put on an apron and be a helper. He makes beds, dust mops floors and helps other children with shoes and socks. He plays well with the other children and is usually willing to take turns.

It seems very difficult to effectively support the work of the staff in controlling Douglas' tantrums with medication. When he is playing well, medication will make him drowsy and sleepy and unable to function. His tantrums come on so quickly that any medication other than the intramuscular injection does not work quickly enough. The intramuscular injection is extremely frightening to this boy who has experienced a great deal of physical abuse from his mother and only contributes to this boy's pathology in the long run.

86. In an interview with Mr. Graham on February 26, 1993, he indicated that Doug's placement in Napa was inappropriate, and that the ward Doug was on had no full-time psychiatrist and was "a dead end place...not a psychotherapeutic place." He also indicated that children were regularly given drugs to control their behavior.

87. Mr. Graham did state that Doug became an informal assistant to many of the staff at Napa, and that he benefitted somewhat from the experience. For example, Doug

befriended another young boy at Napa who would not speak because of something that had happened to him. Doug often played with the boy and they began playing cowboys and exchanging "whispers." Ultimately, the boy came out of his shell and began to communicate with others. Mr. Graham reported that Doug was very proud of this accomplishment.

88. Doug's 90-day commitments were extended twice resulting in him being released on December 15, 1965 after a stay of nearly nine months. He remained at Napa State Hospital an additional 105 days due to an inability to place him. On April 1, 1966, Douglas was placed at the foster home of Rosamond Bollmeyer in Sebastopol, California where he would stay for nearly four years, Douglas' longest residence at one address prior to death row.

89. The first eight years of Doug's life, then, were fraught with abuse, neglect, and chaos. Both parents were not only reported to be violent, but both had received domestic violence-related convictions by the time Doug was eight - an extraordinary fact given the reticence of police to intervene in domestic squabbles during that period. In addition to the more obvious physical abuse, the environment at Doug's home - moving repeatedly due to abject poverty, absentee father, mother overwhelmed by nine young children, alcoholism by both parents coupled with likely neurological impairment, contributed to what was perceived by professionals who met with Doug as impulsive acting out behavior. The system's response to this acting out was placement in juvenile hall for lack of better local options and what is described by the Napa psychiatric social worker as an "inappropriate" placement in a locked psychiatric facility.

90. Nonetheless, Doug was still capable of positive, loving behavior, indicating

that, despite his disjoint upbringing, there was a substantial pro-social core that was seeking a vehicle to live the normal life of a child. Unfortunately, these early traumas, and the inability of Doug's family system to cope with all of its children, including Doug, would set the stage for a lifetime of state care for young Douglas.

91. 1966 - 1972 - Childhood Spent in the Homes of Strangers

92. On April 1, 1966, Doug was placed at the home of Rosamond Bollmeyer in Sebastopol, California. According to Rosamond's daughter, Rosetta Bollmeyer, Douglas was "like a wild animal" when he first arrived at her mother's home. She reported that "it took three teenage boys...two of whom were over six feet tall, to hold Douglas down."

93. Rosetta reports that Doug was tied hand and foot when her mother picked him up from the hospital and that he had been unnecessarily deprived of his medication for several days prior to his discharge. She indicates that he was initially prescribed 1200 milligrams of Thorazine, a dosage that today would be considered extraordinarily high even for a full-grown adult.

94. Rosetta reports learning that Douglas and another of her mother's foster children had been sexually molested while at Napa. Furthermore, Rosetta indicated that her mother sexually molested her when she was a child, although she had no evidence that Douglas was similarly sexually molested by Mrs. Bollmeyer.

95. Rosetta reports that during Doug's four years with her mother, he did make progress and began to become more socialized. She indicated that he received no visits from his natural family during this time, and began to call Rosamond, "mom."

96. Two contrasting stories were given about why Douglas was abruptly removed

from the Bollmeyer's in 1970. In testimony at Doug Stankewitz' 1978 trial, Rosamond Bollmeyer indicated that Doug was removed from her home against her will and that she would have preferred it if Doug would have continued to live with her.

97. By contrast, Doug's probation officer at the time, John Fuchs, indicated that he had been in the Northern California area dropping off another foster child and decided to visit the Bollmeyers. According to Mr. Fuchs' testimony, Mrs. Bollmeyer requested Doug's removal at that time because Doug had been expelled from school that day.

98. In any case, on February 10, 1970, Doug Stankewitz was removed from the Bollmeyers' home with no emotional preparation for this highly traumatic event. Today, Doug could not recall how he felt about this abrupt removal, although a May 1970 psychiatric report sheds some light on how it affected him at the time:

The boy says that he lived six¹ years in a foster home in Sebastopol - he liked the people there, he liked them very much - but he decided to come home to his mother, and then he didn't go back, and in the meanwhile, since that foster home is licensed for only three children and they have taken in a third child, he cannot go back there although he would like to.

99. It is apparent from this statement that Doug had pathetically created an alternative reality for himself, since the reality of rejection both at his natural home and the Bollmeyers was too much for him to handle at this young age. Later in that same report, Doug informs psychiatrist Mark Zeifert, M.D. that his natural father was dead and that his stepfather was in prison for robbery, when actually it was his father, Sonny, who was in prison for robbery.

100. Dr. Zeifert also observed the "soft" neurological sign that Doug's left hand

¹ It was actually four years.
Page 28 of 48

grip was 42 pounds and his right hand grip was only 41 pounds. Dr. Zeifert notes "Since the patient is right-handed, he should normally have about 10 pound greater strength in the right hand than in the left. The EEG, as will be seen from the attached report, is abnormal. The disturbance seems to be greatest in the left temporal area."

101. Dr. Zeifert also noted that Doug was still experiencing bedwetting and "an obvious speech impairment." He felt that "It was a real joy to examine him and I can understand how disappointing it must be for those who work with him, when he slips from this pleasant, cheerful attitude into a wild rage."

102. Despite the fact that Dr. Zeifert recommended that Doug should be "kept in one place for a while," from February 10, 1970 (age 11) until his placement in the California Youth Authority on April 26, 1972, (age 13) a 26-month period, Doug was moved no fewer than 13 times, with his most stable address being 5 months.

103. Initially upon returning to the Fresno area from Sebastopol, Doug was placed back at the home of his mother.

104. Doug described his mother's home as complete bedlam compared to the Bollmeyers. Doug slept in the same bed as two of his brothers and in the same room as his sister Glenda. By contrast to the Bollmeyers -- where everything was kept neat and lean, one had definite chores, meal times were orderly, breakfast, lunch and dinner was always prepared and nutritious -- everything at Marian's house was chaos. People came and went as they pleased, attended school if they felt like it, and ate if they could. Doug stated "I felt like I didn't belong at home. I didn't know what the hell I was doing there. I had no great attachment there."

105. It was also at this time that Doug was first introduced to sniffing paint by his older siblings. Both Willie and Glenda Stankewitz recalled that all of the older Stankewitz children were sniffing paint at this time, and they would often come home with their faces covered with paint from sniffing out of spray paint cans. Willie specifically recalls teaching Doug how to sniff paint.

106. From May 20, 1970 until August 11, 1970, Doug was confined in the Fresno Juvenile Hall for being "out of control" (a designation which had resulted from his running away from home to escape violence). At this point, Doug still did not have a sustained juvenile petition as a delinquent. There, upon the recommendation of pediatrician James Caffee, M.D., Doug received very intensive individual treatment from a special tutor, Bob Chrisman. In a June 11, 1970 report, Mr. Chrisman indicated that:

Although Doug's behavior has not been consistent, his general deportment with me has been good. He is a willing worker and with sufficient encouragement and guidance can work successfully at most tasks. He is critical of his own work and will often stop short of completion on certain tasks. Doug's frustration tolerance is low on independent work and his short attention span sometimes results in an "Oh, I give up" attitude.

107. In a June 30, 1970 memorandum from Doug's probation officer, Frank Bailey, it is noted "The minor has made some adjustments in controlling his emotional outbursts and has appeared to have responded positively toward the special tutor. However, it would appear at this time any treatment and any total change in behavior will require a long-term program."

108. Unfortunately, Doug's next placement was at the Borrego Palms School in Borrego Palms, California. Doug described the daily regimen at Borrego: the children were all extremely regimented and disciplined, like the military. Punishment for failure to obey the rules generally included sweeping a public road in the hot desert sun.

109. The punishment for running away was to be taken to a special punishment cottage. This cottage was run by a man named "Hank." Punishment for misbehavior while in the punishment cottage was particularly severe. They would be marched outside in the winter in just their underwear and made to drink cold water while being lectured by Hank about the importance of following the rules.

110. Despite the maddening silence and sadistic rules at this facility, Doug described Borrego Palms as a "great boys home." This assessment probably says more about Doug's other living environments than about the quality of the Borrego program. Doug recalls that the couple that ran the school would take him home periodically on holidays because Doug had no place to go. This is corroborated by Doug's former Probation Officer John Fuchs as well.

111. Both the Awhanee School, a facility to which Doug was later transferred, and the Borrego Palms School were owned and operated by the same person. According to Doug, both operated in a similar manner. Both were open in 1983 during Doug's second trial. Both have since closed, rendering it impossible to interview personnel who worked there or review facility records which might have shed light on Doug's stay there. According to Fresno County personnel, the Awhanee School's closing was precipitated either by abuse allegations or allegations that the facility staff lost control over the children in the facility. No documentation was available regarding the closure of the Awhanee School.

112. Doug was discharged from the Awhanee School in April 1971 for running away. He had run away from the school, located in Madera, and went to his mother's house. Although he had still not been convicted of a juvenile offense, Doug was returned again to

the Fresno County Juvenile Hall as a status offender.

113. Over the next 10 months, Doug spent approximately 6 ½ months at the Fresno Juvenile Hall (on three separate occasions) and 3 ½ months in the home of his Aunt Maggie Marquez (on two separate occasions).

114. Doug recalls the time he spent in juvenile hall in 1971 as his first "real time" in a correctional setting. He relates that when he was age six, he was placed with younger girls and was treated fairly well. He states that in 1971 "things started to get really violent." Although Doug had experienced violent, impulsive episodes as a child, his placement in the Fresno Juvenile Hall at the age of 12 was the first time when he felt he had to exhibit violence in order to fit in in an institution.

115. From April 15, 1971 until June 15, 1971 Doug was placed in "B cottage" where children age 9 to 16 were held. Upon his return to juvenile hall on August 9, 1971, Doug was transferred to "A cottage" because of fighting. "A cottage" generally held 16 to 18 year olds and a few larger 15 year olds. Doug was age 13 at the time he was transferred there.

116. Doug describes a "Lord of the Flies" scenario in "A cottage." Inmates there would fight for new tennis shoes or clothes when they arrived; for better food; or for a cell with a toilet in it. Doug reports that the fighting occurred more for status amongst institutional peers than for actual material goods. Doug relates that he knew that at that young age, he would have to be particularly violent in order to survive amongst older inmates.

117. Between stays at Fresno Juvenile Hall, Doug lived with his Aunt Maggie on the Mono Indian Reservation. According to a 1972 report by the California Youth Authority "Douglas and some of his siblings have also lived with an aunt on an Indian Mission and this

aunt has also had several arrests. In 1965 to 1966, her children were also removed from her care because she allegedly drank excessively."

118. If possible, life at Aunt Maggie's sounds more chaotic than at Doug's mother's home. During the short time he lived there, Doug recalls that the following 13 people lived in Aunt Maggie's two run-down shacks -- Maggie Marquez; Peter Marquez (her husband); Charlene and Theresa Marquez (her daughters); Johnnie and Willie Stankewitz and Gary Lewis (Doug's brothers); Sammie and Walena [LNU] (relatives of Maggie's); Floyd and Jack Sample (Maggie's brothers); and Hank Jones and Jerry Johnson (Maggie's friends). Doug always shared not only a room but a bed while living at the Marquez'.

119. On July 4, 1971, approximately three weeks after Doug was placed with his Aunt Maggie, Marian Stankewitz was arrested and charged with the murder of Ray Charles Walker. She was ultimately convicted of manslaughter in this matter and was sent to the Frontera Women's Prison.

120. Doug reports that there was so little supervision at Aunt Maggie's house that he was able to come and go as he pleased. He spent a great deal of his time on the streets, associating with "winos" in the Chinatown section of Fresno. These men introduced him to the minister who ran a "soup kitchen" in Chinatown. Doug reports that the minister felt sorry for him and used to let him dine with the staff.

121. It was in the company of these men that Doug was arrested for his first delinquent act. Doug reports that he and several older men arrived at the mission on the evening of August 9, 1971 too late to obtain a free meal. The men decided to rob the next passerby to obtain money for food. They grabbed a passerby and Doug went through his

pockets. Doug was arrested for assault and robbery and was detained in juvenile hall. He was released again to his Aunt Maggie's on August 31, 1971.

122. On October 27, 1971, Doug was again returned to juvenile hall for a probation violation for failing to attend school. His probation report at this time noted "the minor's family situation has been very unstable and chaotic for a number of years, and it is noted that both parents are presently incarcerated in state institutions." Doug remained in juvenile hall for nearly four months. On February 22, 1972, he was placed in the custody of his father who had been out of prison for approximately two months.

123. This was the first time in Doug's life that he was in the sole custody of his father. It lasted slightly less than one month, much of which Doug spent at his Aunt Maggie's or "on the streets."

124. During the short time he was with his father, 13-year-old Doug witnessed an extraordinary night of substance abuse and violence. As noted above, Sonny was a member of a violent motorcycle gang called the "Lucifer Knights." Sonny decided to take Doug along on an evening out to the "Why not?" bar—a Lucifer Knights hangout. In the bar, the club members discovered an undercover police officer. The club members took his gun from him, forced him to drink shots of straight liquor with them, and generally ridiculed him.

125. After the club members let the police officer go, they went to the home of one of the club members. The house contained a table full of illicit substances, including methamphetamine, marijuana, LSD, mescaline, and depressant drugs. There, Doug consumed some "purple haze" - what he described as a mixture of LSD and methamphetamine. In the presence of approximately 40 club members, one member announced "we've got a rat here"

and fatally shot one of the other club members.

126. A short while after this incident, Doug witnessed his father severely beat his younger brother, Johnnie, who was also living with them. Doug reports that he warned his father against ever beating his brother like that again, and left his father's home, never to return. In a subsequent report written by the California Youth Authority (May 9, 1972) it is noted "Douglas hates his father because he tries to make them be the same way he is (i.e. criminal) ...He does express hatred of his father for his recent beatings of Johnny." On March 13, 1972, Doug and Johnny were picked up as a runaways and placed in the Fresno Juvenile Hall for being "out of control."

127. On April 4, 1972, Doug was placed in the California Youth Authority despite juvenile Court Referee Sanderson's assessment that "Doug is an unusual commitment in that he has no lengthy delinquency record and little in the way of assaultive offenses."

128. Up to this time in his life, although Doug had witnessed and been the victim of an extraordinary amount of physical and emotional abuse and neglect, his acting out had not escalated to the point of serious delinquent behavior. Astonishingly, Doug continued to show some pro-social attributes, such as rejecting his father's criminality and cruelty, and seeking out the structure of both the Borrego Palms School and the California Youth Authority.

Indeed, as late as July 17, 1970, Doug's tutor, Bob Chrisman, offered the following assessment of Doug:

Doug's personality evidences many good qualities. Douglas has an engaging sense of humor. He is generally courteous and appreciative. He is eager to please and be rewarded. While Doug prefers immediate reward, he can be motivated by deferred gratification. He is fairly easy to get to know and responds to warmth and consideration. In general, Douglas could be described as typical, however he has shown non-typical behavior, such as temper tantrums. Doug has the capacity for

insight into his own behavior and much of his recent growth has related to his more realistic understanding of the dynamics of his own personality.

129. Unfortunately, Doug's next placement would be in an institution which, although structured, would also place him in contact with youths who were generally older and much more criminally sophisticated and violent than himself. As is the case with so many other California Youth Authority (CYA) graduates, Doug would leave that CYA with a much greater violence potential than he entered, and each successive contact with "correctional institutions" would be followed by an offense more violent than the one which preceded it.

130. 1972 - 1977 Coming of Age in Correctional Institutions

131. Doug Stankewitz would spend all but eight months out of the next six years incarcerated either in the California Youth Authority or the Sacramento County Jail.

132. Doug was placed in the CYA initially on April 26, 1972, at the age of 13. Approximately one month later, he was placed in the Los Guilocos facility. A CYA report written about Doug at the time indicated that:

Douglas seems to have a considerable amount of guilt of undetermined origin as his behavior has increasingly necessitated his being locked up, and Douglas has asked to be locked up because the other boys who do the same things he does are locked up.

133. During the four years on two occasions that Doug Stankewitz was incarcerated in the California Youth Authority (CYA), he witnessed and/or was the victim of numerous acts of ward on ward, ward on staff, and staff on ward violence.

134. Doug reports that violence in the CYA was so common that it barely became noteworthy after a while. He indicated that the youths slept 25 and sometimes 50 to a dormitory, with a glass enclosed guard's booth protruding into the room. At night, if a fight

broke out, the guard in the booth would not intervene for fear of being overwhelmed by the wards. Instead, he would press a panic button which would signal a flying squad of guards who would arrive sometime later. In the meantime, a preplanned nighttime attack could do substantial damage to the ward who was victimized by it. This was the California Youth Authority's standard operating procedure for such attacks until at least the mid-1990s.

135. Doug also described what would happen in the event of an altercation involving several youth. In those cases, the doors to the dorm or the day room would be sealed, and tear gas pellets would be dropped into the room, until all its occupants, guilty or innocent, were subdued. Doug described one such incident which occurred at the Youth Training School (YTS) in Chino, California:

YTS is a serious joint, and all the doors are electric. So if a fight breaks out in a day room, everyone tries to rush through the doors to get outside of the room before the gas comes. Once the room gets gassed, everyone goes crazy, even if you weren't involved in the fight before. Chairs start flying, fists start punching, and no one can see anything because of the gas. Your whole body starts to burn from the gas, not just your eyes, but your lungs and skin. You can tell when the door opens, not because you can see it, but because you can feel the fresh air rush into the room. Then they tell everyone to get down on their knees, form a line, and crawl out on their knees. Some of the kids just run out when the door opens because they're new or just freaked out. They get whacked something good. If you come out standing up, you get whacked till you fall down, and sometimes after then too.

136. Doug indicated that YTS was the only facility in which he served time where they had adults in the prison with them. He also indicated that YTS also had tear gas launchers for use in the prison "yard", or recreation area, something that the juvenile-only CYA facilities did not have.

137. Doug estimated that he was "gassed" several times during his time in the Youth Authority. He also indicated that he witnessed several suicide attempts and a

successful suicide. When asked if he was ever "stabbed" in the CYA, he stated that he had not been, but that he was "scratched" with a knife a few times.

138. Doug was questioned about why it was so difficult to avoid violence as a CYA ward. Why, for example, could he not just walk away, or tell a guard. Doug reported that someone who backed down when confronted "wasn't nothin." He had seen what had happened to such wards. They were spat on, other wards knocked their food trays over, or stole their commissary. People would randomly smack them in the head. They would often be physically and sometimes sexually abused. Eventually, they would end up in "P.C." -- protective custody -- by that time stripped of any sense of self-esteem. Doug reported that a very similar scenario awaited any youth who "snitched" on another ward.

139. Perhaps more importantly, Doug reported that his years in the Youth Authority were absolutely devoid of any type of positive emotions. No warmth could be expressed, no vulnerability shown. Doug learned from these years not to depend on people, not to feel too deeply for them, and not to care, lest he be disappointed. He stated that the fewer emotions one allowed oneself to feel, the easier institutional life was. That way, one could not be disappointed by missed visits, cheating girlfriends, disinterested parents and siblings, and unanswered letters. Doug indicated that this is especially true for holidays like Christmas, where institutionalized youth were often tremendously upset because of the absence of any presents, visits or cards. Doug indicated that he tried not to look forward to Christmas in order to avoid disappointment.

140. Doug contrasted his CYA experiences to life in the "outside world." There, people could walk away from conflict without "losing face." There, one did not need to fight

over a carton of milk for fear that failure to prove one's manhood would lead to subsequent attacks.

141. Doug indicated that, as a Native American, membership in a race- or ethnicity-related gang was not really an option for him, since there were not enough Native Americans to form a gang. Doug indicated that this required him to get into more fights than he would have if he were a gang member, since he had no group to protect him.

142. Doug believes that his experiences in the CYA deeply affected him upon release. He remembers a fight in a bathroom regarding a mirror. If a bartender refused to serve him a drink at the age of 18, he would simply demand it louder, a behavior pattern that served him well in the institution. In reflecting on how spending his adolescence in the California Youth Authority affected his life, Doug stated:

My parents is the system. That's who made me, taught me, molded me. YA, camps, ranches, and jails. All these things (institutions) are negative.

143. Doug was released from CYA on January 11, 1973 and sent to his Aunt Margaret Marquez. At this time, Doug's mother had recently been paroled on her homicide charges and was living in Los Angeles. When she returned from Los Angeles, Doug's parole officer returned Doug to her custody because he felt that Doug should live with his mother. The "parole plan" developed by Doug's parole officer at the time was that the 14-year-old Doug should quit school and get a job.

144. On April 24, 1973, Doug (age 14), his brother John (age 13), and Eddie Davis (age 17) were involved in a robbery and car chase that ended in the death by shooting of Eddie Davis. Doug and Eddie allegedly went to the home of Mr. and Mrs. George Key and asked for help to get their car started. Mr. Key testified that when he went to help them,

Eddie Davis assaulted him and his car was stolen. They then picked up John before the chase began.

145. Recognizing the car as stolen, CHP officers attempted to stop the boys. Eddie refused to stop and a high speed chase ensued, during which shots were fired from the back seat of the vehicle Eddie was driving. John was in the back seat. Doug was returned to the California Youth Authority on May 29, 1973 - two days short of his 15th birthday - for this offense.

146. During Doug's 1983 penalty phase trial, several witnesses testified as to the events of April 24, 1973. No mention was made of the fact that Doug's brother, John Stankewitz, was a passenger in the vehicle that night. However, Johnny told the police that Doug was in the front seat helping Eddie steer, while Eddie was firing a gun. Johnny said that he was in the back seat, from which shots were reported to have emanated. Believing that Eddie was the driver and Doug the only passenger, the jury could not help but conclude that Doug had fired the shots.

147. By the time Doug was furloughed from the California Youth Authority on February 2, 1977, he had spent virtually his entire adolescence in custody. Upon entering the Youth Authority at age 13, he was described in a CYA report as follows:

Despite his traumatic and unstable background, he must have had people caring for him who were concerned about him and who were able to provide for some of his emotional needs as he seems to be a fairly trusting boy and relates fairly warmly. He does show some evidence of anxiety and insecurity, however.

148. Later in Doug's CYA career, there was mounting evidence of the effects of his institutionalization. According to a CYA report:

On occasion, Doug can be a delightful person to be around, when in a good mood

being helpful, generating happy feelings to those around him. The opposite was also true. Doug when feeling bad having much bitterness at being unable to sort out the real feelings about his family members, particularly his parents. Doug continues to be unstable and explosive, trying to develop a more positive self-image, it being believed the best way of dealing with Doug was to confront him with reality, giving him time to decide for himself about appropriate action without pressure.

...contrary to the statement of parole agent wherein Doug claimed he would kill a youth counselor [if sent to the CYA], Doug gives me the impression that the youth counselors here are his friends. He can recall them by name from his previous sojourn, expresses dislike for none of them, being as glad to see them as if seeing a long lost buddy.

149. Somewhat prophetically, the report goes on to note:

My further impression is that this youth can easily learn to love his cage, should be encouraged his utmost to try his wings instead.

150. 1977 - 1978 Release from CYA until the instant offense

151. On February 2, 1978, Doug was released from the California Youth Authority because, as one CYA report described, "additional time would do him more harm than good." Doug returned to the home of his mother - to a life of unemployment and substance abuse - no better equipped to deal with life in the community than when he entered the CYA.

152. From immediately after his release from CYA until his arrest on April 17, 1977, a period of little over two months, Doug consumed what he describes as massive quantities of marijuana, alcohol, methamphetamine, and heroin. During the booking process for Doug's April 17 arrest, Doug became involved in an altercation with the booking officer which resulted in a charge of assault on a police officer. Although his original arrest charges were dismissed, Doug was sentenced to serve 325 days for this offense.

153. Doug was released from the Sacramento County Jail on January 14, 1978. During the course of the next month, Doug describes himself as constantly walking around in

a stupor, either "strung out" on drugs, or recovering from a night of bingeing.

154. In the four days leading up to the kidnapping and killing of Theresa Graybeal, Doug consumed heroin, methamphetamine, alcohol, and marijuana almost constantly. Because of the stimulant effects of the methamphetamine, Doug reports that he did not sleep during these days.

155. On February 7, 1978, Doug and Jerry Calzedo were informed that Doug's brother, Rodney, had been shot in Fresno. Doug and Jerry were in Sacramento at the time. Doug reports that the news of his younger brother's shooting upset him tremendously. He contacted his mother and younger brother Roger, who were also in Sacramento, and they decided to travel to Fresno together to see Rodney.

156. Along with them were Teena Topping, Marlin Lewis, and Billie Bob Brown, who Doug and Jerry had travelled to Sacramento with in Topping's uncle's car. The group left for Fresno by car at approximately 7:00 pm on February 7.

157. Several hours later, the group pulled into a convenience store in Manteca. A police car spotted their car, deemed it "suspicious", and ran a license check on it. This check erroneously revealed the car to be stolen, and Doug and his passengers were detained. When the police checked further, they discovered that the car was not stolen, but they would not release it to the group anyway.

158. Doug and his passengers proceeded to the Manteca bus station where they would await the next bus to Fresno. Marian only had enough money for 3 bus tickets and said they were for her, Jerry and Roger. The rest of them would have to find their own way home. They arrived at 11:15 pm. Doug recalls waiting all night before he, Teena, Billie Bob, and

Marlin began to hitchhike. They secured a ride as far as a Modesto shopping center.

159. Frustrated, tired, cold, and feeling the effects of the alcohol they had been consuming, the next available car to complete their journey was taken. That vehicle was owned by Theresa Graybeal.

160. The group drove from Modesto to Fresno. Upon arrival in Fresno, Doug and several passengers consumed more alcohol. They picked up Christina Menchaca, a Fresno area prostitute, who supplied Doug and Teena with heroin. Doug describes being "really stoned" after "fixing" (injecting heroin) with Christina.

161. Sometime after the group arrived in Fresno Chinatown, while Doug was inebriated and sleep deprived, the homicide of Theresa Graybeal took place.

162. Conclusions

163. The atmosphere in which Douglas was raised was as crimogenic an atmosphere as I have ever come into contact with. Every member of Doug's immediate family, including both of his parents, have either spent time in correctional institutions, died premature deaths, or both. Most family members have convictions for violent offenses, and Doug's mother was convicted of manslaughter. All but one family member served time in prison. That one died young.

164. Physical abuse was rampant in the Stankewitz family, more often delivered at the hands of Marian Stankewitz, but also meted out by Sonny Stankewitz and Frank Montgomery, the family's father and oldest son, respectively. These beatings were severe enough to have landed both Sonny and Marian Stankewitz in jail for them. Sonny delivered such beatings while Marian was pregnant with Doug and others in the Stankewitz family.

165. Drug and alcohol abuse were rampant in the Stankewitz family. Family members report that older brothers introduced Doug to sniffing paint as early as age five. Marian Stankewitz consumed substantial amounts of alcohol during and after she was pregnant with Doug. She obtained no medical advice prior to Doug's birth, or the birth of any of her other children.

166. In addition to these more obvious signs of abuse and neglect, the chaotic atmosphere of the Stankewitz family and the absence of any semblance of normalcy and love, combined to produce a degenerative atmosphere for Douglas. It is not surprising that, at the astonishingly young age of 6, Doug began to show signs of mental disorders, neurological impairments, and behavior problems.

167. In response to these disorders, Doug embarked upon a lifetime of sequential institutional and out-of-home placements characterized by malaise and sexual and physical abuse. This ranged from an unnecessarily long commitment to Napa State Psychiatric Hospital devoid of rehabilitational benefit and possibly involving sexual abuse; to an abruptly terminated foster care placement with a woman who had sexually abused her own daughter. After these placements, Doug spiraled rapidly through placements in eight years, including a stay at a privately run institution devoid of counseling or testing to address his considerable needs.

168. Doug's out-of-home placements were punctuated by occasional returns home to his dysfunctional parents. There, in a short time with his father, Doug witnessed numerous acts of violence and drug abuse. With his mother, his existence was ignored unless he became problematic, after which he was quickly consigned to the care of others, be that the state or

her sister.

169. Eventually, Doug found himself in the care of the California Youth Authority at the extraordinarily young age of 13, with a minimal prior record. He then got to witness and become a part of the "Lord of the Flies" atmosphere prevalent in such juvenile prisons, an atmosphere he needed to participate in for his own survival. Doug's periods of freedom following his first placement in the Youth Authority to his involvement in the tragic instant offense amount to less than one year in total time, with rearrest after release occurring extremely rapidly.

170. The combination of physical abuse, neurological damage, psychological and emotional abuse and neglect at home and in state care, and substance abuse that characterized Douglas Stankewitz' life is extraordinary. Young people - and Doug was only 19 at the time of the instant offense - who experience such abuse, in combination with neurological impairments and substance abuse, often suffer serious psychological damage as a result. Such damage can often rise to the level of an inability to form intent or understand the ramifications of their behavior. In my expert opinion, this damage, at a minimum, constitutes substantial mitigation in Douglas Stankewitz' case.

171. Young adults are developmentally distinct from older adults. Recent scientific work suggests that the human brain continues to develop well into the 20s, particularly in the prefrontal cortex region, which regulates impulse control and reasoning (Giedd et al., 1999; Paus et al., 1999; Sowell et al., 1999, 2011; Gruber and Yurgelun-Todd, 2006; Johnson, Blum and Giedd, 2009; Konrad, Firk and Uhlhaas, 2013; Howell et al., 2013). Several studies suggest that people do not develop adult-quality decision-making until their early 20s (Scott

and Steinberg, 2003; Barriga, Sullivan-Cossetti and Gibbs, 2009; Bryan-Hancock and Casey, 2010), and others have shown that psychosocial capacities continue to mature even further into adulthood (Steinberg, 2007; Colwell et al., 2005; Grisso and Steinberg, 2003; Cauffman and Steinberg, 2000).

172. Moffitt characterized this gap between cognitive and psychosocial capacities as the “maturity gap,” where cognitive function develops in advance of the executive function (Moffitt, 1993; Galambos, Barker and Tilton-Weaver, 2003). Because of this, young adults are more likely to engage in risk-seeking behavior, have difficulty moderating their responses in emotionally charged situations, or have not fully developed a future-oriented method of decision-making (Monahan et al., 2009; Mulvey et al., 2004). See Schiraldi, Vincent, Bruce Western and Kendra Bradner. *Community-Based Responses to Justice-Involved Young Adults*. *New Thinking in Community Corrections Bulletin*. Washington, D.C.: U.S. Department of Justice, National Institute of Justice, 2015. NCI 248900, which includes citations to the studies referenced. In my expert opinion, this damage, at a minimum, constitutes circumstances of mitigation in Douglas Stankewitz' case.

173. The juvenile justice system exacerbated teenage Douglas's immaturity. Brain science, developmental psychology, and human experience underscore what developing youth in the catchment age of the juvenile justice system need to become mature, successful adults. Adolescents differ from adults in important ways that make adult-model incarceration ill-matched to their needs. Adolescents have less capacity for self-regulation in emotionally charged situations; their sensitivity to environmental influences is heightened and they have not yet learned to make decisions with a future orientation (Bonnie et al., 2013).

174. From 1979 to 2004, lawyers, the media, and advocacy organizations uncovered and documented abuses in state, local, or privately operated youth facilities in the District of Columbia and 23 states, including California. (See McCarthy, Patrick, Vincent Schiraldi, and Miriam Shark. *The Future of Youth Justice: A Community-Based Alternative to the Youth Prison Model*. New Thinking in Community Corrections Bulletin. Washington, D.C.: U.S. Department of Justice, National Institute of Justice, 2016. NCJ 250142.) In my expert opinion, the juvenile justice system exacerbated teenage Douglas's immaturity and constitutes substantial mitigation in Douglas Stankewitz' case.

175. The likelihood of being incarcerated is influenced by individual, family, and social characteristics (Gatti, Tremblay, and Vitaro, 2009). The heavy concentration of boys of color in youth prisons underscores both the effect of socioeconomic disparities in American society on youth outcomes and the impact of race on dispositions. In 2013, rates of confinement were 2.7 times higher for youth of color than rates for white youth (Petteruti, Schindler, and Ziedenberg, 2014). Specifically, Native American youth were incarcerated at 3.3 times the rate of white youth.

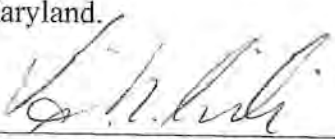
176. These national disparities mask much more profound disparities at the state level. Even after controlling for present offense and prior record, researchers have found "race effects" — evidence of unwarranted racial disparities not explained by factors such as offense severity or prior record — in the youth justice system. A meta-analysis of 46 studies of youth justice processing and minority status conducted by Pope and Feyerherm revealed that two-thirds of the studies showed race effects at varying points in the system (Pope and Feyerherm, 1995). After controlling for other case characteristics, they found unwarranted

disparities in case-processing decisions such as detention, prosecution, and commitments to youth prisons. Furthermore, the meta-analysis revealed that these effects are cumulative. Relatively small differences in outcomes at early stages of the process became exacerbated as black and brown youth progressed through the system. (See McCarthy, Patrick, Vincent Schiraldi, and Miriam Shark. *The Future of Youth Justice: A Community-Based Alternative to the Youth Prison Model*. New Thinking in Community Corrections Bulletin. Washington, D.C.: U.S. Department of Justice, National Institute of Justice, 2016. NCJ 250142.) In my expert opinion, Douglas was more likely to be incarcerated due to his family history and the failure of the juvenile justice system to address that history and constitutes substantial mitigation in Douglas Stankewitz' case.

177. As explained above, I have extensive experience in preparing and reviewing presentence reports prepared by probation departments. By law, presentence reports are supposed to be neutral, favoring neither the government's position nor the defendant's. These reports are also supposed to be factual and not include any information that has not been verified.

178. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 14th day of March, 2025, at the County of Montgomery, State of Maryland.



Vincent N. Schiraldi, M.S.W.

FRESNO BEE KKK STORY 'VIOLENCE' DATED 7-29-82
- **EXHIBIT 30kk**

Violence

Fresnans review state report on racial, ethnic, religious strife

By SHIRLEY ARMBRUSTER
Bee staff writer

The incidence of racial, ethnic and religious violence has been increasing in the last few years, but so has the number of individuals concerned about the problem, the chairwoman of a state task force said Wednesday in Fresno.

Alice Lytle said that despite the major problems uncovered by the Governor's Task Force on Civil Rights — including 420 specific "incidents" between 1979-82 — she is not pessimistic about prevention and intervention in such violence.

"I'm not pessimistic because along with that grim portrait, we have a history of involvement of Americans to try to solve problems."

The task force was named in 1980 to work toward solving the problems. It has been looking into incidents of racial, ethnic and religious violence statewide. Last fall, the task force held three public hearings on the subject, including a session in Fresno.

The findings and recommendations from the hearings are being discussed at the symposium, which will continue today at Fresno City College. Participants are individuals, representatives of public and private agencies, government, law enforcement, the clergy and media. They come from throughout the San Joaquin Valley and from as far away as South San Francisco and San Luis Obispo.

Similar symposiums have already been held in Northern and Southern California. Today's session begins with registration at 7:45 a.m. in Forum Hall A.

Recommendations from the symposium will be considered by the task force in making a report to the governor and Legislature.

Lytle stressed in her keynote address Wednesday that the problems are not just confined to the black people, Jewish people or such groups. "It's America's problem — an important product of our history of pluralistic groups trying to get along."

She said she views violence as not only physical assault, but also "psychological harassment . . . assault on one's dignity."

While racial, ethnic and religious violence is linked to economics, it really goes beyond that, Lytle said.

"There is an inability of too many citizens of this country to tolerate differentness," she said. "We should value differentness as an aspect of American culture."

She said she is encouraged that there are people who not only tolerate differentness, but are not afraid to take action toward non-violence.

"It's absolutely necessary for us never to despair," said Lytle. "One of the ways to remain

optimistic is to realize there are hundreds and thousands of citizens and government officials who are dedicated."

Lytle is also secretary of the State and Consumer Services Agency of the Department of Fair Employment and Housing.

Peter Cohn, a civil rights attorney who serves on the task force, said the panel's research and testimony from the hearings last year found the 420 racial, ethnic and religious incidents. In Central California, Cohn said, 93 incidents were reported, in Northern California 126, and in Southern California 201.

The Central California incidents included a Ceres scout leader marching with the Ku Klux Klan, the KKK conducting a public membership drive in Fresno, minority school crossing guards threatened in Fresno and a black college athlete beaten by white attackers in Taft.

Cohn said that statistics are just one part of the picture, and that the emotional pain experienced by the victims must be considered. "A number doesn't capture what happened to the families," he said. Some families actually had to move because of threats, Cohn said.

Police misconduct regarding racial and ethnic groups was discussed in a workshop session.

Panelist Cindy Calvert, an attorney formerly with Fresno County Legal Services and now in private practice, said there is undoubtedly "a lot of police brutality that exists, and most of it is against minority and poor people, which means Hispanics and blacks."

Calvert said she believes police are too isolated from accountability and that community awareness, response and support are important to change the situation. She also said litigation, while slow and expensive, is one of the best ways to protect the civil rights of individuals.

A recent example of successful litigation was the suit of Manuel Espinoza of Del Rey against the Fresno County Sheriff's Department. He was one of many residents of that city who have complained about excessive use of force and civil rights violations, she said. Although the \$5,000 judgment he received was small, Calvert said, the case was important because it represented "the first recognition by a jury that the sheriff's office had violated the civil rights of the people of Del Rey."

Capt. Jim Swinfard of the South San Francisco police department said that education on all sides is needed. "The community gets what it wants. If you have a community that has a brutal police force, it is because that community wants a brutal police force," he said.

Swinfard and two police officers from San Jose who attended agreed that the attitude of the top law enforcement official of a city or county is an important factor in the manner in which the agency operates.

FRESNO BEE KKK STORY 'KLAN LEADER LIKENS
CAUSE TO MORAL MAJORITY' DATED 7-29-82 -
EXHIBIT 30II



Fresno Bee

Bill Wilkinson tells Fresno reporters about the goals of his Invisible Empire Knights faction of the Ku Klux Klan.

'Responsible' for shift to right

Klan leader likens cause to Moral Majority

Ku Klux Klan leader Bill Wilkinson said Tuesday in Fresno that his organization shares goals with another controversial organization, the Moral Majority, and that the Klan has contributed to a shift to the right in United States politics.

Wilkinson heads the Invisible Empire Knights of the Ku Klux Klan, the largest faction of the Klan. He held a news conference in Fresno, where he was visiting on a week-long recruiting tour of 20 California cities.

Wilkinson, flanked by four white-robed Klansmen, one of them masked, told reporters that he supports most of the policies so far

carried out by President Reagan.

"The country has already started the move to the right," he said. "We are in part responsible for it."

He added that the Klan plans to pursue its goals through the political process.

Wilkinson said the KKK shares Christian values and goals with the Rev. Jerry Falwell's Moral Majority.

"In order to salvage this country, we must return to Christian moral values. This is, in fact, a Christian country, predominantly."

He said his organization condemns cross-burnings — a traditional Ku Klux Klan ritual. Instead he'd like to see buildings

decorated with crosses and other Christian symbols. He advocates public prayer.

Wilkinson said the Klan's primary goal is to oppose communism and socialism, but most of his criticism was directed at school desegregation and affirmative action.

"We don't feel that it's warranted to subject our children to the dangers of being mugged, raped and robbed simply so that black children can get a better education," he said. "The white people in this country do not owe a debt to black people because of something that may have happened in the past."

"What we're advocating," he

said, "is what was taking place in America 20 years ago."

Wilkinson said the Klan is growing rapidly.

He said the present tour is not for fund-raising purposes, despite reports by the Southern Poverty Law Center's Klanwatch that the invisible Empire is in financial trouble.

"We're not broke, we're not destitute and we're not drowning," he said.

The Southern Poverty Law Center has filed suit against about 50 Klansmen in an Alabama federal court over alleged Klan interference in a 1979 march protesting the rape conviction of a mentally retarded black man.

FRESNO BEE KKK STORY 'KLAN LOOKS AT SUING 6
AREA COUNTIES' DATED 11-13-79 - **EXHIBIT 30mm**

Klan looks at suing 6 area cities

Ku Klux Klan state Grand Dragon Jeffery Murray of Madera said Monday the Klan is "very definitely" looking at the possibility of taking legal action against the six area cities that denied it permission to march Sunday.

The Klan held a private cross-burning Sunday night in a rural Madera County riverbed under the guard of its own gun-toting members and a contingent of Madera Sheriff's deputies, Murray said.

Authorities reported about 40 robed klansmen burned the cross, while 20 others stood guard. Murray said there were about 40 to 50 robed members and about 30 others without robes standing guard.

Murray said he and other members have been in contact with a Bay Area attorney who has defended the Nazi Party in the past. The Klansmen are saying they were discriminated against by not being allowed to exercise their constitutional right to freedom of assembly.

Murray said the private affair is a portend of things to come as the Klan from now on will hold functions in a "clandestine manner."

He said legal action is being contemplated although none has yet been taken.

The Klan had planned to march through the cities of Selma, Reedley, Fowler, Sanger, Clovis and Fresno. But the Klan was banned from obtaining permits to parade after authorities became concerned about the possibility of violence by anti-Klan groups reportedly from out of town.

FRESNO BEE KKK STORY 'Klan: Rally, Cross Burn'
DATED 8-5-77 - **EXHIBIT 30nn**

Klan: Rally, Cross Burn

Continued from Page E1

were not looting because they were hungry," he added. "They were well fed, but they also were black, almost to a man they were black."

Wilkinson says he is stockpiling legal arms to be ready for the race war when it begins.

"I'm even more convinced of it now," he said.

Although Wilkinson stresses the Klan is not a violent organization, violence seems to follow its members. Wilkinson was on the speakers stand in Plains, Ga., when a man rammed his sports car into the platform at about 80 miles an hour, injuring 32 people in the crowd.

Wilkinson said that rally was the first where the Klan did not provide its own security.

"The police were guarding the front only, and the attack came from the rear," he said.

"It had to be either a political assassination attempt — a hired killer — or someone who believes in his politics strongly enough to sacrifice his life for them," Wilkinson added.

But none of the violence is caused by Klan members, he said as four Klan bodyguards closely watched his interviews with the press.

"It's not our fault that people attack us," he declared. "But we don't want to give the impression that we won't defend ourselves."

Wilkinson, like all Klan members, is silent about the strength of Klan chapters in the valley, state and nation.

He said it is a "tactical error for any army to divulge its numbers to the enemy."

And who is the enemy?

"Oh, we have many enemies," he declared. "Communists, the U.S. government, people who want the whole world to live under one government . . ."

"The U.S. government is an enemy of the Klan?" a newsman injected.

"Not the U.S. government, but the people in control of it," he clarified.

The Klan has always insisted it supports the U.S. Constitution.

However, Wilkinson said the Klan opposes President Carter's administration.

"Most of the programs he advocates are detrimental to the U.S. nationwide and worldwide," Wilkinson said. "He advocates majority rule in South Africa but minority rights in America.

"Carter is walking a tightrope, and he will be held accountable for his actions," he added, but did not expound on how the President would be held accountable.

Wilkinson, an electrical contractor from Denham, La., will visit other Klan chapters in the state in an effort to drum up support.

The Klan was banned from California just after World War II. A court decision reversed that ban in 1966, but only recently has any serious effort been made to organize any Klan chapters in the state.

"Back there (the South) people are used to the Klan, they grew up with it," said the Exalted Cyclops for Fresno, Madera and Merced Counties, who refused to identify himself. "But out here people have to get used to it."

Wilkinson was elected Imperial Wizard of the Invisible Empire of the Knights of the Ku Klux Klan two years ago.

He said he intends to visit with off-duty Marines who are members of the Klan at Camp Pendleton before completing his tour of California.

He said he doubts he would be permitted on the Marine base, where Klan activity has caused several incidents in the last couple of years.

FRESNO BEE KKK STORY 'Solidarity Festival – a message to Iran? – Dated 10-27-80 - **EXHIBIT 3000**

'Solidarity Festival' -- a message to Iran?

By KEVIN COX
Bee staff writer

John Rowan, an American, was there. So was Patti Sadjzadeh, an Iranian.

The Ku Klux Klan even showed up to march around and to argue with some black people.

They were among the 1,750 people at Ratcliffe Stadium Sunday for the All-American Solidarity Music Festival and Picnic sponsored by radio station KFYE. Three bands performed, including Vince Vance and the Valiants, the band with the popular record "Bomb Iran."

But Rowan and Sadjzadeh had different opinions about what was really going on at the festival.

Rowan said the lyrics to "Bomb Iran," which suggest that the United States do exactly that, are not advocating military action. A 39-year-old engineer, he was seated on a blanket in the grassy area north of the stadium with his wife, Jan, and their 5-year-old son, Jay.

"I really wouldn't say go drop bombs on Iran," he said. "There are a lot of nice Iranian people."

"We consider it (the festival) more pro-American than anti-Iranian."

The song and the festival are expressions of American frustration at the taking of the hostages, said Jan Rowan.

"I think it's brought people together," she said. "Patriotism isn't stressed in schools so much anymore. I think it gives the children a sense of direction."

But Sadjzadeh, an art major at Fresno State University, called the festival "racist" and "anti-Iranian." She has a minor in journalism, and was at the stadium on assignment for the campus publication "Insight."

"I think it's the Americans' problem, not our problem," she said.

"They (Americans) are racists."

"They are killing black children in the South," said Sadjzadeh, in reference to the 10 unsolved slayings of black children in Atlanta, Ga.

She did say that her country was not justified in taking the hostages, and they should be released immediately.

Most of the crowd agreed with her on that point, but that was it. Many wore T-shirts encouraging the United States to bomb Iran, which coincidentally were being sold for \$10.50 at the stadium.

On other shirts, Mickey Mouse waves his middle finger and says "Hey, Iran." Some members of the crowd were just content to shout obscenities at the Ayatollah Khomeini while waving American flags.

The promoters offered a discount for those who carried American flags, and there were enough star-spangled banners at the concert to give Betsy Ross arthritis.

A Fresno police spokesman said three people were arrested for being drunk and disorderly. Others were cited for possession of marijuana.

In anticipation of a larger crowd, the promoters paid 29 police officers to be at the stadium. But 10 officers went home early, the police spokesman said.

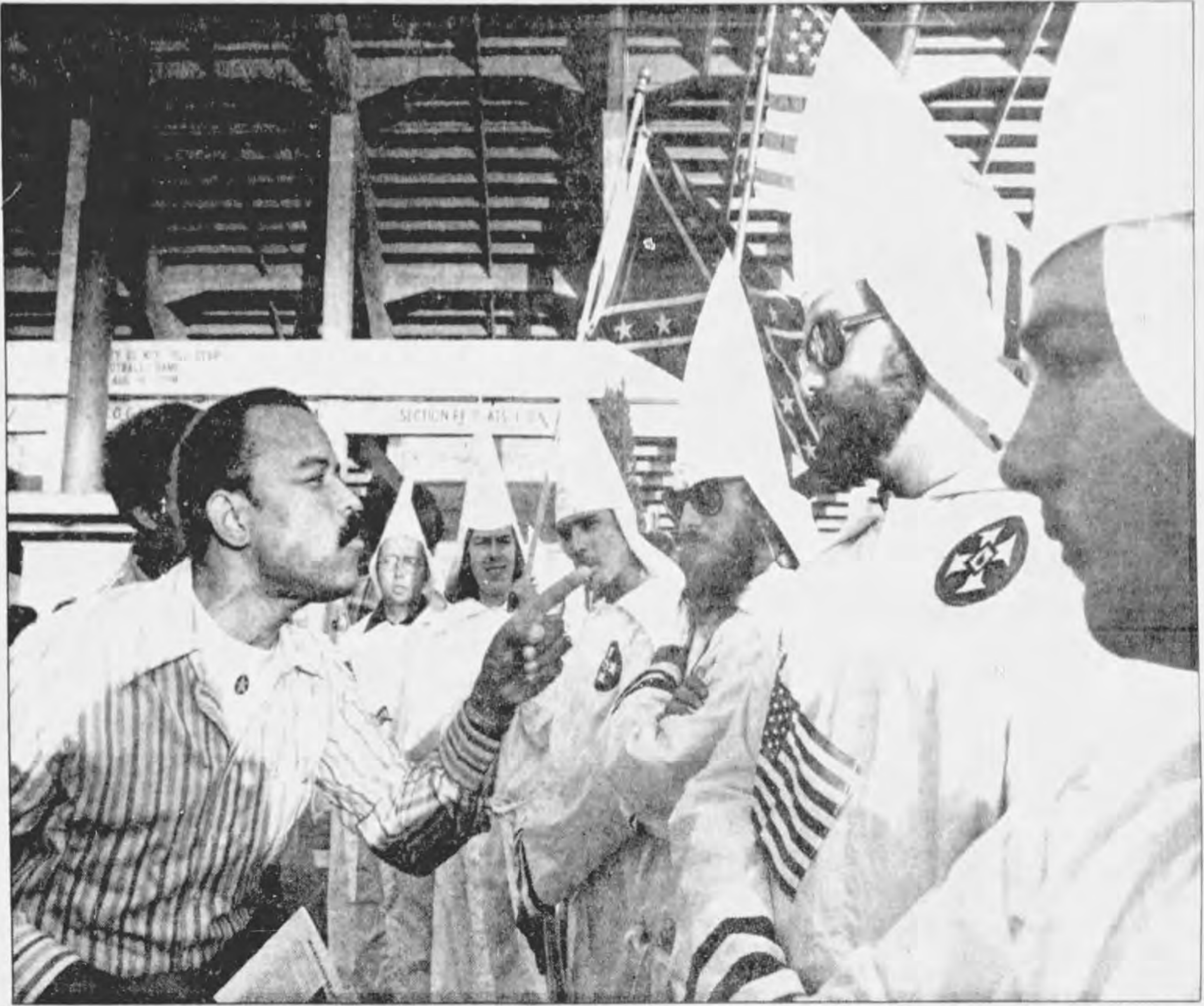
The promoters, KFYE and Jim Mouradick, each lost "a couple of thousand dollars," said KFYE program director Mike Purcell.

"But it wasn't our intent to make money," Purcell said. "Our intent was to put on an event."

"Every once in a while, you do something like this because it's the right thing to do."

The concert was possibly upstaged by 18 robed and armed members of the Ku Klux Klan, who stood in front of the stadium along Blackstone

See Iran, Page B4



Local disc jockey J.R. Starr confronts Ku Klux Klan members at the "All-American Solidarity Music Festival."

Fresno Bee/Ryan Miles Marty



The flag-waving crowd at Ratcliffe Stadium on Sunday included many elementary school students.



Vince Vance & The Valiants recorded and performed "Bomb Iran."

Iran

Continued from Page B1

Avenue. Several black people decided to debate the Klan, as police looked on.

"I asked them 'Why don't you like me?'" said Mario Parks, a junior at Fresno High School. Mario had come to do his part-time job as a janitor at Ratcliffe, but went out front to see the Klan.

"I said, 'How can you judge a person by his color?' They said, 'By his heart.' I said 'But we both have the same heart.'

"That's dumb."

"We don't hate nobody," said Robert Wyer, the Grand Dragon of the Invincible Knights of the Ku Klux Klan, Order of the White Rose. "But why should I be forced to accept another (racial) group if I don't want to?"

Wyer said the festival was "beautiful," and added that the Klan came out because "other groups are demonstrating."

The United States should have bombed Iran "the first day (of the hostage crisis), if that's what it took," he said.

A half-dozen representatives of religious and pro-Iranian organizations, who stood facing the Klan in front of the stadium, were there to protest against the event.

FRESNO BEE KKK STORY 'Task Force will hear about
racial threats – Dated 10-25-81 - **EXHIBIT 30pp**

Task force will hear about racial threats

A woman told of two incidents last year near Powers Elementary School involving threats against black and Mexican-American women by men who said they belonged to the Ku Klux Klan.

The woman urged delicate treatment of her information.

A Mexican-American woman in her 20s said she had been walking children to school when three men pulled up in a car and ordered her to "get out of the neighborhood." One man pulled a gun. The woman thought he was kidding, pushed the gun aside and walked away.

The black woman reported a few days later that a different car pulled up to her as she walked children to the school. A man in the car told her to get out of the neighborhood, used abusive language and said he represented the KKK.

The woman who recalled both incidents will testify Tuesday and Wednesday in Fresno before the governor's Task Force on Civil Rights. The task force, appointed last December by Gov. Brown, is looking into incidents of racial, ethnic and religious violence.

Wayne Archie, a task force staff worker, said the group hopes to recommend to the governor and state Legislature ways of resolving racial, ethnic and religious conflicts before they become violent.

Brown named the task force in

response to activities of Ku Klux Klan and other white extremist groups last year. The task force includes elected officials, religious leaders and representatives of the military, labor and community organizations.

The Fresno hearings will begin at 10 a.m. Tuesday in the Mariposa Mall Auditorium in the State Building, followed by a 1 p.m. Wednesday meeting there.

The task force will hold similar sessions in Sacramento on Nov. 16 and 17 and in Los Angeles Jan. 12 through 14.

The task force will gather information about Central California during the Fresno session, about Northern California during the Sacramento session and about Southern California during the Los Angeles meetings.

Archie said the task force seeks to resolve conflicting civil rights concerns involved with extremist groups. The group is concerned about abuse, either physical or psychological, personal or property, connected with religious, ethnic or racial discord.

Civil rights of minorities, ethnic and religious groups are involved, but so are questions of free assembly. Advocates of extremist views assert their right to hold parades and distribute literature. The competing claims of civil rights enter into the task force's work.

FRESNO BEE KKK STORY 'Klansman candidate for
sheriff' – Dated 2-19-82 - **EXHIBIT 30qq**

Klansman candidate for sheriff

Loren Lowdermilk, 35, of Fresno and a member of the Ku Klux Klan, announced Thursday that he will be a candidate for Fresno County sheriff in the June primary election.

Lowdermilk said he is running as a Klansman and has the full support of the state KKK in his bid for sheriff. He said his candidacy is part of the Klan's move to increase political activity.

"The KKK in California has become more political as opposed to its old style of go out an hang'em," said Lowdermilk, who runs foreign car parts businesses in Fresno and Visalia.

The crime problem is out of control, he said, and the county's citizens need to be protected.

"I can take care of myself because I have an organization behind me," he said. "But other

campaign '82

people such as senior citizens cannot protect themselves. The sheriff's office needs strong leadership and direction."

Lowdermilk said drug use is the cause of much of the crime problem and he promised that he would work to clean up the drug problem.

"We have to get tough with the



Fresno Bee

LOREN LOWDERMILK
— 'Would be hard-nosed'

drug trafficking and we have to get the drugs out of the schools," he said. "I would be hard-nosed with the district attorney and the judges and let them know we have to work together to solve this problem. I would make judges who hand out light sentences in drug answer to the public."

Sheriff Harold C. McKinney is seeking re-election and Sheriff's Sgt. Gerald Lawless also has announced his candidacy for sheriff.

FRESNO BEE KKK STORY 'Candidate for sheriff says
he is through campaigning' Dated 5-26-82 - **EXHIBIT**
30rr

Candidate for sheriff says he is through campaigning

Fresno County sheriff candidate Loren Lowdermilk said Tuesday he is still running for the office but does not plan to campaign anymore.

Lowdermilk said he will shortly take a business trip overseas and will not return until after the June 8 primary.

Lowdermilk owns a foreign auto parts company in Fresno.

"I will not make any public appearances or make any more of these speeches. Personally, I think it's a waste of time," he said.

Lowdermilk has not appeared at many of the candidates nights. He has relied on media exposure through interviews and advertising to gain publicity. Lowdermilk, who has no law enforcement experience,

has said that he is running to gain exposure for the Ku Klux Klan. He is a member of the KKK.

Lowdermilk's cousin, Sharon Kay Penner, 20, of Fresno was one of the two women whose bound and gagged bodies were found in the Hyde Park area Sunday. The two had been shot in the head.

Lowdermilk called up news media, charging that the killings were possibly meant to get at him for being a KKK member.

Fresno police said there appears to be no link.

"We did receive that information, and we have nothing that ties in at this point in time," said Capt. Darrell Fifield, who is in charge of the detective division.

Hanford Sentinel Story “KKK Grand Titan ‘not a racist’ Lowdermilk” – Dated 1-21-86 - **EXHIBIT 30ss**



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4

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4

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Extracted Article Text (OCR)

PAGE FOUR Page 4 Tuesday, January 21, 1986 The Hanford Sentinel KKK Grand Titan 'not a racist' Loren Lowdermilk, who said he is the state's highest ranking member of the Ku Klux Klan, sat in his office in the back of Century Distributing Monday as 300 people marched in the store's parking lot. The state headquarters of the KKK will be moved from Fontana 20 miles south to San Bernardino, not to Visalia, according to a letter from Imperial Wizard Jim Blair, from the Klan's national headquarters in Five Points, Ala. "I've always said that it is not going to be here," Lowdermilk said. "I said that I am the highest state official in the state of California and I live in Tulare County." "When they took a survey of areas that looked like they would support the Klan, the San Joaquin Valley not just Tulare County looked like the central organization within the north and south," he said. Lowdermilk, 39, is a Great Titan, one step below the state's top position of Grand Dragon.

Lowdermilk said he would not have accepted the top position if it had been offered to him. "The Grand Dragon, that's a full time job," he said. "I have to support my family. That job is a 15-hour-a-day "I never assumed or even stated that I would be Grand Dragon," he said. "The impression of the Grand Dragon was with the media and the newspapers.

If it was offered to me I would have refused it. Klan members have lived in Party, but said the protest would eventually attract new members to the Klan. "I don't condemn them for what they're doing, except that the Ku Klux Klan is America, pro-America, for the ideals of the Constitution and the intent of the Constitution." he said. "I don't think any Communist supports the Constitution of the United States." Lowdermilk said he agrees with the Klan ideals of America, freedom of religion and press and anti-communism.

"I am not a racist," he said. "I am not a bigot. I am more of a segregationist. I believe that every race can promote its own race better if it stays pure." "I don't believe the Klan can do the best job of enforcing the law," he said. "I think the law we have right now should be enforced by the police officers and the sheriff's department.

"I think that when a person gets off of a rape charge because he wasn't read his rights or that because of an illegal search and the guy

is sitting there with two pounds of heroin they let him what I'm against." he said. Lowdermilk said to protect Klansmen from infiltration by federal agents, only the Grand Dragons of each state know how many members exist. He said he has been a member on and off for seven years. The Jan. 15 letter from Blair also said that the Klan would support Tulare County Sheriff Robert Wiley for re-election.

"The Invisible Empire Knights of the Ku Klux Klan is a political organization in Tulare County for almost two decades, Lowdermilk said, and some of the members include prominent businessmen and sheriff's deputies. "The Klan has been here approximately 19 years they weren't out in the open," he said. A lot of the Klansmen business people in the community. These people are not going out into the community to harass or downgrade another race. "The individuals in the Sheriff's Department, I don't know them," he said.

"I know they're there because the national office said we have about five sheriff's officers who are secret members." Lowdermilk blamed the demonstration on members of the communistic Progressive Labor Party. Former Homecoming queen, crusader dies Anne Maude Montgomery, who was born 92 years ago at the family ranch at Flint and avenues, died Sunday in a Hanford Hospital. A memorial service is planned for 10 a.m. Thursday in Whitehurst McNamara Funeral Chapel. Known by her middle name, Maude Montgomery was the daughter of James G. and Callavan Mackey who brought the original 160-acre ranch northeast of Hanford in 1894.

Their house, constructed in 1982, still stands at that location. She attended Eureka School and Hanford High School when it was located in what now is Lacey Park. She entered nurse training at the Hanford Sanitarium training school, but that ended when she accompanied her mother on a trip to Virginia and met the man who later became her husband. Robert I.

Montgomery. They were married in Washington D.C., in 1912 and lived in Virginia for a time before moving back to Hanford. Her husband was vice principal at Hanford High School for 38 years, was principal of the old South School Loren Lowdermilk Anne Maude Montgomery for two years and taught for several years at Eureka. Two years after retiring in 1950 from education, Montgomery was elected to the State Senate where he served for eight years and the

couple became involved in the Sacramento political arena. Meanwhile, they took up residence at the home ranch.

She continued living there after his death until she decided to live in town after burglars ransacked the house. The couple's only son. Bedford. HANFORD ADULT SCHOOL Painting And Drawing Classes Monday Nights 7pm to 10pm Hanford High School West Campus Learn drawing and painting techniques using studies taken from Betty Edwards, "Drawing on the Right Side of the Brain" and Nicholaides, "The Natural Way to Draw," color theory, various Original painting techniques taken from art history as well as canvas construction. The class will be taught by U.C.L.A.

graduate Judy J. Garrone Garrone. CALL HANFORD ADULT SCHOOL 582-4401 EXT. 352 FOR COMPLETE DETAILS. JANUARY CLEARANCE SALE CONTINUES OFF All Fall Winter Merchandise OFF OFF JEANS ALL FALL HOLIDAY JEWELRY BELTS ALL FALL JEWELRY BELT TABLE PRICE \$5 \$10 \$15 RACK NEW SPRING ARRIVALS BY ORIGINALLY GROWN.

YOUNG EDWARDIAN AND JERELL MC VISA 317 W. ST. LEMOORE 924-9016 plans move By JIM GRAHAM Sentinel Staff Writer By RUTH GOMES Sentinel Staff Writer organization," Blair wrote. "As in the past we will again this year support Bob Wiley for Sheriff of Tulare County. All Klansmen in Tulare County will be instructed to support this candidate for Sheriff." Wiley was unavailable for comment this morning, but his secretary.

Betty McGill, said the Sheriff had made a statement Monday stating that he "had not solicited, nor would he solicit" support from the Klan. Klan protester, Victor Moheno, a former staffer at the state Attorney General's office and now a private attorney in Visalia, said the Klan claims to be a political organization that supports candidates in an attempt to legitimize its actions. The Ku Klux Klan demonstrated against local law enforcement in Porterville," he said Monday afternoon. "That could spread throughout the county (and) throughout the valley.

"We don't want that." The decision to support a political candidate must be cleared through the state and national Klan offices. Lowdermilk said. "I don't know really why they're supporting Bob

Wiley," he said. "I think Wiley does a good job within the community. He seems to run a pretty tight organization." Lowdermilk said that since his Klan membership has become known, he has been asked to speak to the Mexican American Political Association, at College of the Sequoias, and at Fresno State University.

Club and the Association of Former California Legislators, was active in the formation of Carnegie Museum and was an honorary life member and former trustee of the museum, and a former chairperson of the original Kings County Historical Society . During World War II she was a volunteer aircraft spotter and worked with the Red Cross. She also was involved in Democratic political affairs for years. Her only survivors are five nephews, including Harold and Ray A. Mackey of Hanford.

A sister and three brothers predeceased her . Those who wish may send remembrances to the Carnegie Museum or a favorite charity. was killed in a plane crash in Cuba in 1940. Maude Montgomery, who was Kings County Homecoming Queen in 1978. had been involved in numerous community activities and came into the limelight in her vintage years when she became an outspoken crusader with the "Save the Courthouse' group to preserve the old county building in downtown Hanford.

She was one of the early members of the Jolly Bunch dancing club, had been a member of the Order of Eastern Star for 65 years, a member of the Esrellita Club, Oakvale Home Department, Hanford Garden Club, Hanford Woman's Club, the California State Senators Wives Obituaries Thomas Smith CORCORAN Cremation has been scheduled this week for Thomas Smith of Waukena, who died Saturday at the age of 87 in a Tulare hospital. A native of Durant. he moved to Arvin in 1944 and to Waukena in 1975. He had worked 45 years as a cowboy for the Jimmy Rogers Cattle Ranch in the Bakersfeld area, retiring at the age of 65. Survivors include a brother , Jake E.

Smith of Bakersfeld; a niece, Mary White of Bakersfeld; and five nephews, Harvey Smith of Corcoran, Curtis Smith of Armona. Jonas Smith and Charley Smith of Bakersfeld, and Albert Smith of Marshfeld. Mo. Arrangements were under the direction of Bledsoe Funeral Chapel of Corcoran. Samuel Brazil Services will be at 2 p.m.

Wednesday in People's Funeral Chapel for Samuel Brazil. 74. who died Saturday at his home. Born in Bearden. he had lived in Boson, for 21 years prior to moving to Hanford six months ago.

He was an Army veteran of World War II and was employed with the United States Postal Service for more than 20 years. He is survived by his wife. Martha; a daughter, Kimberly Brazil of Boson; four brothers. the Rev. Cornelius W.

Brazil of Hanford, the Rev. Joseph E. Brazil of Portland. Ruben Brazil of Los Angeles and James Brazil of Joplin. Mo.

Burial will be in Hanford Cemetery. Tong's Garden Chinese Restaurant Now We Serve Chinese Buffet All You Can Eat Only Per Person \$249 Child under 10 \$349 yr. No Doggie Bag Please BUFFET LUNCH 11:30 PM Soup of the Day Egg Fu Yung Fried Chicken Wing Almond Chicken Egg Roll Sweet Sour Pork Fried Wonton Fried Rice Vegetable Chow Mein OPEN 7 DAYS Sun. Thurs. 11AM-9PM Fri.

11AM-10PM Sat. 1-10PM 505 E. 7th Hanford By SHAWN TURNER Sentinel Staff Writer CORCORAN The city council said Monday it will fight to keep Pacific Gas and Electric Co. workers in Corcoran, after one worker complained of company plans to move the construction yard to Hanford. "I came to Corcoran to live and now this said the employee.

who did not identify himself. "I don't like it, and I think you ought to check into it." He described the plans as Tom Ayers, the Corcoran district manager for said this morning that plans are tentative to consolidate the Corcoran and Lemoore construction yards in Hanford as a cost-cutting measure. Ayers said he is disappointed that an employee complained of the move. and added that was not seeking publicity so that officials could negotiate for land. "You think you have the employees informed.

and they go running to the city said Ayers. Southern California Edison serves Hanford. but Ayers said move to Hanford will give the company a more convenient spot from which to dispatch crews. The plans are a step to appease customer complaints about electricity costs. Only construction crews would be Corcoran old police CORCORAN City council members Monday gave Police Chief Joel

Patton permission to destroy old department records.

Patton says the records are filling up a quonset hut and valuable office space. He told City Attorney Michael Nordsrom that the records stretch back for decades, that he has referred to them only once in six years. "One of the main reasons (for destroying the records) is we need the room, period," said Patton. It was destroy them or shrink them to microfilm, which Patton says is too expensive between \$16,000 and \$20,000 for a new microfilm machine, or \$5,000 to fix the one the department has, but no guarantee about how it will work after that. That's not counting labor, and Patton says it took more than 100 hours just to microfilm 1980.

The department is five years behind in translating its records in the language of a newer technology. Rather than swallow the expense, city officials have decided to get rid of old records, as a consultant from the state Peace Officer Standards and Training commission advised. Almost any record more than two years old and not crucial to a case now is eligible for tossing. That includes recorded telephone and radio conversations more than 100 days old: auction receipts, licenses and permits, lost and found records, daily logs, miscellaneous reports, and dispatch and field interview cards that are more than two years old: and criminal Markets Metals Today's gold and silver quotations: London: 356.50 New York (Handy and Harman): 356.75 moved, said Ayers.

The Corcoran and Lemoore offices would remain open. Nine employees would be affected by the move. "It's really in the talking and considering stages right now, nothing firm," says Ayers. "It's awful. If the company decides to move, employees who now serve only the Corcoran area possibly would be dispatched to Lemoore as well. Though they would mostly report for work in Hanford.

Ayers said employees may spend a week in Corcoran on assignment. "The savings are fantastic, but of course the disadvantage is that workers will have to drive to Hanford, as there are disadvantages in every plan," said Ayers. But council members said they don't understand why would move operations to a city it doesn't serve. "It seems like bad timing, moving out when everything is going so good for the town," said Council member Gary Rose.

"Any support that you think you need, we can give," Council member

Gary LeMay told the employee. City Manager George Lambert, who said he would talk with Ayers this morning about the news, today said he hadn't reached Ayers and would not comment further on the matter. to desroy records records more than three years old, except for those on regisered sex ofenders, arsoniss and convicted drug abusers. Records concerning ofenses punishable by the death penalty, life imprisonment and imprisonment of more than eight years will be kept.

Citizen complaints and invesigations of police department employees as well as internal affairs investigations shall be kept for fve years, or longer if the matters are sill in litigation. By Shawn Turner PRIZE- NEWSPAPER of the CALIFORNIA NEWSPAPER PUBLISHERS ASSOCIATION The Hanford Sentinel The Journal (USPS 234-440) Vol. 1986, No. 17 Published every evening except Sunday by Hanford Sentinel, Inc. at 418 W.

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Fresno Bee Story 'The Klan Lives' - Dated 11-9-80 -
EXHIBIT 30tt

The Klan lives

White supremacists re-emerge to march, seek members

By AUDRIE KRAUSE
Bee staff writer

The Ku Klux Klan is alive and well and recruiting in Fresno.

The Klan has a long history in the San Joaquin Valley, but it has not

■ Women in the Klan, F1.

always been as visible as it is now. Its present emergence from the shadows reflects a national trend.

Cross-burnings in Madera in 1976 and Fresno in 1977 and 1978 attracted only a handful of Klansmen. Last year, a coalition of human rights groups successfully helped block a planned Klan march through five Fresno County communities.

This September, however, more than 100 Klan members and supporters showed up for a rally and cross-burning at Pierce's Park near Centerville.

Last month, about a dozen Klansmen put in an appearance at radio station KFYE's "All-American Solidarity Music Festival."

Over the summer, the same handful of men had stood on street corners soliciting new members. Each time, anonymous callers informed The Bee and other media in advance.

Before the Sept. 27 rally, Fresno had a single Klavern affiliated with the Louisiana-based Invisible Empire, Knights of the Ku Klux Klan. Led by self-proclaimed Imperial Wizard Bill Wilkinson, the Invisible Empire is described by the Anti-Defamation League of B'nai B'rith as "the most militant and violence-prone of the existing Klans."

Wilkinson's newsletter lists a Clovis post office box as state headquarters for the Klan.

In a report published last year, the League charged that Wilkinson deliberately engages in confrontations

with black civil rights demonstrators, resulting in violence, arrests and wide media coverage.

One of the most publicized incidents of violence occurred Nov. 3, 1979, in Greensboro, N.C. A group of Klansmen and neo-Nazis clashed with members of the Communist Workers Party who were taking part in a "Death to the Klan" march. Five of the anti-Klan protesters were slain in broad daylight. The case has gone to trial, and jury deliberations will resume Monday.

In another street confrontation earlier in the year, two blacks and two Klan members were gunned down in Decatur, Ala.

The Anti-Defamation League report said Wilkinson, "encourages his members to openly display weapons and has boasted, 'These guns ain't for killing rabbits; they're to waste people. We're not going to start anything, but if anyone does, we're ready to defend ourselves.'"

In some parts of the country, the Klan is even providing paramilitary training, although no such efforts have been uncovered locally.

Nevertheless, many of those in attendance at the Pierce's Park rally were armed with rifles or shotguns, and several members routinely carry knives under their robes. Because the weapons are displayed openly, the Klansmen need no permits.

Wilkinson paid his third visit to the valley in September, but he wound up losing supporters after he refused to appoint a new grand dragon for California.

Klansmen who split with Wilkinson have, in effect, formed another Klavern and affiliated with another Klan — the Invincible Empire, Knights of the Ku Klux Klan, Order of the White Rose.

Heading this Klavern is Fresnoan Robert Wyer, who owns and operates

See Klan, Page B6



Fresno Bee

Klansmen stand guard at recent Centerville rally.

Klan

Continued from Page B1

Bob's Carpet Cleaning. Wyer was a recruiter for Wilkinson before the split. He said he was unanimously elected grand dragon at a recent meeting in Sacramento of Invincible Empire Klaverns from around the state.

Although both Wyer and Wilkinson say their falling-out stems from Wilkinson's refusal to appoint a new grand dragon, a Klan insider has told *The Bee* that the real reason for the split was Wilkinson's dissatisfaction with Wyer's recruiting efforts. Wilkinson was reportedly disturbed by the unkempt appearance of the Klansmen who greeted him at the Fresno Air Terminal during his recent visit.

"It wasn't a very good scene — seeing people with no shirts on, tattoos all over and long hair and beards," said Hugh Houston, a recruiter who remained loyal to Wilkinson after the split. Houston described Wyer's recruits as "more the outlaw type" and said he and others who remained in the Wilkinson Klavern are different.

"Even if your hair is long, the least you can do is wash it and comb it," he added. "It's like going to church. You dress up a little bit because you're proud."

Wilkinson, contacted by phone in Louisiana, admitted he was "dissatisfied" with some of Wyer's recruits, but refused to discuss any specifics.

Houston was less evasive.

"We will go to closer screening," he admitted. "All you'd have to do before is fill out an application and you'd be a member."

Wyer, for his part, blamed the split on Wilkinson.

"I felt like the man lied to us," he said.

Without a grand dragon, he explained, dues collected from California Klan members go directly to Wilkinson.

"If we had a state office here,

most of the money would stay here," Wyer said. He complained that local members had to finance Wilkinson's visit, which cost about \$1,000.

Wyer said the Klan has a couple of bank accounts in Fresno, but he would not reveal how much money was being raised, either locally or nationally.

Membership figures also are kept secret, though the Anti-Defamation League estimates the Klan has about 10,000 members in 22 states, along with anywhere from 30,000 to 100,000 sympathizers.

There is no way to determine how many members belong to either of the Fresno Klaverns. Wilkinson and Houston say few members left the original Klavern with Wyer, and Wyer says few stayed with Wilkinson.

There were no more than a dozen Klansmen with Wyer at the "All-American Solidarity Music Festival" after the split — but there weren't any more at the airport when Wilkinson arrived. Many of those in attendance at the rally were from outside the valley.

In an interview before the split, Wyer complained that the Klan was the victim of bad publicity.

"A person can go out and put on a robe, and terrorize. That doesn't mean they're Klansmen," he said.

"The way society is — forced integration, forced busing — the majority of white people object to it," he added. "There's no way you can force anyone to live with anyone or love anyone — that's got to come from within yourself."

Wyer said his affiliation with the Klan has resulted in threats to his family. He said he recently moved from his rented home because his 2-year-old had nearly been run over by a car driven by two people who he claimed were Mexican-Americans.

He also says he has received death threats over the phone, and once had a "Saturday night special" pulled on him when he went to the Clovis post office to pick up mail from the Klan's box.

As a result, Wyer is seldom without two rough-looking companions he identifies as his "bodyguards." Neither man is openly armed, and neither is paid to guard Wyer. They say they do it out of loyalty.

Like Wyer, they defend the Klan's philosophy that the races should be segregated.

"I don't see the white man getting equal treatment," said Clarence Hollister. "Illegal aliens can have food stamps, while somebody born here in the U.S. — and white — time and time again is refused equal opportunity."

"If the NAACP is allowed to march for their black rights, why can't a white march for his white rights," added Hollister.

Law enforcement officials say they get few complaints of Klan harassment from the minority community. Recently, however, a black school crossing guard told police she was verbally harassed while on duty by two middle-aged white men she believes were members of the Klan.

The coalition of human rights groups which joined forces last year to bar the Klan from marching has again gone to work. Spokesman Ron Gaul said the group is preparing to do educational work in the schools and churches in an effort to counter the Klan's influence.

But few people want to openly speak out against the Klan. Les Kimber, president of United Black Men of Fresno, said the black community views Klan activity with some alarm but is concerned, as well, with publicity because it tends to "glorify" the Klan more than work against it.

"Any outpouring from the black community may aide and abet the Klan," said Kimber.

Efforts to form a local chapter of the National Anti-Racist Organizing Committee have so far been unsuccessful. NAROC is one of the few organizations that publicly opposes the Klan. The Communist Workers Party and the Progressive Labor

Party also oppose the Klan, although their methods sometimes extend to violence.

Barbara Olson, a spokeswoman for the Bay Area chapter of NAROC, said the traditional argument against anti-Klan efforts is that publicity can only help the Klan, and that if you ignore it, it will go away.

"We feel that that's a very serious mistake," Olson said. She pointed out that Klan spokesman David Duke, self-proclaimed grand wizard of the Knights of the Ku Klux Klan, has gained the public's attention through talk-show visits and carefully staged media events. Efforts must be made to present the other side, said Olson.

"It's just not going to go away if you ignore it," she added.

History seems to back her up.

Klan activity in the valley can be traced back in *The Bee's* files to February 1920, although Klaverns probably existed long before then. Nationally, the Klan experienced a resurgence during the 1920s, and the valley was no exception.

One of the earliest reports describes how Eli Andrews of Taft was beaten, tarred and feathered by a group of men believed to have been members of the Ku Klux Klan. A few days later, a follow-up report said that threatening letters, signed by the Klan, had prompted many other people to leave Taft.

Klan activity in the valley has generally reflected what was happening nationally — growth during periods of economic and social turmoil, regression during periods of expanding opportunity. The Klan was outlawed from just after World War II until 1966, but there were still occasional reports of violence.

In 1947, three giant K's were burned into the grass at Ratcliffe Stadium. In 1965, two McLane High School seniors set fire to a cross out side McLane Stadium during a game between McLane and Edison High School.

Fresno Bee Story 'Klanswomen' - Dated 11-9-80 -
EXHIBIT 30uu



Klanswomen



She may be your neighbor, perhaps even your best friend. She's a school room-mother, a teacher, businesswoman, welder or counselor. Chances are, you never would suspect that twice a month she puts on a white robe and hood to attend meetings of the Invisible Empire, Knights of the Ku Klux Klan.

For the first time in Fresno, the women of the Invisible Empire are materializing publicly. Pregnancies, bulging conspicuously beneath white Ku Klux Klan robes, proclaim women's presence in the organization; the children playing at rallies are visible evidence of their influence.

Klanswomen take part in virtually every peaceful Klan activity — marches and demonstrations included. Estimates by Klan members indicate they may comprise more than a third of the membership in the valley. During one recent Klavern (small group) meeting, 14 women were accepted as members. "And there are Klaverns all over town," said Gina Wyer, wife of Grand Dragon Robert Wyer.

Who are these women? What motivates them to turn their children against others, based solely on skin color?

Four Klanswomen, who believe people misunderstand who they are and what they want, have agreed to speak openly about their Klan ties for the first time. Some of the women, for the protection of their children, have asked to use only first names.

By GAIL MILLER
Bee staff writer

Tina rubs her hand across the back of her white robe, her seven-month pregnancy protesting against the long day of activities at the Ku Klux Klan rally.

She stands in a slow-moving line of two dozen men and women for a few minutes, then reaches out for a burning torch.

She chats with a fellow Klanswoman, Susan Pepper of San Bernadino, who also is expecting a child soon, as she takes her place around the three-story cross built of lumber wrapped in kerosene-soaked burlap. Slowly joining the eerie ritual, the hooded mother of three walks in a circle to her left. Then stops. She clasps the fiery brand above her head with both hands, then waves it toward the ground three times. The circle winds to the right this time. Stop. Whooooooshshshsh. The

moaning sound of the waving torches cuts the dark silence like a dull ax.

As if mesmerized, she lumbers through the dry, grassy field toward the towering structure and lowers her torch. With a chilling rush, the blazing cross slashes the darkened sky.

Two-year-old James Wyer toddles across the living room floor, maneuvering himself past his mother's feet and then making a wide circle around the loaded semi-automatic carbine leaning against the sofa.

"He knows about guns already," Gina Wyer, the child's mother, says casually. "He knows not to touch them."

Huge hands nervously grasp the weapon near the trigger, hands belonging to a bearded mass of

See Klanswomen, Page F6

Fresno Bee/Ryan Miles Marty

Klan

Continued from Page F1

a man who identifies himself only as "Dennis." He calls the gun his "nigger shooter."

"He's one of our bodyguards," Wyer explains. "I feel a lot safer when he is here."

The wife of the man who once was the Invisible Empire's highest ranking officer in California, Gina Wyer is afraid — "I wouldn't be human if I wasn't" — especially after a group of men in a car apparently tried to run over her son as he rode across the lawn on his Big Wheel trike, she says.

She is 21 years old. Her husband, Robert, is the leader of the newly-organized *Invincible* Empire, Order of the White Rose, and is nearly twice her age. Sitting across the living room from her are her sister, Karen, and a friend, Beverly Turchado. All three are protected by armed men. Bodyguards are common for members of the Klan hierarchy. Attacks from "enemy" factions are to be expected, they say. The women are comfortable together, but tempers flare frequently as they discuss why they tuck their hair under white hoods.

Karen, 23, has brown eyes that spew poison at the very suggestion of racial equality.

"Can't you see that this country is being taken over? Can't you see that the blacks and Mexicans are getting preferential treatment over you? Can't you look and see that?"

She spits the words out like bullets. "A Mexican F14er (gang member) threatened my kids. So I got out in the street and called the little idiot on. I stood out in the street and fought this kid like a man. He had a machete. I had a baseball bat. The kid's 13 years old — and bigger than me. But I put him down. I don't care who they are, nobody fools with my kids. And he called the cops on me!"

Beverly Turchado has long, straight hair, wears tight jeans, a T-shirt and carries a knife in a sheath attached to her belt. She is a high

school dropout who learned her skill — welding — in trade school. Bright blue tattoos are etched into her arms.

"People usually don't know about the Klan," she says. "When I first heard about it, I thought it was torchin' up niggers and all that. They're not out to kill a bunch of niggers, they just want to get rights back for the white people and I think they should because we're getting tramped on constantly. Just like in the schools, it's OK for five or six Mexicans to jump a white person and (the authorities) do nothing about it, but if that happened to a Mexican, boy, howdy, the s--- would come down. I know that first hand. My girlfriend's son almost got killed and the cops did not do a damn thing."

Less than 12 hours after the KKK cross lighting at Pierce's Park in Centerville, the phone rings in the Fresno Bee newsroom.

"Hello? Are you the woman who was talking to the women at the rally yesterday? I'm Debbie. I am the woman who wouldn't talk before . . . I've changed my mind . . . I didn't want to be identified with those other women, that's why I wouldn't talk to you. I talked to my husband about it last night and we decided somebody's got to talk to you or you'll think we're all like them . . . biker girls or Hell's Angels or something. We're not."

The next day, Debbie, the mother of two school-age children, sits nervously on the sofa in her northwest Fresno home, a much more affluent area than the one where Wyer, Karen and Turchado live. Debbie is nervous, her arms folded tightly across her stomach.

The blue-eyed blonde homemaker is the wife of a mechanic. She has a soft, almost timid, voice.

"I'm really disappointed in the Fresno Klan," she begins. "When we go out, we're being watched by a whole bunch of people and what they see means a lot — especially if we're trying to get new members. If they

See Klan, Page F7

DECLARATION OF EDUARDO DURAN, Ph.D.
Dated 4-1988- **EXHIBIT 30vv**

Related Appeal Pending
Crim. No. 23430

IN THE SUPREME COURT OF THE STATE OF CALIFORNIA

In the Matter of)
)
)
)
)
 DOUGLAS RAY STANKEWITZ,) No.
)
 Petitioner,)
)
 On Habeas Corpus.)
_____)

DECLARATION OF DR. EDUARDO DURAN IN SUPPORT OF PETITION
FOR WRIT OF HABEAS CORPUS

EDUARDO DURAN, PH.D., declares under penalty of perjury as follows:

I hold the degree of Doctor of Philosophy in Psychology and I am a licensed clinical psychologist practicing in San Francisco, California. In addition I teach at the Pacific Graduate School of Psychology in Menlo Park, California, where I hold the position of Assistant Professor. In my practice and in my teaching, I specialize in the community psychology and mental health problems of the American Indian community.

I have testified in the Superior Court of the State of California as an expert witness on the issue of community bias and institutional racism as it affects the ability of an American Indian to receive a fair trial in the rural counties of Northern California.

From 1983 to 1987, I worked as a mental health professional in Fresno County, serving the American Indian population. I treated over 200 clients extensively and had contact with at least 2000 members of the American Indian community of Fresno County. I was in frequent contact with the criminal justice system in Fresno County and have served as a court-appointed psychologist in cases involving juvenile offenders. In addition, my practice in Fresno County brought me into frequent contact with the educational, health care, and social services that were provided for the American Indian population of the county.

An important part of my work as a psychologist working in the American Indian community in Fresno County was the observation and assessment of the degree and effect of community prejudice and institutional bias against American Indians. Based on my observations and professional evaluation of the status of American Indians in Fresno County for the period from 1983 to 1987, it is my opinion that the degree of community bias and institutional racism that pervaded Fresno County during these years was exceedingly high and would have unquestionably had a marked effect upon the ability of prospective jurors to be impartial toward an American Indian defendant.

I base my assessment of the degree of community bias against American Indians in Fresno County on the following conscious and unconscious attitudes, among others, that I observed to be prevalent in the county in the early 1980's, as they are today:

American Indians are, in the view of the dominant White culture of Fresno County, generally considered to be an isolated, violent and dangerous community which the White community must protect itself against. This attitude has deep historical roots in many rural counties of California, including Fresno County, and resulted in the extermination of much of the Indian population during the 19th century.

Other hangovers from the 19th century are the "missionary mentality", which sees the Indians as incapable of saving themselves without the heavy hand of teaching and discipline from the dominant culture, the "miner mentality" which accepts as an article of faith the right of the dominant culture to subjugate everyone and everything in its path, and the "enemy mentality", which considers the Indian as a natural foe to be eliminated. The enduring prevalence of these attitudes was strong enough to require legislation by Congress to guarantee the right of Indians to retain custody of their children and to practice their religion without interference.

The dominant culture in Fresno County considers American Indians to be the perpetrators of much of the wrongdoing in the community, a view that is expressed in the often heard remark that "if it weren't for those damned Indians, we wouldn't have these problems."

Indians are viewed as the recipients of special privileges, such as unearned government checks, who contribute little or

nothing to society but instead attempt to assert their supposed "rights" at the expense of decent people.

In the eyes of the majority, the typical Indian is a drunken, shiftless, often dangerous individual, incapable of providing himself or his family with a decent life, an unwanted and expendable anachronism from another time, whose destruction would be no loss.

Indians in Fresno County are regarded as requiring special scrutiny from law enforcement agencies and are frequently the objects of harrassment by the police.

The foregoing attitudes are often unconscious and frequently have their origins in guilt and anxiety, for the Indian serves as the reminder to non-Indian people of the wrongs perpetrated against the Indian people. This phenomenon both exacerbates the hostility against Indians - one wishes to be rid of the source of the anxiety - and causes non-Indians to project their own violent feelings on to the Indian, so that the latter is viewed as a hostile, alienated and dangerous individual. Because they are largely unconscious, these attitudes are most difficult to uncover in the course of juror voir dire.

Considering the amount and intensity of the bias against American Indians in Fresno County in the early 1980's and the inefficacy of juror voir dire as a technique for uncovering this type of bias, it is my opinion that a fair trial for an American Indian accused of slaying a White woman (as was the case here)

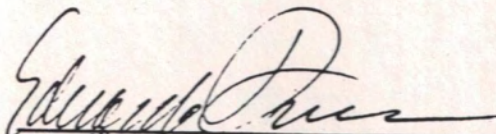
would have required a change of venue to an urban county in order to make possible the selection of an unbiased jury.

There are a number of differences in the racial dynamics of urban as opposed to rural counties like Fresno County that would make the selection of an impartial jury possible in the former but very difficult if not impossible in the latter. The diffusion and profusion of groups and interests in metropolitan areas in Northern California offer a far less hospitable atmosphere for crystallization of Indians as a target for bias. There is little or no competition for natural resources, a prime source of conflict in rural counties such as Fresno. In addition, the pluralism of cultures in metropolitan areas forces more acceptance of minorities.

In conclusion, it is my professional opinion, based on my observation and evaluation of the amount and intensity of bias and institutional racism existing against American Indians in Fresno County in 1983 and the succeeding years, that an American Indian charged with the killing of a White woman under the circumstances alleged in the present case would not have been able to select an impartial jury in Fresno County but that he would have likely been able to select such a jury in an urban county.

The foregoing is based upon my own personal knowledge or represents an opinion within the scope of my professional expertise, and, if called upon to do so, I could and would testify thereto.

Executed this day of April, 1988, at San Francisco,
California.

A handwritten signature in cursive script, appearing to read "Eduardo Duran", written over a horizontal line.

Eduardo Duran, Ph.D.

CA DOJ CPRA RESPONSE LETTER - Dated 5-9-2025
- **EXHIBIT 30ww**



May 9, 2025

Sent via Email

Alexandra Cock
P.O. Box 7225
Cotati, California 94931
alexandra@attorneyac.com

Re: Public Records Act Request 2025-00301

Dear Alexandra Cock:

On February 4, 2025, the California Department of Justice (Department) received your request seeking records under the Public Records Act (PRA), as set forth in Government Code section 7920.000 et seq.

Specifically, you requested:

All information is for the period from 1978 – present: the names and case #'s of all people charged with PC 187, all charges in those cases including special circumstances, race of defendant, race of victim(s), age of defendant at time and what sentence they received.

On February 14, 2025, the Department sent correspondence extending the time to respond. (Gov. Code, § 7922.535.) On April 24, 2025, the Department received additional correspondence from you. The Department responds to your request as follows:

To the extent you are seeking charging data under Penal Code section 187, the Department does not collect, receive, or otherwise maintain records on when individual district attorney offices file charges or what charges they file. The Department has no obligation to provide you records it does not collect, possess, or otherwise maintain. (Gov. Code, § 7922.535.) As such, the Department has no records responsive to your request for charging data.

To the extent you are seeking charging data, you may wish to redirect your request to the District Attorney's Office who may maintain that data.

///

Aggregate Data from Automated Criminal History System (ACHS)

While the Department does not collect charging data, we may be able to provide aggregate conviction and sentencing data for Penal Code section 187 offenses. To the extent you may be seeking data for specific offenses, criminal history information on convictions and sentencing would be contained in the Automated Criminal History System (ACHS). Access to record-level (i.e., individual level) criminal offender record information (CORI) is restricted to agencies that are statutorily authorized to receive such information (Pen. Code, §§ 11076, 11105), and those statutory restrictions are incorporated into the PRA. (Gov. Code, § 7927.705.) However, the Department may be able to produce *aggregate counts* of convictions and sentencing data for Penal Code section 187 offenses, including race. Please note that extracting and compiling aggregate data will require programming work, and the PRA authorizes the Department to charge requesters for its total programming costs. (Gov. Code, § 7922.575, subd. (b).)

If you are interested in aggregated ACHS data, the Department needs clarification on these aspects of your request in order to prepare a cost estimate:

- The specific code sections you are seeking from the chart below;
- The type of aggregate data you are seeking: Conviction or Sentencing;
- The time frame of your request;
- Whether you are seeking this for the entire state of California or specific counties;
- The manner in which you want data aggregated; and
- The specific demographic data you are seeking.

To the extent you are seeking conviction aggregate totals broken out by Penal Code section, for 1978 to the present, please clarify whether you are seeking a single total count over the timeframe, or if you require separate total counts per calendar year. Please note, however, the data set will have limitations due to data being provided to the Department by varying sources in differing methods with no requirement as to what is produced. Those limitations are further detailed below.

The list below includes the different codes that are used by the law enforcement agencies reporting this data to the Department. Law enforcement agencies may report this data to the Department differently, and the same code may have slight differences in description, resulting in the multiple listings for the same code section. Further, legislative changes to the Penal Code may affect the data the Department has, causing numerous subdivisions. The chart below reflects Penal Code section 187-related offense codes. As your request also states “including special circumstances,” please provide the specific Penal Code violations for the special circumstances you are seeking.

In order to assist you in clarifying your request, the following table lists each category of conviction, organized by “Type of Offense” (“Offense TOC”) (i.e., felony (F) or misdemeanor (M), or infraction (I)) and “Offense Literal” (i.e., the particular code section for the offense).

Please confirm which offense(s) are of interest to you and whether you wish to receive a combined count for all selected code sections or a separate count for each selected code section.

The list below includes the different codes that are used by the law enforcement agencies reporting this data to the Department. Law enforcement agencies may report this data to the Department differently, and the same code may have slight differences in description, resulting in the multiple listings for the same code section. Further, legislative changes to the Penal Code may affect the data the Department has, causing numerous subdivisions.

OFFENSE TOC	OFFENSE LITERAL (Penal Code)
F	187 PC-MURDER
F	187(A) PC-MURDER
F	187 PC-MURDER:FIRST DEGREE
F	187 PC-MURDER:SECOND DEGREE
F	187/190.2 PC-MURDER FIRST/SPEC CIRCUMSTANCE
F	187(A) PC-MURDER:FIRST DEGREE
F	187(A) PC-MURDER:SECOND DEGREE
F	187(A) PC-MURDER:SEC DEG ON PEACE OFFICER
F	187(A) PC-MURDER:FIRST DEG:SHOOT FROM VEHICLE
F	664/187(A) PC-ATTEMPTED MURDER
F	664/187(A) PC-ATTEMPTED MURDER:SECOND DEGREE
F	664/187(A) PC-ATTEMPTED MURDER:FIRST DEGREE
F	664/187(A) PC-ATTEMPTED MURDER:PREMEDITATED
F	664/187(A) PC-ATT MURDER:SEC DEG ON PEACE OFF
F	187 PC-MRDR:DURING/ATTEMPT RAPE

Please be aware that, based off the number of code sections you select, the costs for compiling the aggregate data may increase. (Gov. Code, § 7922.600.) Please specify what specific demographic data you are seeking for this request, including what races you are seeking this data for.

The Department cannot easily aggregate reported sentences. Sentences are highly varied in how they are reported and in how they are grouped based on the individual’s specific violations. For instance, courts may report sentence lengths differently—using days, months, or years to describe the total sentence length. Also, while some courts may only report the total length of a sentence—using the court case number or by the individual’s California Department of Corrections and Rehabilitation (CDCR) number—other courts may break down sentence length by specific charges. Additionally, the sentence lengths reported to the Department only reflect the sentence length as originally ordered, not the length of time actually served. These differences in reporting sentence length create inaccuracies in any comparisons based on sentence length and race for similarly-situated individuals.

Alexandra Cock

May 9, 2025

Page 4

For these reasons, the data may not be very useful for comparing individuals sentenced to similar charges to determine any disparity of treatment based on sentencing length.

If you wish to pursue sentence length, knowing the issues and limitations of the data for comparison purposes, the Department could pull sentencing data on the charges you identify from the table above. Please identify how you would like this data grouped.¹ Please be aware that, based off the number of code sections you select, and the number of groupings, the costs for compiling the aggregate data may increase. (Gov. Code, § 7922.600.) For any data produced, we will mask nonzero counts totaling less than 11 to prevent re-identification of particular individuals.

If we do not receive your response within 20 days of this letter, we will consider the request for records withdrawn and the matter closed.

Sincerely,

A handwritten signature in cursive script that reads "Danielle Brousseau".

DANIELLE BROUSSEAU, Staff Services Manager I
California Justice Information Services Division

For ROB BONTA
Attorney General

¹ For example, the Department can group the data based on prison sentences as follows: 1 month-5 years, 6-10 years, 11-15 years, and 16 years-life.

Judge Chhabria Order – Dykes v. Mertel - Dated
4-22-2025 - **EXHIBIT 30xx**

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ERNEST EDWARD DYKES,

Plaintiff,

v.

MICHAEL MARTEL, et al.,

Defendants.

Case No. 11-cv-04454-SI (VC)


**ORDER LIFTING
CONFIDENTIALITY OF JURY
SELECTION FILES**

Re: Dkt. No. 164

In this case, the Alameda County District Attorney's Office, consistent with its legal and ethical obligations, disclosed the prosecutor's jury selection notes to the defense and the undersigned judge. These notes—especially when considered in conjunction with evidence presented in other cases—constitute strong evidence that, in prior decades, prosecutors from the office were engaged in a pattern of serious misconduct, automatically excluding Jewish and African American jurors in death penalty cases. On April 2, 2024, this Court ordered the defense not to use or disclose these records to anyone outside the context of this defendant's challenge to his confinement. That order is now lifted.

IT IS SO ORDERED.

Dated: April 22, 2024



VINCE CHHABRIA
United States District Judge

Native History: KKK -ICT Dated 12-24-2013 -
EXHIBIT 30yy



ICT News

Politics

News

Newscasts

Outside

Classifieds

Obituaries

Opinion

ARCHIVES

Native History: Ku Klux Klan Formed as a Secret Fraternity in Tennessee

by [Alysa Landry](#)

December 24, 2013

Facebook X

This Date in Native History: On December 24, 1865, a group of confederate Civil War veterans formed the Ku Klux Klan in Pulaski, Tennessee.

The KKK began six months after the war ended as a secret fraternity, but it rapidly grew into a paramilitary force that aimed to reverse the federal government's progress in elevating the rights of African Americans. The group employed violence as a means of enforcing white racial superiority and was recognizable by hooded costumes that hid members' identities.

“Confederate veterans formed a little group with no ideological connection at frs, but quickly they sarterd to go around and pull little

pranks—malicious pranks—against African Americans,” said Mark Pitcavage, director of investigative research for the Anti-Defamation League, the nation’s top agency for defending civil and human rights. “This started them on the ball to develop ideology of opposing Reconstruction and black civil rights, essentially leading an insurrection to try to reinstate conservative white rule in the former Confederate states.”

Klan members burned down hundreds of schools and churches and killed thousands of people—often by lynching or burning—earning it the label as the worst domestic terrorist group the United States has ever had, Pitcavage said. The KKK is still considered a hate group by the Anti-Defamation League and the Southern Poverty Law Center.

The original group disbanded by the mid-1870s when it gained control of many of the state governments, Pitcavage said. It experienced two revivals—one in response to the influx of Eastern European immigrants during the early part of the 20th century, and again in response to the Civil Rights era of the 1950s and 60s.

During the first revival, the KKK gained mainstream popularity and had millions of members strong, Pitcavage said. By the second revival, it was less cohesive and different communities of members targeted different minority groups. Still a white supremacist group, the different bands tried unsuccessfully to fight against equal rights.

Although often considered a force against African Americans, members of the KKK also have targeted American Indians. One of the most vivid examples came in the 1958 incident known as the Battle of Hayes Pond, in Robeson County, North Carolina.

Associated Press

Indians with guns raid a Klan gathering near Maxton.

In the years following the 1954 Supreme Court decision in *Brown v. Board of Education*, which called for the desegregation of public schools, the KKK presence increased in North Carolina. On the night of January 13, 1958, the Klan burned crosses on the front lawns of two Lumbee families who recently moved into a predominantly white neighborhood.

According to news reports from 1958, Robeson County’s population was tri-racial, with 40,000 whites, 30,000 American Indians and 25,000 African Americans. Each group operated a separate school system.

The KKK, led by James W. “Catfish” Cole, scheduled a rally for the

night of January 18, 1958, to “put the Indians in their place, to end race mixing.” About 100 Klan members gathered under the light of a single bulb, but they quickly were surrounded by as many as 1,000 Lumbees, who shot the light bulb and fired guns into the air. The Klan scattered and never again held a public meeting in Robeson County.

Don Cravens/Life magazine

James W. “Catfish” Cole suffng envelopes with flyers concerning a Ku Klux Klan rally in Maxton, North Carolina.

“Basically, the Klan got its ass kicked,” Pitcavage said. “That is a more common occurrence now. When a white supremacis group has a public rally, they’re almos always surrounded or confronted by much lar ger numbers of anti-racis activiss, sometimes as many as 10 or 20 times outnumbered. This was an early example of that.”

Although a single, unified KKK has not exised since the 1940s, an esimated 40 separate groups sill operate, with a combined membership of about 4,000 people, Pitcavage said. None of the groups has a nationwide presence.

Klan groups now are characterized as “trying to continue on despite losing the civil rights battle,” Pitcavage said. It is one of many white supremacis groups, which tend to have the greates presence in the South and Midwes.

Such groups mainly target people who are African American, Jewish or gay, but close proximity to American Indians can lead to similar incidents of discrimination, Pitcavage said. This can be especially true in towns bordering large Indian reservations.

“Because they actually see these people, they don’t think in abstract terms and they’re more likely to engage their racis attitudes,” he said. “They are more visceral in their hatred when they are in close proximity to Native Americans.”

Another common practice among white supremacis groups is treating American Indians like “object lessons,” Pitcavage said.

“A dominant theme among white supremaciss is the notion that the white race is doomed to extinction,” he said. “If white supremaciss don’t do something about it, they will become extinct. They say ‘look what happened to Native Americans—they became extinct. We can’t let that happen to white people.’”

CDCR CPRA REQUEST RE SENTENCES OF
FRESNO OFFENDERS, Received 7/9/2025-
EXHIBIT 30zz

Name	Admission Date	Admission Age	Sentence Pronouced Date	Offense Sentence Type	Aggregate Sentence (In Months)	Race
	1/14/1985	25	1/4/1985 ISL		10000	Mexican
	3/27/1996	32	3/14/1996 ISL		10000	Mexican
	11/21/1996		11/12/1996 ISL		10000	Mexican
	3/27/1996	32	3/14/1996 ISL		10000	Mexican
	11/21/1996		11/12/1996 ISL		10000	Mexican
	3/27/1996	32	3/14/1996 ISL		10000	Mexican
	2/28/1996		2/1/1996 ISL		10000	Mexican
	2/14/1996		5/20/2015 ISL		10000	Mexican
ABDULLAH, RAMADAN	10/22/2008	27	10/20/2008 ISL		10000	Black
AGUILAR, JESSE	8/7/2018	44	11/30/2017 ISL		10000	Hispanic
ALVAREZ, MARK	8/18/1999	27	8/9/1999 ISL		10000	Mexican
ARREOLA, ESTEVAN	1/22/1985	31	1/14/1985 ISL		10000	Mexican
AVILA, RICHARD	4/6/1995	31	3/30/1995 ISL		10000	Mexican
AVILA, RICHARD	4/6/1995	31	3/30/1995 ISL		10000	Mexican
BASURTO, GABINO	10/18/2006	34	9/28/2006 ISL		10000	Mexican
BASURTO, GABINO	10/18/2006	34	9/28/2006 ISL		10000	Mexican
BAUTISTA, GUSTAVO	7/16/2009	21	7/9/2009 ISL		10000	Mexican
BAUTISTA, LUIS	7/16/2009	20	7/9/2009 ISL		10000	Mexican
BELL, JOHN	12/30/1998	40	12/9/1998 ISL		10000	Black
BELL, JOHN	12/30/1998	40	12/9/1998 ISL		10000	Black
BELL, JOHN	12/30/1998	40	12/9/1998 ISL		10000	Black
BELL, JOHN	12/30/1998	40	12/9/1998 ISL		10000	Black
BELMONTE, JUAN	3/10/2010	23	3/4/2010 ISL		10000	Hispanic
BEYER, KEITH	2/6/2015	38	2/4/2015 ISL		10000	White
BONILLA, YOBANNI	11/15/2012	24	10/25/2012 ISL		10000	Hispanic
BONILLA, YOBANNI	11/15/2012	24	10/25/2012 ISL		10000	Hispanic
BUFFORD, LADRAE	2/4/2014	26	1/27/2014 ISL		10000	Black
CAMORLINGA, PETER	6/8/2000	22	5/26/2000 ISL		10000	Mexican
CAMORLINGA, PETER	6/8/2000	22	5/26/2000 ISL		10000	Mexican
CARDENAS, KALVIN	9/4/2014	25	8/27/2014 ISL		10000	Hispanic
CORDERO, EDDIE	9/27/2022	27	9/14/2022 ISL		10000	Hispanic
CORONADO, ISSAC	9/20/2000	43	9/12/2000 ISL		10000	Mexican
COTTER, ROBERT	7/5/2022	20	6/20/2022 ISL		10000	White
COTTER, ROBERT	7/5/2022	20	6/20/2022 ISL		10000	White
COWAN, TYRONE	5/28/2013	26	5/21/2013 ISL		10000	Black
DARNELL, ROBERT	12/7/1989	28	11/3/1989 ISL		10000	White
DIXON, DEMETRIUS	11/18/1993	19	11/15/1993 ISL		10000	Black
DOTSON, PAUL	1/20/2005	49	1/12/2005 ISL		10000	White
DUPREE, RICHARD	7/31/2002	29	7/26/2002 ISL		10000	Black
DYER, STACEY	6/22/2004	24	6/17/2004 ISL		10000	White
EDELBACHER, PETER	5/27/1983	28	12/16/1998 ISL		10000	White
ELLIS, KATHRYN	10/4/2013	49	9/25/2013 ISL		10000	White
ESPINOZA, JOSEPH	4/5/2022	26	3/10/2022 ISL		10000	Hispanic
ESTRADA, VICTOR	3/8/2016	30	2/29/2016 ISL		10000	Hispanic
EWELL, DANA	7/23/1998	27	7/20/1998 ISL		10000	White
EWELL, DANA	7/23/1998	27	7/20/1998 ISL		10000	White
EWELL, DANA	7/23/1998	27	7/20/1998 ISL		10000	White
FAGONE, JAMES	3/1/2007	25	2/20/2007 ISL		10000	Other
FOX, JAMES	8/24/2005	30	8/17/2005 ISL		10000	White
FRISBY, JOSEPH	10/28/1993	24	10/7/1993 ISL		10000	White
FUENTES, ALFREDO	8/30/2012	25	8/14/2012 ISL		10000	Hispanic
Flores, Luis	9/3/2013	29	8/16/2013 ISL		10000	Hispanic
GARCIA, GILBERT	8/15/1990	27	7/2/1990 ISL		10000	Mexican
GARCIA, SANDRA	3/27/2024	49	3/18/2024 ISL		10000	Hispanic
GONZALES, ANTHONY	10/1/2019	32	9/20/2019 ISL		10000	Hispanic
GONZALES, ANTHONY	10/1/2019	32	9/20/2019 ISL		10000	Hispanic
GONZALES, ANTHONY	10/1/2019	32	9/20/2019 ISL		10000	Hispanic
GONZALES, ANTHONY	10/1/2019	32	9/20/2019 ISL		10000	Hispanic
GONZALES, ANTHONY	10/1/2019	32	9/20/2019 ISL		10000	Hispanic
GONZALES, ANTHONY	10/1/2019	32	9/20/2019 ISL		10000	Hispanic
GONZALES, ANTHONY	10/1/2019	32	9/20/2019 ISL		10000	Hispanic
GORDON, BERNARD	5/18/1988	34	5/13/1988 ISL		10000	White
GUERRERO, VICTOR	2/28/2013	38	2/15/2013 ISL		10000	Hispanic
GUIDO, RAYMOND	2/20/2024	33	2/8/2024 ISL		10000	Asian
HAMILTON, TERRANCE	9/24/2003	19	9/10/2003 ISL		10000	Black
HAMMOND, ANDREW	7/23/2024	29	6/27/2024 ISL		10000	Hispanic
HAMMOND, ANDREW	7/23/2024	29	6/27/2024 ISL		10000	Hispanic
HAMMOND, ANDREW	7/23/2024	29	6/27/2024 ISL		10000	Hispanic
HARRIS, KENNETH	3/1/1995	27	2/23/1995 ISL		10000	Black
HAYES, JARROD	4/7/2015	27	4/1/2015 ISL		10000	Black
HAYGOOD, KYRONE	2/18/2021	22	10/7/2020 ISL		10000	Black
HEATLEY, ROBERT	9/22/2004	46	9/15/2004 ISL		10000	Black
HELMS, ISAAC	8/8/2023	22	7/25/2023 ISL		10000	Black
HENDERSON, RICHARD	10/6/2005	36	9/29/2005 ISL		10000	White
HENDERSON, RICHARD	10/6/2005	36	9/29/2005 ISL		10000	White
HER, BLONG	5/20/1998	24	5/13/1998 ISL		10000	Other
HER, YA	3/5/2008	24	2/26/2008 ISL		10000	Other
HER, YA	3/5/2008	24	2/26/2008 ISL		10000	Other
HERNANDEZ, MARTIN	7/23/2013	44	7/15/2013 ISL		10000	Mexican
HERNANDEZ, MARTIN	7/23/2013	44	7/15/2013 ISL		10000	Mexican
HERNANDEZ, RICHARD	6/7/2006	24	5/30/2006 ISL		10000	Mexican
HERNANDEZ, RICHARD	6/7/2006	24	5/30/2006 ISL		10000	Mexican
HILL, DERRICK	12/27/2007	34	11/30/2007 ISL		10000	Black
HUNDAL, RAMANJIT	9/16/2014	29	9/10/2014 ISL		10000	Other
HUNDAL, RAMANJIT	9/16/2014	29	9/10/2014 ISL		10000	Other
Hernandez, Juan	11/19/2013	24	5/24/2013 ISL		10000	Hispanic
JOHNSON, HERMAN	7/1/1992	27	6/25/1992 ISL		10000	Black
JOHNSON, JESSIE	6/15/1995	35	6/12/1995 ISL		10000	Black
JOHNSON, LEROY	3/1/2022	56	2/2/2022 ISL		10000	Black
JOHNSON, LEROY	3/1/2022	56	2/2/2022 ISL		10000	Black
JOHNWELL, MICHAEL	11/20/2002	22	2/14/2008 ISL		10000	Black
JONES, HAROLD	5/28/1987	20	5/15/1987 ISL		10000	White
JUAREZ, FRANK	4/22/1993	36	3/24/1993 ISL		10000	American Indian/Alaskan Native
LEACH, MICHAEL	7/14/1980	19	7/11/1980 ISL		10000	White
LEACH, MICHAEL	7/14/1980	19	7/11/1980 ISL		10000	White

LEON, JOSE	1/11/2012	30	1/4/2012 ISL	10000 Mexican
LIMON, FERNANDO	5/14/2009	37	5/12/2009 ISL	10000 Mexican
LOCKHART, DEANDRE	9/10/2003	21	8/29/2003 ISL	10000 Black
LOPEZ, JAIME	7/15/2009	21	7/9/2009 ISL	10000 Mexican
LOPEZ, JESUS	6/23/2004	30	6/17/2004 ISL	10000 Mexican
LOPEZ, JOSEPH	1/22/2009	27	12/19/2008 ISL	10000 Hispanic
MADRIGAL, JAIRO	7/20/2021	27	5/26/2021 ISL	10000 Hispanic
MALARKEY, JOHN	4/25/1996	27	7/7/1998 ISL	10000 White
MALARKEY, JOHN	4/25/1996	27	7/7/1998 ISL	10000 White
MALARKEY, JOHN	4/25/1996	27	7/7/1998 ISL	10000 White
MALARKEY, JOHN	4/25/1996	27	7/7/1998 ISL	10000 White
MALARKEY, JOHN	4/25/1996	27	7/7/1998 ISL	10000 White
MANGSANGHANH, BOUALY	12/11/2007	21	11/30/2007 ISL	10000 Other
MANGSANGHANH, BOUALY	12/11/2007	21	11/30/2007 ISL	10000 Other
MAYBERRY, DAMONE	12/24/2019	26	12/12/2019 ISL	10000 Black
MC GREW, STEVEN	7/28/1993	36	7/20/1993 ISL	10000 White
MELENDEZ, RICHARD	11/3/2015	21	10/26/2015 ISL	10000 Hispanic
MENDOZA, FERNANDO	10/3/2023	55	9/20/2023 ISL	10000 Hispanic
MIRELES, FRANK	4/24/2018	54	4/13/2018 ISL	10000 Hispanic
MORA, JOE	11/17/1993	25	8/11/1993 ISL	10000 Mexican
MORALES, OSCAR	5/9/2023	48	4/24/2023 ISL	10000 Hispanic
MOUNSAVENG, ODAY	5/19/1999	28	4/29/1999 ISL	10000 Other
MUHAMMAD, KORI	1/21/2021	43	6/5/2020 ISL	10000 Black
NUNES, GENE	12/10/1987	26	12/3/1987 DSL	10000 White
NUNEZ, JOE	7/18/1983	28	1/10/1983 ISL	10000 Mexican
NUNEZ, JOE	7/18/1983	28	1/10/1983 ISL	10000 Mexican
OROSCO, BALTAZAR	2/15/1985	20	1/30/1985 ISL	10000 Mexican
ORTEGA, DANIEL	6/23/2004	26	6/17/2004 ISL	10000 Mexican
ORTEGA, MARK	4/8/2009	25	3/24/2009 ISL	10000 Hispanic
OVERSTREET, JEREMIE	4/10/2003	27	4/2/2003 ISL	10000 White
PALACIOS, SABINO	5/2/2023	44	4/24/2023 ISL	10000 Hispanic
PALACIOS, SABINO	5/2/2023	44	4/24/2023 ISL	10000 Hispanic
PARR, TODD	5/16/2007	35	5/11/2007 ISL	10000 White
PERRY, GARY	7/12/2022	26	6/30/2022 ISL	10000 Black
PERRY, GARY	7/12/2022	26	6/30/2022 ISL	10000 Black
PETTIS, TERRY	7/19/2006	22	7/11/2006 ISL	10000 Black
QUEVEDO, DAVID	7/7/2015	27	6/24/2015 ISL	10000 Mexican
RADOVCICH, JOEL	7/23/1998	28	7/20/1998 ISL	10000 White
RADOVCICH, JOEL	7/23/1998	28	7/20/1998 ISL	10000 White
RADOVCICH, JOEL	7/23/1998	28	7/20/1998 ISL	10000 White
RINCON, MICHAEL	11/18/2014	24	10/27/2014 ISL	10000 Hispanic
ROCHA, CARLOS	12/21/2006	21	12/15/2006 ISL	10000 Mexican
ROMERO, ELOY	1/26/2016	27	1/14/2016 ISL	10000 Hispanic
ROMERO, ELOY	1/26/2016	27	1/14/2016 ISL	10000 Hispanic
ROSS, ALVIN	12/18/1979	24	11/26/1979 ISL	10000 Black
RUBIO, BENJAMIN	11/2/1995	27	10/20/1995 ISL	10000 Mexican
RUBIO, JOSE	4/24/1991	25	4/15/1991 ISL	10000 Mexican
SALAS, BENITO	12/21/2011	38	12/14/2011 ISL	10000 Hispanic
SALAS, BENITO	12/21/2011	38	12/14/2011 ISL	10000 Hispanic
SALAZAR, ESTEBAN	2/5/2003	22	1/8/2003 ISL	10000 Mexican
SCHUSTER, LARISSA	5/27/2008	48	5/16/2008 ISL	10000 White
SHELDON, GEORGE	7/7/1980	31	5/23/1980 ISL	10000 White
SMITH, ROBERT	2/11/1985	23	1/22/1985 ISL	10000 White
SMITH, ROBERT	2/11/1985	23	1/22/1985 ISL	10000 White
SOTO, MICHAEL	12/3/1992	22	11/18/1992 DSL	10000 Mexican
SOTO, MICHAEL	12/3/1992	22	11/18/1992 DSL	10000 Mexican
SPRADLIN, JEFFREY	3/29/1995	22	3/15/1995 ISL	10000 Mexican
STANBROUGH, TIM	8/28/2008	39	8/21/2008 ISL	10000 Mexican
TRAVIS, CURTIS	1/10/2013	36	12/21/2012 ISL	10000 White
TREJO, HECTOR	1/11/2012	23	1/5/2012 ISL	10000 Hispanic
TREJO, HECTOR	1/11/2012	23	1/5/2012 ISL	10000 Hispanic
VALENZUELA, MANUEL	2/4/1999	30	1/14/1999 ISL	10000 Black
VANG, JOHNNY	3/5/2008	21	2/26/2008 ISL	10000 Other
VANG, JOHNNY	3/5/2008	21	2/26/2008 ISL	10000 Other
VILLANUEVA, MANUEL	1/11/2012	21	1/5/2012 ISL	10000 Hispanic
VILLANUEVA, MANUEL	1/11/2012	21	1/5/2012 ISL	10000 Hispanic
VILLANUEVA, RICARDO	6/11/2013	24	5/24/2013 ISL	10000 Hispanic
WALLACE, KEONE	6/4/1993	24	5/20/1993 ISL	10000 Black
WICKHAM, ANSEL	5/2/1996	26	4/24/1996 ISL	10000 Other
WILLIAMS, CHRISTOPHER	11/26/2024	24	11/18/2024 ISL	10000 Black
WILLIAMS, CHRISTOPHER	11/26/2024	24	11/18/2024 ISL	10000 Black
WILLIAMS, CHRISTOPHER	11/26/2024	24	11/18/2024 ISL	10000 Black
WILSON, KENNETH	12/16/2009	31	12/9/2009 ISL	10000 American Indian/Alaskan Native
WOODLEY, PHILLIP	6/23/2010	56	6/14/2010 ISL	10000 Hispanic
WOODLEY, PHILLIP	6/23/2010	56	6/14/2010 ISL	10000 Hispanic
XIONG, KOUA	5/18/2011	25	4/27/2011 ISL	10000 Asian
YANN, SOKOL	8/23/2007	33	8/13/2007 ISL	10000 Other
YANN, SOKOL	8/23/2007	33	8/13/2007 ISL	10000 Other
YBARRA, RONALD	4/27/2005	22	4/21/2005 ISL	10000 Mexican

Name	Admission Date	Admission Age	Sentence Pronounced Date	Offense Sentence Type	Aggregate Sentence (In Months)	Race
	2/14/1996		5/20/2015 ISL		10000	Mexican
	3/27/1996	32	3/14/1996 ISL		10000	Mexican
	11/21/1996		11/12/1996 ISL		10000	Mexican
	3/27/1996	32	3/14/1996 ISL		10000	Mexican
	1/14/1985	25	1/4/1985 ISL		10000	Mexican
	3/27/1996	32	3/14/1996 ISL		10000	Mexican
	2/28/1996		2/1/1996 ISL		10000	Mexican
	11/21/1996		11/12/1996 ISL		10000	Mexican
ABDULLAH, RAMADAN	10/22/2008	27	10/20/2008 ISL		10000	Black
AGUILAR, JESSE	8/7/2018	44	11/30/2017 ISL		10000	Hispanic
ALVAREZ, MARK	8/18/1999	27	8/9/1999 ISL		10000	Mexican
ARREOLA, ESTEVAN	1/22/1985	31	1/14/1985 ISL		10000	Mexican
AVILA, RICHARD	4/6/1995	31	3/30/1995 ISL		10000	Mexican
AVILA, RICHARD	4/6/1995	31	3/30/1995 ISL		10000	Mexican
BASURTO, GABINO	10/18/2006	34	9/28/2006 ISL		10000	Mexican
BASURTO, GABINO	10/18/2006	34	9/28/2006 ISL		10000	Mexican
BAUTISTA, GUSTAVO	7/16/2009	21	7/9/2009 ISL		10000	Mexican
BAUTISTA, LUIS	7/16/2009	20	7/9/2009 ISL		10000	Mexican
BELMONTE, JUAN	3/10/2010	23	3/4/2010 ISL		10000	Hispanic
BEYER, KEITH	2/6/2015	38	2/4/2015 ISL		10000	White
BONILLA, YOBANNI	11/15/2012	24	10/25/2012 ISL		10000	Hispanic
BONILLA, YOBANNI	11/15/2012	24	10/25/2012 ISL		10000	Hispanic
CAMORLINGA, PETER	6/8/2000	22	5/26/2000 ISL		10000	Mexican
CAMORLINGA, PETER	6/8/2000	22	5/26/2000 ISL		10000	Mexican
CORDERO, EDDIE	9/27/2022	27	9/14/2022 ISL		10000	Hispanic
CORONADO, ISSAC	9/20/2000	43	9/12/2000 ISL		10000	Mexican
COTTER, ROBERT	7/5/2022	20	6/20/2022 ISL		10000	White
COTTER, ROBERT	7/5/2022	20	6/20/2022 ISL		10000	White
COWAN, TYRONE	5/28/2013	26	5/21/2013 ISL		10000	Black
DARNELL, ROBERT	12/7/1989	28	11/3/1989 ISL		10000	White
DIXON, DEMETRIUS	11/18/1993	19	11/15/1993 ISL		10000	Black
DOTSON, PAUL	1/20/2005	49	1/12/2005 ISL		10000	White
DUPREE, RICHARD	7/31/2002	29	7/26/2002 ISL		10000	Black
DYER, STACEY	6/22/2004	24	6/17/2004 ISL		10000	White
EDELBACHER, PETER	5/27/1983	28	12/16/1998 ISL		10000	White
ELLIS, KATHRYN	10/4/2013	49	9/25/2013 ISL		10000	White
ESPINOZA, JOSEPH	4/5/2022	26	3/10/2022 ISL		10000	Hispanic
ESTRADA, VICTOR	3/8/2016	30	2/29/2016 ISL		10000	Hispanic
EWELL, DANA	7/23/1998	27	7/20/1998 ISL		10000	White
EWELL, DANA	7/23/1998	27	7/20/1998 ISL		10000	White
EWELL, DANA	7/23/1998	27	7/20/1998 ISL		10000	White
FAGONE, JAMES	3/1/2007	25	2/20/2007 ISL		10000	Other
FOX, JAMES	8/24/2005	30	8/17/2005 ISL		10000	White
FRISBY, JOSEPH	10/28/1993	24	10/7/1993 ISL		10000	White
FUENTES, ALFREDO	8/30/2012	25	8/14/2012 ISL		10000	Hispanic
Flores, Luis	9/3/2013	29	8/16/2013 ISL		10000	Hispanic
GARCIA, GILBERT	8/15/1990	27	7/2/1990 ISL		10000	Mexican
GORDON, BERNARD	5/18/1988	34	5/13/1988 ISL		10000	White
GUERRERO, VICTOR	2/28/2013	38	2/15/2013 ISL		10000	Hispanic
GUIDO, RAYMOND	2/20/2024	33	2/8/2024 ISL		10000	Asian
HAMILTON, TERRANCE	9/24/2003	19	9/10/2003 ISL		10000	Black
HAMMOND, ANDREW	7/23/2024	29	6/27/2024 ISL		10000	Hispanic
HAMMOND, ANDREW	7/23/2024	29	6/27/2024 ISL		10000	Hispanic
HAMMOND, ANDREW	7/23/2024	29	6/27/2024 ISL		10000	Hispanic
HARRIS, KENNETH	3/1/1995	27	2/23/1995 ISL		10000	Black
HAYES, JARROD	4/7/2015	27	4/1/2015 ISL		10000	Black
HAYGOOD, KYRONE	2/18/2021	22	10/7/2020 ISL		10000	Black
HEATLEY, ROBERT	9/22/2004	46	9/15/2004 ISL		10000	Black
HELMS, ISAAC	8/8/2023	22	7/25/2023 ISL		10000	Black
HENDERSON, RICHARD	10/6/2005	36	9/29/2005 ISL		10000	White
HENDERSON, RICHARD	10/6/2005	36	9/29/2005 ISL		10000	White
HER, BLONG	5/20/1998	24	5/13/1998 ISL		10000	Other
HER, YA	3/5/2008	24	2/26/2008 ISL		10000	Other
HER, YA	3/5/2008	24	2/26/2008 ISL		10000	Other
HERNANDEZ, MARTIN	7/23/2013	44	7/15/2013 ISL		10000	Mexican
HERNANDEZ, MARTIN	7/23/2013	44	7/15/2013 ISL		10000	Mexican
HERNANDEZ, RICHARD	6/7/2006	24	5/30/2006 ISL		10000	Mexican
HERNANDEZ, RICHARD	6/7/2006	24	5/30/2006 ISL		10000	Mexican
HILL, DERRICK	12/27/2007	34	11/30/2007 ISL		10000	Black
HUNDAL, RAMANJIT	9/16/2014	29	9/10/2014 ISL		10000	Other
HUNDAL, RAMANJIT	9/16/2014	29	9/10/2014 ISL		10000	Other
Hernandez, Juan	11/19/2013	24	5/24/2013 ISL		10000	Hispanic
JOHNSON, HERMAN	7/1/1992	27	6/25/1992 ISL		10000	Black
JOHNSON, JESSIE	6/15/1995	35	6/12/1995 ISL		10000	Black
JOHNSON, LEROY	3/1/2022	56	2/2/2022 ISL		10000	Black
JOHNSON, LEROY	3/1/2022	56	2/2/2022 ISL		10000	Black
JOHNWELL, MICHAEL	11/20/2002	22	2/14/2008 ISL		10000	Black
JONES, HAROLD	5/28/1987	20	5/15/1987 ISL		10000	White
JUAREZ, FRANK	4/22/1993	36	3/24/1993 ISL		10000	American Indian/Alaskan Native
LEACH, MICHAEL	7/14/1980	19	7/11/1980 ISL		10000	White
LEON, JOSE	1/11/2012	30	1/4/2012 ISL		10000	Mexican
LIMON, FERNANDO	5/14/2009	37	5/12/2009 ISL		10000	Mexican
LOCKHART, DEANDRE	9/10/2003	21	8/29/2003 ISL		10000	Black
LOPEZ, JAIME	7/15/2009	21	7/9/2009 ISL		10000	Mexican
LOPEZ, JESUS	6/23/2004	30	6/17/2004 ISL		10000	Mexican
LOPEZ, JOSEPH	1/22/2009	27	12/19/2008 ISL		10000	Hispanic
MADRIGAL, JAIRO	7/20/2021	27	5/26/2021 ISL		10000	Hispanic
MALARKEY, JOHN	4/25/1996	27	7/7/1998 ISL		10000	White
MALARKEY, JOHN	4/25/1996	27	7/7/1998 ISL		10000	White
MALARKEY, JOHN	4/25/1996	27	7/7/1998 ISL		10000	White
MALARKEY, JOHN	4/25/1996	27	7/7/1998 ISL		10000	White
MALARKEY, JOHN	4/25/1996	27	7/7/1998 ISL		10000	White
MANGSANGHANH, BOUALY	12/11/2007	21	11/30/2007 ISL		10000	Other
MANGSANGHANH, BOUALY	12/11/2007	21	11/30/2007 ISL		10000	Other
MAYBERRY, DAMONE	12/24/2019	26	12/12/2019 ISL		10000	Black

MC GREW, STEVEN	7/28/1993	36	7/20/1993 ISL	10000 White
MELENDEZ, RICHARD	11/3/2015	21	10/26/2015 ISL	10000 Hispanic
MIRELES, FRANK	4/24/2018	54	4/13/2018 ISL	10000 Hispanic
MORA, JOE	11/17/1993	25	8/11/1993 ISL	10000 Mexican
MORALES, OSCAR	5/9/2023	48	4/24/2023 ISL	10000 Hispanic
MOUNSAVENG, ODAY	5/19/1999	28	4/29/1999 ISL	10000 Other
NUNES, GENE	12/10/1987	26	12/3/1987 DSL	10000 White
NUNEZ, JOE	7/18/1983	28	1/10/1983 ISL	10000 Mexican
OROSCO, BALTAZAR	2/15/1985	20	1/30/1985 ISL	10000 Mexican
ORTEGA, DANIEL	6/23/2004	26	6/17/2004 ISL	10000 Mexican
ORTEGA, MARK	4/8/2009	25	3/24/2009 ISL	10000 Hispanic
OVERSTREET, JEREMIE	4/10/2003	27	4/2/2003 ISL	10000 White
PALACIOS, SABINO	5/2/2023	44	4/24/2023 ISL	10000 Hispanic
PARR, TODD	5/16/2007	35	5/11/2007 ISL	10000 White
PERRY, GARY	7/12/2022	26	6/30/2022 ISL	10000 Black
PERRY, GARY	7/12/2022	26	6/30/2022 ISL	10000 Black
PETTIS, TERRY	7/19/2006	22	7/11/2006 ISL	10000 Black
QUEVEDO, DAVID	7/7/2015	27	6/24/2015 ISL	10000 Mexican
RADOVCICH, JOEL	7/23/1998	28	7/20/1998 ISL	10000 White
RADOVCICH, JOEL	7/23/1998	28	7/20/1998 ISL	10000 White
RADOVCICH, JOEL	7/23/1998	28	7/20/1998 ISL	10000 White
RINCON, MICHAEL	11/18/2014	24	10/27/2014 ISL	10000 Hispanic
ROCHA, CARLOS	12/21/2006	21	12/15/2006 ISL	10000 Mexican
ROMERO, ELOY	1/26/2016	27	1/14/2016 ISL	10000 Hispanic
ROMERO, ELOY	1/26/2016	27	1/14/2016 ISL	10000 Hispanic
ROSS, ALVIN	12/18/1979	24	11/26/1979 ISL	10000 Black
RUBIO, BENJAMIN	11/2/1995	27	10/20/1995 ISL	10000 Mexican
RUBIO, JOSE	4/24/1991	25	4/15/1991 ISL	10000 Mexican
SALAS, BENITO	12/21/2011	38	12/14/2011 ISL	10000 Hispanic
SALAS, BENITO	12/21/2011	38	12/14/2011 ISL	10000 Hispanic
SALAZAR, ESTEBAN	2/5/2003	22	1/8/2003 ISL	10000 Mexican
SCHUSTER, LARISSA	5/27/2008	48	5/16/2008 ISL	10000 White
SHELDON, GEORGE	7/7/1980	31	5/23/1980 ISL	10000 White
SMITH, ROBERT	2/11/1985	23	1/22/1985 ISL	10000 White
SMITH, ROBERT	2/11/1985	23	1/22/1985 ISL	10000 White
SOTO, MICHAEL	12/3/1992	22	11/18/1992 DSL	10000 Mexican
SOTO, MICHAEL	12/3/1992	22	11/18/1992 DSL	10000 Mexican
SPRADLIN, JEFFREY	3/29/1995	22	3/15/1995 ISL	10000 Mexican
STANBROUGH, TIM	8/28/2008	39	8/21/2008 ISL	10000 Mexican
TRAVIS, CURTIS	1/10/2013	36	12/21/2012 ISL	10000 White
TREJO, HECTOR	1/11/2012	23	1/5/2012 ISL	10000 Hispanic
TREJO, HECTOR	1/11/2012	23	1/5/2012 ISL	10000 Hispanic
VALENZUELA, MANUEL	2/4/1999	30	1/14/1999 ISL	10000 Black
VANG, JOHNNY	3/5/2008	21	2/26/2008 ISL	10000 Other
VANG, JOHNNY	3/5/2008	21	2/26/2008 ISL	10000 Other
VILLANUEVA, MANUEL	1/11/2012	21	1/5/2012 ISL	10000 Hispanic
VILLANUEVA, MANUEL	1/11/2012	21	1/5/2012 ISL	10000 Hispanic
VILLANUEVA, RICARDO	6/11/2013	24	5/24/2013 ISL	10000 Hispanic
WALLACE, KEONE	6/4/1993	24	5/20/1993 ISL	10000 Black
WICKHAM, ANSEL	5/2/1996	26	4/24/1996 ISL	10000 Other
WILLIAMS, CHRISTOPHER	11/26/2024	24	11/18/2024 ISL	10000 Black
WILSON, KENNETH	12/16/2009	31	12/9/2009 ISL	10000 American Indian/Alaskan Native
WOODLEY, PHILLIP	6/23/2010	56	6/14/2010 ISL	10000 Hispanic
WOODLEY, PHILLIP	6/23/2010	56	6/14/2010 ISL	10000 Hispanic
XIONG, KOUA	5/18/2011	25	4/27/2011 ISL	10000 Asian
YANN, SOKOL	8/23/2007	33	8/13/2007 ISL	10000 Other
YANN, SOKOL	8/23/2007	33	8/13/2007 ISL	10000 Other
YBARRA, RONALD	4/27/2005	22	4/21/2005 ISL	10000 Mexican

Name	Admission Date	Admission Age	Sentence Pronounced Date	Offense Sentence Type	Aggregate Sentence (In Months)	Race
	6/3/2014	51	5/28/2014 ISL		1056	Mexican
	4/9/1998		4/7/1998 ISL		648	Other
	11/21/1996		11/12/1996 ISL		10000	Mexican
	11/20/1985		10/28/1985 ISL		624	White
	9/25/1996		9/19/1996 ISL		708	Mexican
	1/8/1997		1/3/1997 ISL		372	Mexican
	3/27/1996	32	3/14/1996 ISL		10000	Mexican
	5/11/1994		5/10/1994 ISL		600	Other
	6/15/1981	22	1/27/1981 ISL		372	Black
	11/20/1985		10/28/1985 ISL		624	White
	11/8/1995		9/27/1995 ISL		408	Hispanic
	11/29/1995		11/2/1995 ISL		444	Black
	2/11/1985	24	9/12/1984 ISL		408	Mexican
	11/17/2000	28	2/9/2007 ISL		1236	White
	1/14/1985	25	1/4/1985 ISL		10000	Mexican
	10/12/2011		6/6/2011 ISL		360	Hispanic
	5/14/1996		1/24/1996 ISL		348	American Indian/Alaskan Native
	4/27/2005		4/21/2005 ISL		1032	Mexican
	7/31/1997		7/24/1997 ISL		1488	Other
	5/23/1979	31	5/15/1979 ISL		84	Mexican
	9/3/1997	40	8/20/1997 ISL		1440	Mexican
	10/23/2002		10/8/2002 ISL		392	Other
	10/20/1977	23	7/1/1980 ISL		132	Mexican
	4/22/1993		3/12/1993 ISL		596	White
	2/28/1996		2/1/1996 ISL		10000	Mexican
	5/11/1994		5/10/1994 ISL		600	Other
	11/21/1996		11/12/1996 ISL		10000	Mexican
	1/25/1982		1/14/1982 ISL		336	Mexican
	10/5/2011		6/24/2011 ISL		300	Hispanic
	6/12/2014		6/2/2014 ISL		600	Black
	3/21/2007	20	3/9/2007 ISL		984	Hispanic
	7/20/1993	36	7/15/1993 ISL		1000000	White
	3/27/1996	32	3/14/1996 ISL		10000	Mexican
	9/2/1987		8/25/1987 ISL		384	Black
	2/14/1996		5/20/2015 ISL		10000	Mexican
	10/27/2005		10/19/2005 ISL		372	Other
	9/11/1996		9/3/1996 ISL		300	Black
	3/27/1996	32	3/14/1996 ISL		10000	Mexican
	3/30/2010		3/4/2010 ISL		336	Hispanic
	7/31/1997		7/24/1997 ISL		1488	Other
	4/21/1999		2/16/1999 ISL		648	American Indian/Alaskan Native
ABDULLAH, RAMADAN	10/22/2008	27	10/20/2008 ISL		10000	Black
AGUILAR, ALFRED	3/6/1991	29	2/25/1991 ISL		408	Mexican
AGUILAR, JESSE	8/7/2018	44	11/30/2017 ISL		10000	Hispanic
ALLEY, RODGER	8/6/2008	27	7/28/2008 ISL		300	Mexican
ALVAREZ, COSMEN	6/23/2015	35	6/16/2015 ISL		868	Hispanic
ALVAREZ, MARK	8/18/1999	27	8/9/1999 ISL		10000	Mexican
ANDERSON, DONALD	8/7/2012	57	7/16/2012 ISL		864	White
ANDERSON, LORENZO	4/23/2019	23	4/10/2019 ISL		348	Black
APOLINAR, RAFAEL	6/21/2016	27	6/14/2016 ISL		300	Hispanic
ARREOLA, ESTEVAN	1/22/1985	31	1/14/1985 ISL		10000	Mexican
ARREOLA, ESTEVAN	1/22/1985	31	1/14/1985 ISL		10000	Mexican
AVILA, RICHARD	4/6/1995	31	3/30/1995 ISL		10000	Mexican
AVILA, RICHARD	4/6/1995	31	3/30/1995 ISL		10000	Mexican
AVILES, YOLANDA	6/23/2015	48	6/16/2015 ISL		432	Hispanic
BALLARD, COY	11/29/1982	29	3/26/1985 ISL		384	White
BANKS, LARRY	2/11/1993	40	10/22/2009 ISL		472	Black
BASURTO, GABINO	10/18/2006	34	9/28/2006 ISL		10000	Mexican
BASURTO, GABINO	10/18/2006	34	9/28/2006 ISL		10000	Mexican
BAUTISTA, GUSTAVO	7/16/2009	21	7/9/2009 ISL		10000	Mexican
BAUTISTA, LUIS	7/16/2009	20	7/9/2009 ISL		10000	Mexican
BELMONTE, JUAN	3/10/2010	23	3/4/2010 ISL		10000	Hispanic
BELTRAN, JAIME	2/25/2014	25	2/13/2014 ISL		600	Hispanic
BELYEU, DAVID	1/24/2001	21	1/2/2001 ISL		504	White
BENITEZ, CESARIO	3/14/2012	43	3/6/2012 ISL		600	Hispanic
BERNAL, NATHANIEL	2/19/1998	26	2/11/1998 ISL		444	Mexican
BEYER, KEITH	2/6/2015	38	2/4/2015 ISL		10000	White
BONILLA, YOBANNI	11/15/2012	24	10/25/2012 ISL		10000	Hispanic
BONILLA, YOBANNI	11/15/2012	24	10/25/2012 ISL		10000	Hispanic
BRIGGS, JOHNNY	11/22/2022	42	11/2/2022 ISL		600	Black
BROOKS, JONQUEL	7/8/2009	22	6/26/2009 ISL		1312	Black
BROWN, SHAWN	3/22/2018	23	3/8/2018 ISL		600	Black
BURROWS, KENNETH	10/7/1987	27	7/1/1991 ISL		504	White
CAMORLINGA, PETER	6/8/2000	22	5/26/2000 ISL		10000	Mexican
CAMORLINGA, PETER	6/8/2000	22	5/26/2000 ISL		10000	Mexican
CAPUTA, MALACHI	5/24/2022	25	5/11/2022 ISL		600	Black
CARR, WILLIAM	1/26/2005	29	1/14/2005 ISL		312	White
CARREON, SALVADOR	12/22/1993	21	12/1/1993 ISL		444	Mexican
CARRILLO, LOUIS	10/25/2000	22	10/18/2000 ISL		456	Mexican
CEDENO, DAVID	8/13/2024	29	7/25/2024 ISL		900	Hispanic
CERNA, VICTOR	4/8/2025	34	3/20/2025 ISL		300	Hispanic
CERVANTES, DANIEL	2/18/2025	57	1/31/2025 ISL		420	Hispanic
CHAVES, ALFREDO	12/16/2014	27	12/4/2014 ISL		300	Hispanic
CLARK, ROYAL	2/10/1995	33	2/3/1995 ISL		1000000	Black
COOPER, ANTHONY	12/1/1980	22	11/10/1980 ISL		372	Black
COOPER, RONALD	11/12/1986	27	10/31/1986 ISL		468	Black
CORDERO, EDDIE	9/27/2022	27	9/14/2022 ISL		10000	Hispanic
CORDERO, EDDIE	9/27/2022	27	9/14/2022 ISL		10000	Hispanic
CORONADO, ISSAC	9/20/2000	43	9/12/2000 ISL		10000	Mexican
COTTER, ROBERT	7/5/2022	20	6/20/2022 ISL		10000	White
COTTER, ROBERT	7/5/2022	20	6/20/2022 ISL		10000	White
COWAN, TYRONE	5/28/2013	26	5/21/2013 ISL		10000	Black

CRAMA, VINCENT	9/9/1987	20	8/28/1987 ISL	312 Black
CROCKELL, MICHAEL	10/9/2014	28	10/3/2014 ISL	516 Hispanic
DARNELL, ROBERT	12/7/1989	28	11/3/1989 ISL	10000 White
DEHART, JEREMY	4/8/2021	29	12/9/2020 ISL	312 White
DELONEY, JAMEEL	3/19/1997	21	2/21/1997 ISL	456 Black
DEMENT, RONNIE	10/17/1991	28	9/29/1994 ISL	1000000 White
DHANJAN, DARSHAN	8/27/2024	72	8/15/2024 ISL	924 Asian
DHANJAN, DARSHAN	8/27/2024	72	8/15/2024 ISL	924 Asian
DICKEY, COLIN	3/10/1992	28	2/21/1992 ISL	600 White
DICKEY, COLIN	3/10/1992	28	2/21/1992 ISL	600 White
DICKSON, GERALD	5/9/1983	20	8/6/1985 ISL	456 Black
DIXON, DEMETRIUS	11/18/1993	19	11/15/1993 ISL	10000 Black
DOOLIN, KEITH	6/24/1996	23	6/18/1996 ISL	1000000 White
DOOLIN, KEITH	6/24/1996	23	6/18/1996 ISL	1000000 White
DOTSON, PAUL	1/20/2005	49	1/12/2005 ISL	10000 White
DUPREE, RICHARD	7/31/2002	29	7/26/2002 ISL	10000 Black
DYER, STACEY	6/22/2004	24	6/17/2004 ISL	10000 White
EDELBACHER, PETER	5/27/1983	28	12/16/1998 ISL	10000 White
ELLIS, KATHRYN	10/4/2013	49	9/25/2013 ISL	10000 White
ENCARCACION, THOMAS	8/1/1977	21	7/29/1977 ISL	84 Mexican
ESCALON, RICHARD	9/9/2014	37	9/3/2014 ISL	372 Hispanic
ESPINOZA, JOSEPH	4/5/2022	26	3/10/2022 ISL	10000 Hispanic
ESTRADA, VICTOR	3/8/2016	30	2/29/2016 ISL	10000 Hispanic
EWELL, DANA	7/23/1998	27	7/20/1998 ISL	10000 White
EWELL, DANA	7/23/1998	27	7/20/1998 ISL	10000 White
EWELL, DANA	7/23/1998	27	7/20/1998 ISL	10000 White
FAGONE, JAMES	3/1/2007	25	2/20/2007 ISL	10000 Other
FALLS, DAVID	1/12/2006	45	1/10/2006 ISL	1320 Black
FANE, MARVIN	10/25/1995	22	10/13/1995 ISL	600 Black
FANE, MARVIN	10/25/1995	22	10/13/1995 ISL	600 Black
FOSTER, DEANDRE	3/25/2025	29	3/14/2025 ISL	2400 Asian
FOSTER, DEANDRE	3/25/2025	29	3/14/2025 ISL	2400 Asian
FOX, JAMES	8/24/2005	30	8/17/2005 ISL	10000 White
FRISBY, JOSEPH	10/28/1993	24	10/7/1993 ISL	10000 White
FUENTES, ALFREDO	8/30/2012	25	8/14/2012 ISL	10000 Hispanic
Flores, Luis	9/3/2013	29	8/16/2013 ISL	10000 Hispanic
GALVAN, DANIEL	1/28/2014	37	1/21/2014 ISL	780 Mexican
GARCIA, GILBERT	8/15/1990	27	7/2/1990 ISL	10000 Mexican
GARCIA, MIGUEL	8/10/2005	28	7/12/2005 ISL	960 Mexican
GARCIA, OSCAR	6/4/1997	34	5/22/1997 ISL	420 Mexican
GARCIA, PEDRO	5/23/1990	21	5/14/1990 ISL	324 Mexican
GIDEON, WILLIAM	1/23/2018	29	1/10/2018 ISL	348 White
GONZALEZ, DANIEL	1/28/2025	39	1/16/2025 ISL	900 Mexican
GONZALEZ, MARCOS	9/9/2014	38	9/3/2014 ISL	312 Hispanic
GORDON, BERNARD	5/18/1988	34	5/13/1988 ISL	10000 White
GRIMSTEAD, DENNIS	8/27/1998	30	8/24/1998 ISL	996 White
GUERRERO, VICTOR	2/28/2013	38	2/15/2013 ISL	10000 Hispanic
GUIDO, RAYMOND	2/20/2024	33	2/8/2024 ISL	10000 Asian
HAMILTON, TERRANCE	9/24/2003	19	9/10/2003 ISL	10000 Black
HAMMOND, ANDREW	7/23/2024	29	6/27/2024 ISL	10000 Hispanic
HAMMOND, ANDREW	7/23/2024	29	6/27/2024 ISL	10000 Hispanic
HAMMOND, ANDREW	7/23/2024	29	6/27/2024 ISL	10000 Hispanic
HANKS, JONATHAN	1/10/2001	32	1/5/2001 ISL	432 Black
HARRIS, KENNETH	3/1/1995	27	2/23/1995 ISL	10000 Black
HAYES, JARROD	4/7/2015	27	4/1/2015 ISL	10000 Black
HAYGOOD, KYRONE	2/18/2021	22	10/7/2020 ISL	10000 Black
HEARD, ERIC	4/4/2023	39	3/23/2023 ISL	900 Black
HEARD, ERIC	4/4/2023	39	3/23/2023 ISL	900 Black
HEATLEY, ROBERT	9/22/2004	46	9/15/2004 ISL	10000 Black
HELMS, ISAAC	8/8/2023	22	7/25/2023 ISL	10000 Black
HENDERSON, GERMAN	7/26/2022	37	6/28/2022 ISL	600 Black
HENDERSON, HARRY	12/27/1982	23	12/17/1982 ISL	372 Black
HENDERSON, RICHARD	10/6/2005	36	9/29/2005 ISL	10000 White
HENDERSON, RICHARD	10/6/2005	36	9/29/2005 ISL	10000 White
HER, BLONG	5/20/1998	24	5/13/1998 ISL	10000 Other
HER, YA	3/5/2008	24	2/26/2008 ISL	10000 Other
HER, YA	3/5/2008	24	2/26/2008 ISL	10000 Other
HERNANDEZ, FERMIN	1/11/1989	32	1/6/1989 ISL	348 Mexican
HERNANDEZ, MARCO	6/27/1996	33	6/25/1996 ISL	816 Mexican
HERNANDEZ, MARCO	6/27/1996	33	6/25/1996 ISL	816 Mexican
HERNANDEZ, MARTIN	7/23/2013	44	7/15/2013 ISL	10000 Mexican
HERNANDEZ, MARTIN	7/23/2013	44	7/15/2013 ISL	10000 Mexican
HERNANDEZ, RICHARD	6/7/2006	24	5/30/2006 ISL	10000 Mexican
HERNANDEZ, RICHARD	6/7/2006	24	5/30/2006 ISL	10000 Mexican
HERNS, LEE	7/1/1992	23	6/11/1992 ISL	336 Black
HILL, DERRICK	12/27/2007	34	11/30/2007 ISL	10000 Black
HOLMES, TIMOTHY	4/9/2003	39	4/2/2003 ISL	600 White
HOLT, DUANE	4/3/2023	64	6/3/1988 ISL	324 White
HUDIBURGH, CHARLES	10/9/2012	55	9/21/2012 ISL	312 White
HUNDAL, RAMANJIT	9/16/2014	29	9/10/2014 ISL	10000 Other
HUNDAL, RAMANJIT	9/16/2014	29	9/10/2014 ISL	10000 Other
Hernandez, Juan	11/19/2013	24	5/24/2013 ISL	10000 Hispanic
IRIGOYEN, MARTIN	10/20/1993	24	9/16/1993 ISL	360 White
JACKSON, ALONZO	10/25/1995	30	10/6/1995 ISL	600 Black
JACKSON, ALONZO	10/25/1995	30	10/6/1995 ISL	600 Black
JIMENEZ, PEDRO	12/26/1996	26	11/20/1996 ISL	336 Mexican
JOHNSON, DIJONTE	1/2/2018	25	12/15/2017 ISL	900 Black
JOHNSON, FRANK	8/31/1995	24	7/21/1995 ISL	696 Black
JOHNSON, HERMAN	7/1/1992	27	6/25/1992 ISL	10000 Black
JOHNSON, JAMES	9/9/1987	21	8/28/1987 ISL	312 Black
JOHNSON, JESSIE	6/15/1995	35	6/12/1995 ISL	10000 Black
JOHNSON, LEROY	3/1/2022	56	2/2/2022 ISL	10000 Black
JOHNSON, LEROY	3/1/2022	56	2/2/2022 ISL	10000 Black

JOHNSON, MICHAEL	9/8/2016	51	8/31/2016 ISL	1368 Black
JOHNWELL, MICHAEL	11/20/2002	22	2/14/2008 ISL	10000 Black
JONES, HAROLD	5/28/1987	20	5/15/1987 ISL	10000 White
JONES, RANDY	11/1/2022	31	10/12/2022 ISL	600 American Indian/Alaskan Native
JONES, VEDGREN	1/24/2013	36	1/10/2013 ISL	300 Black
JUAREZ, ALFREDO	1/7/1998	39	12/30/1997 ISL	300 Mexican
JUAREZ, FRANK	4/22/1993	36	3/24/1993 ISL	10000 American Indian/Alaskan Native
KAILA, MANINDER	12/18/2012	57	12/14/2012 ISL	600 Other
KELLEY, DONOVAN	7/30/2021	22	6/21/2021 ISL	2084 Black
KELLEY, DONOVAN	7/30/2021	22	6/21/2021 ISL	2084 Black
KENDRICKS, CHARLES	6/1/2011	35	5/13/2011 ISL	2068 Black
KNEE, STEVEN	12/6/2000	30	11/30/2000 ISL	600 White
LANG, PETER	5/26/1994	30	5/19/1994 ISL	504 White
LEACH, MICHAEL	7/14/1980	19	7/11/1980 ISL	10000 White
LEON, JOSE	1/11/2012	30	1/4/2012 ISL	10000 Mexican
LEWIS, RAYMOND	3/13/1991	30	3/6/1991 ISL	1000000 Black
LEYVA, MICHAEL	4/11/2023	51	3/30/2023 ISL	600 Hispanic
LIMON, FERNANDO	5/14/2009	37	5/12/2009 ISL	10000 Mexican
LOCKHART, DEANDRE	9/10/2003	21	8/29/2003 ISL	10000 Black
LOPEZ, JAIME	7/15/2009	21	7/9/2009 ISL	10000 Mexican
LOPEZ, JESUS	6/23/2004	30	6/17/2004 ISL	10000 Mexican
LOPEZ, JOEY	6/12/2012	30	5/31/2012 ISL	612 Mexican
LOPEZ, JOSEPH	1/22/2009	27	12/19/2008 ISL	10000 Hispanic
LUSTER, LENARD	7/26/2022	25	7/11/2022 ISL	720 Black
MADRIGAL, JAIRO	7/20/2021	27	5/26/2021 ISL	10000 Hispanic
MALARKEY, JOHN	4/25/1996	27	7/7/1998 ISL	10000 White
MALARKEY, JOHN	4/25/1996	27	7/7/1998 ISL	10000 White
MALARKEY, JOHN	4/25/1996	27	7/7/1998 ISL	10000 White
MALARKEY, JOHN	4/25/1996	27	7/7/1998 ISL	10000 White
MALARKEY, JOHN	4/25/1996	27	7/7/1998 ISL	10000 White
MANCILLA, MANUEL	9/29/2010	25	9/22/2010 ISL	600 Hispanic
MANGSANGHANH, BOUALY	12/11/2007	21	11/30/2007 ISL	10000 Other
MANGSANGHANH, BOUALY	12/11/2007	21	11/30/2007 ISL	10000 Other
MARQUEZ, FRED	4/13/1994	23	4/4/1994 ISL	492 Mexican
MARTINEZ, RUBEN	10/1/2019	62	9/23/2019 ISL	312 Mexican
MAYBERRY, DAMONE	12/24/2019	26	12/12/2019 ISL	10000 Black
MC GREW, STEVEN	7/28/1993	36	7/20/1993 ISL	10000 White
MC PETERS, RONALD	5/20/1986	28	5/7/1986 ISL	1000000 Black
MCCANN, DAVE	12/2/2022	55	11/30/2022 ISL	624 White
MCCANN, DAVE	12/2/2022	55	11/30/2022 ISL	624 White
MEJIA, MOISES	12/3/2009	41	11/13/2009 ISL	600 Hispanic
MEJIA, MOISES	12/3/2009	41	11/13/2009 ISL	600 Hispanic
MELENDEZ, RICHARD	11/3/2015	21	10/26/2015 ISL	10000 Hispanic
MENDOZA, FRANCISCO	4/13/2005	31	4/6/2005 ISL	912 Mexican
MERCADO, LUIS	2/25/1998	22	2/11/1998 ISL	420 Mexican
MIRELES, FRANK	4/24/2018	54	4/13/2018 ISL	10000 Hispanic
MORA, JOE	11/17/1993	25	8/11/1993 ISL	10000 Mexican
MORALES, OSCAR	5/9/2023	48	4/24/2023 ISL	10000 Hispanic
MORALES, ULISES	1/19/2011	24	1/7/2011 ISL	1472 Hispanic
MORELOS, ANGEL	11/5/2020	21	2/11/2020 ISL	600 Hispanic
MOUNSAVENG, ODAY	5/19/1999	28	4/29/1999 ISL	10000 Other
MUHAMMAD, KORI	1/21/2021	43	6/5/2020 ISL	10000 Black
MUNOZ, REYMUNDO	1/2/2024	40	9/26/2022 ISL	900 Hispanic
MUONG, RAVUN	9/25/1996	20	9/18/1996 ISL	456 Other
NEALY, EDDIE	12/21/2015	58	12/4/2015 ISL	1000000 Black
NUNES, GENE	12/10/1987	26	12/3/1987 DSL	10000 White
NUNEZ, JOE	7/18/1983	28	1/10/1983 ISL	10000 Mexican
OLVERA, JESUS	9/7/1994	25	8/22/1994 ISL	1200 Mexican
OLVERA, JESUS	9/7/1994	25	8/22/1994 ISL	1200 Mexican
OLVERA, JESUS	9/7/1994	25	8/22/1994 ISL	1200 Mexican
OROSCO, BALTAZAR	2/15/1985	20	1/30/1985 ISL	10000 Mexican
ORTEGA, DANIEL	6/23/2004	26	6/17/2004 ISL	10000 Mexican
ORTEGA, MARK	4/8/2009	25	3/24/2009 ISL	10000 Hispanic
ORTIZ, ARMANDO	1/24/2001	23	11/30/2000 ISL	360 Mexican
ORTIZ, JUAN	5/28/2021	44	7/31/2020 ISL	300 Hispanic
OVERSTREET, JEREMIE	4/10/2003	27	4/2/2003 ISL	10000 White
PALACIOS, SABINO	5/2/2023	44	4/24/2023 ISL	10000 Hispanic
PARKE, RAHMAD	9/24/2024	28	8/29/2024 ISL	624 Black
PARKE, RAHMAD	9/24/2024	28	8/29/2024 ISL	624 Black
PARR, TODD	5/16/2007	35	5/11/2007 ISL	10000 White
PENA, DAVID	1/8/2019	52	12/28/2018 ISL	312 Hispanic
PERRY, GARY	7/12/2022	26	6/30/2022 ISL	10000 Black
PERRY, GARY	7/12/2022	26	6/30/2022 ISL	10000 Black
PETTIS, TERRY	7/19/2006	22	7/11/2006 ISL	10000 Black
POOLE, GARY	5/29/2018	67	5/22/2018 ISL	900 White
PUMMILL, ALFRED	5/19/1999	22	5/4/1999 ISL	408 White
QUEVEDO, DAVID	7/7/2015	27	6/24/2015 ISL	10000 Mexican
RADOVCICH, JOEL	7/23/1998	28	7/20/1998 ISL	10000 White
RADOVCICH, JOEL	7/23/1998	28	7/20/1998 ISL	10000 White
RADOVCICH, JOEL	7/23/1998	28	7/20/1998 ISL	10000 White
RANDOLPH, WILLIS	3/8/1990	32	2/21/1990 ISL	324 Black
RANGEL, ROBERTO	5/8/2002	28	5/3/2002 ISL	684 Mexican
RAUDA, MATTHEW	9/23/2004	20	9/21/2004 ISL	420 Mexican
RESER, JOSHUA	10/3/2001	28	9/21/2001 ISL	600 White
REYES-DIAZ, JAIME	3/26/2009	32	3/18/2009 ISL	600 Mexican
REYNOSA, RAFAEL	8/1/2023	35	7/20/2023 ISL	312 Hispanic
RINCON, MICHAEL	11/18/2014	24	10/27/2014 ISL	10000 Hispanic
RINCON, MICHAEL	11/18/2014	24	10/27/2014 ISL	10000 Hispanic
RITTER, RONALD	10/25/2005	35	10/15/2021 ISL	1200 White
RIVERA, RAFAEL	9/29/2010	42	9/20/2010 ISL	312 Hispanic
ROBINSON, TYWAIN	12/24/2024	26	12/18/2024 ISL	684 Black
ROCHA, CARLOS	12/21/2006	21	12/15/2006 ISL	10000 Mexican
RODRIGUEZ, ANGEL	11/13/2014	21	11/5/2014 ISL	660 Hispanic

RODRIGUEZ, JERRY	3/1/1996	24	2/21/1996 ISL	1000000 Mexican
RODRIGUEZ, JERRY	3/1/1996	24	2/21/1996 ISL	1000000 Mexican
ROGERS, DARRELL	5/18/1994	20	5/9/1994 ISL	360 Black
ROMERO, DAVID	3/7/2012	48	2/17/2012 ISL	300 Hispanic
ROMERO, ELOY	1/26/2016	27	1/14/2016 ISL	10000 Hispanic
ROMERO, ELOY	1/26/2016	27	1/14/2016 ISL	10000 Hispanic
ROSS, ALVIN	12/18/1979	24	11/26/1979 ISL	10000 Black
RUBIO, BENJAMIN	11/2/1995	27	10/20/1995 ISL	10000 Mexican
RUBIO, JOSE	4/24/1991	25	4/15/1991 ISL	10000 Mexican
SALAS, BENITO	12/21/2011	38	12/14/2011 ISL	10000 Hispanic
SALAS, BENITO	12/21/2011	38	12/14/2011 ISL	10000 Hispanic
SALAZAR, ESTEBAN	2/5/2003	22	1/8/2003 ISL	10000 Mexican
SAMBRANO, ARTHUR	12/15/1986	22	11/5/1986 ISL	300 Mexican
SANCHEZ, FELIPE	4/4/2012	51	3/26/2012 ISL	300 Hispanic
SANCHEZ, MATTHEW	5/8/2008	23	5/6/2008 ISL	600 Hispanic
SANCHEZ, MIGUEL	1/7/1998	40	12/30/1997 ISL	972 Mexican
SANDOVAL, ROBERTO	5/6/2014	27	4/28/2014 ISL	1008 Hispanic
SCARBOROUGH, IAN	12/3/2024	35	11/14/2024 ISL	312 White
SCHREINER, KALEO	11/8/2022	28	10/27/2022 ISL	540 Pacific Islander
SCHUSTER, LARISSA	5/27/2008	48	5/16/2008 ISL	10000 White
SENEGAL, SHANNON	7/12/2006	28	6/16/2006 ISL	600 Black
SENGSONGKHAM, LEUTH	10/3/2017	62	9/21/2017 ISL	1080 Asian
SETTLE, JOHNATHAN	3/9/2011	30	3/2/2011 ISL	312 Hispanic
SHELDON, GEORGE	7/7/1980	31	5/23/1980 ISL	10000 White
SHEPARD, JOHN	6/4/2003	24	5/12/2003 ISL	600 Black
SINGH, HARMANPREET	8/27/2024	30	8/15/2024 ISL	600 Asian
SIVONGXAY, VAENE	5/7/1999	35	4/29/1999 ISL	1000000 Other
SKALA, STANLEY	4/13/1995	26	6/4/2002 ISL	1528 Black
SMITH, ROBERT	2/11/1985	23	1/22/1985 ISL	10000 White
SMITH, ROBERT	2/11/1985	23	1/22/1985 ISL	10000 White
SMITH, STANLEY	1/17/2002	67	1/11/2002 ISL	312 White
SNIDER, WILBUR	6/12/1978	33	11/29/1978 ISL	204 White
SOLIS, ROLANDO	10/22/2003	24	10/2/2003 ISL	960 Mexican
SOLORIO, DANIEL	8/5/2021	21	7/9/2021 ISL	300 Hispanic
SOTO, EDWARD	3/8/2001	36	3/5/2001 ISL	300 Mexican
SOTO, MICHAEL	12/3/1992	22	11/18/1992 DSL	10000 Mexican
SOTO, MICHAEL	12/3/1992	22	11/18/1992 DSL	10000 Mexican
SPRADLIN, JEFFREY	3/29/1995	22	3/15/1995 ISL	10000 Mexican
STANBROUGH, TIM	8/28/2008	39	8/21/2008 ISL	10000 Mexican
STANFIELD, JEREL	6/20/2023	35	5/16/2023 ISL	1020 Black
STANKEWITZ, DOUGLAS	10/13/1978	20	10/12/1978 ISL	1000000 American Indian/Alaskan Native
TAPIA, ARTURO	6/23/2005	30	6/21/2005 ISL	300 Mexican
TAPIA, ARTURO	6/23/2005	30	6/21/2005 ISL	300 Mexican
TASHCHYAN, NERSES	7/8/2014	68	7/1/2014 ISL	600 White
THOMAS, LACHANCE	3/27/2018	22	3/8/2018 ISL	336 Black
THOMAS, MICHAEL	10/6/2005	38	9/27/2005 ISL	960 Black
THOMPSON, THYSHAWN	8/23/2022	27	7/11/2022 ISL	1320 Black
TIDRICK, ERIC	11/2/2011	50	10/27/2011 ISL	600 White
TIZNADO, GILBERTO	1/16/2024	45	1/4/2024 ISL	300 Hispanic
TORRES, JOSE	8/7/2002	25	8/2/2002 ISL	600 Hispanic
TORRES, RAUL	9/19/2017	32	8/30/2017 ISL	600 Hispanic
TRAVIS, CURTIS	1/10/2013	36	12/21/2012 ISL	10000 White
TREJO, HECTOR	1/11/2012	23	1/5/2012 ISL	10000 Hispanic
TREJO, HECTOR	1/11/2012	23	1/5/2012 ISL	10000 Hispanic
TROXELL, DANNY	7/23/1979	26	7/16/1979 ISL	300 White
VALENCIA, DANIEL	11/18/2014	21	11/10/2014 ISL	600 Hispanic
VALENZUELA, MANUEL	2/4/1999	30	1/14/1999 ISL	10000 Black
VALERA, JOEL	10/16/2018	41	9/28/2018 ISL	624 Mexican
VANG, JOHNNY	3/5/2008	21	2/26/2008 ISL	10000 Other
VANG, JOHNNY	3/5/2008	21	2/26/2008 ISL	10000 Other
VILLANUEVA, MANUEL	1/11/2012	21	1/5/2012 ISL	10000 Hispanic
VILLANUEVA, MANUEL	1/11/2012	21	1/5/2012 ISL	10000 Hispanic
VILLANUEVA, RICARDO	6/11/2013	24	5/24/2013 ISL	10000 Hispanic
VUE, CHINNAWAT	5/23/2023	32	4/26/2023 ISL	312 Asian
WALDRON, BRIAN	1/14/2014	56	1/9/2014 ISL	336 White
WALLACE, KEONE	6/4/1993	24	5/20/1993 ISL	10000 Black
WASHINGTON, CURTIS	1/26/2011	22	1/3/2011 ISL	600 Black
WEATHERS, WINONA	7/27/1993	33	7/20/1993 ISL	300 American Indian/Alaskan Native
WEBB, GREGORY	4/14/2016	42	4/7/2016 ISL	300 White
WESSON, MARCUS	8/2/2005	59	7/27/2005 ISL	1000000 Black
WESSON, MARCUS	8/2/2005	59	7/27/2005 ISL	1000000 Black
WICKHAM, ANSEL	5/2/1996	26	4/24/1996 ISL	10000 Other
WILLIAMS, CHRISTOPHER	11/26/2024	24	11/18/2024 ISL	10000 Black
WILLIAMS, DEXTER	3/8/1996	35	2/28/1996 ISL	1000000 Black
WILLIAMS, LERON	7/12/2006	30	6/16/2006 ISL	600 Black
WILSON, KENNETH	12/16/2009	31	12/9/2009 ISL	10000 American Indian/Alaskan Native
WOODLEY, PHILLIP	6/23/2010	56	6/14/2010 ISL	10000 Hispanic
WOODLEY, PHILLIP	6/23/2010	56	6/14/2010 ISL	10000 Hispanic
WOOLF, KATREEVA	1/24/2020	41	1/8/2020 ISL	348 Black
WRIGHT, CAMERON	8/1/2023	23	7/19/2023 ISL	660 White
XIONG, KOUA	5/18/2011	25	4/27/2011 ISL	10000 Asian
YANG, KA	6/27/2023	43	5/11/2023 ISL	348 Asian
YANG, PETER	10/6/2015	26	9/23/2015 ISL	600 Asian
YANN, SOKOL	8/23/2007	33	8/13/2007 ISL	10000 Other
YANN, SOKOL	8/23/2007	33	8/13/2007 ISL	10000 Other
YBARRA, RONALD	4/27/2005	22	4/21/2005 ISL	10000 Mexican
ZERMENO, FRANCISCO	10/24/2017	34	10/11/2017 ISL	600 Hispanic

Fresno Arrest Data 1980 – 1985 - **EXHIBIT 31a**

YEAR	GENDER	RACE	AGE_GROUP	COUNTY	VIOLENT	PROPERTY	F_DRUGOFF	F_SEXOFF	F_ALLOTHER	F_TOTAL	M_TOTAL	S_TOTAL	Column1	FELONY	MISDEMEANOR	STATUS	All	PERCENTAGE OF TOTAL
1985	Male	Black	Under 18	Fresno Cour	77	218	3	6	7	311	439	75						
1985	Male	Black	18 to 19	Fresno Cour	40	65	10	0	4	119	118	0						
1985	Male	Black	20 to 29	Fresno Cour	156	207	96	11	38	508	1043	0						
1985	Male	Black	30 to 39	Fresno Cour	76	129	41	7	21	274	848	0						
1985	Male	Black	40 to 69	Fresno Cour	28	32	17	4	11	92	698	0						
1985	Male	Black	70 and over	Fresno Cour	1	0	1	0	0	2	29	0						
1985	Female	Black	Under 18	Fresno Cour	6	25	1	0	1	33	193	60						
1985	Female	Black	18 to 19	Fresno Cour	4	8	0	0	0	12	47	0						
1985	Female	Black	20 to 29	Fresno Cour	27	97	10	0	11	145	373	0						
1985	Female	Black	30 to 39	Fresno Cour	12	37	6	0	1	56	175	0						
1985	Female	Black	40 to 69	Fresno Cour	4	12	3	0	1	20	68	0	Black total	1572	4031	135	5738	10.23%
1985	Male	Hispanic	Under 18	Fresno Cour	141	572	87	33	64	897	1929	405						
1985	Male	Hispanic	18 to 19	Fresno Cour	87	238	71	9	46	451	1541	0						
1985	Male	Hispanic	20 to 29	Fresno Cour	446	773	326	40	255	1840	10289	0						
1985	Male	Hispanic	30 to 39	Fresno Cour	197	268	132	34	104	735	4913	0						
1985	Male	Hispanic	40 to 69	Fresno Cour	71	92	21	16	31	231	3484	0						
1985	Male	Hispanic	70 and over	Fresno Cour	2	0	0	5	0	7	63	0						
1985	Female	Hispanic	Under 18	Fresno Cour	18	61	17	0	4	100	574	323						
1985	Female	Hispanic	18 to 19	Fresno Cour	9	29	8	0	6	52	175	0						
1985	Female	Hispanic	20 to 29	Fresno Cour	47	105	60	0	25	237	957	0						
1985	Female	Hispanic	30 to 39	Fresno Cour	20	52	19	0	15	106	433	0						
1985	Female	Hispanic	40 to 69	Fresno Cour	4	18	10	0	4	36	210	0						
1985	Female	Hispanic	70 and over	Fresno Cour	0	0	1	0	0	1	2	0	Hispanic total	4693	24570	728	29991	53.46%
1985	Male	Other	Under 18	Fresno Cour	6	33	1	2	2	44	132	15						
1985	Male	Other	18 to 19	Fresno Cour	5	7	2	0	3	17	48	0						
1985	Male	Other	20 to 29	Fresno Cour	10	29	2	2	12	55	277	0						
1985	Male	Other	30 to 39	Fresno Cour	9	8	1	1	6	25	243	0						
1985	Male	Other	40 to 69	Fresno Cour	12	3	5	1	3	24	211	0						
1985	Male	Other	70 and over	Fresno Cour	0	0	1	0	0	1	2	0						
1985	Female	Other	Under 18	Fresno Cour	0	3	2	0	0	5	23	16						
1985	Female	Other	18 to 19	Fresno Cour	0	0	0	0	0	0	11	0						
1985	Female	Other	20 to 29	Fresno Cour	2	7	1	0	1	11	59	0						
1985	Female	Other	30 to 39	Fresno Cour	0	5	0	0	2	7	31	0						
1985	Female	Other	40 to 69	Fresno Cour	1	1	0	0	0	2	26	0	Other total	191	1063	31	1285	2.29%
1985	Male	White	Under 18	Fresno Cour	70	492	54	25	36	677	1517	488						
1985	Male	White	18 to 19	Fresno Cour	39	160	41	3	32	275	993	0						
1985	Male	White	20 to 29	Fresno Cour	208	480	212	31	172	1103	4607	0						
1985	Male	White	30 to 39	Fresno Cour	118	216	105	36	59	534	2435	0						
1985	Male	White	40 to 69	Fresno Cour	70	82	32	35	34	253	2426	0						
1985	Male	White	70 and over	Fresno Cour	5	2	0	1	1	9	79	0						
1985	Female	White	Under 18	Fresno Cour	11	55	9	0	2	77	510	473						
1985	Female	White	18 to 19	Fresno Cour	9	30	12	0	2	53	216	0						
1985	Female	White	20 to 29	Fresno Cour	25	140	90	1	19	275	1006	0						
1985	Female	White	30 to 39	Fresno Cour	21	73	48	2	9	153	535	0						
1985	Female	White	40 to 69	Fresno Cour	9	37	13	2	1	62	323	0						
1985	Female	White	70 and over	Fresno Cour	0	0	0	0	0	0	7	0	White total	3471	14654	961	19086	34.02%
Total					2103	4901	1571	307	1045	9927	44318	1855		56100			56100	100.00%

Exhibit 31a - Fresno Arrest Data 1980 - 1985

YEAR	GENDER	RACE	AGE_GROUP	COUNTY	VIOLENT	PROPERTY	F_DRUGOFF	F_SEXOFF	F_ALLOTHER	F_TOTAL	M_TOTAL	S_TOTAL	Column1	FELONY	MISDEMEANOR	STATUS	All	PERCENTAGE OF TOTAL
1984	Male	Black	Under 18	Fresno Cour	43	172	7	18	10	250	409	79						
1984	Male	Black	18 to 19	Fresno Cour	29	65	9	0	10	113	179	0						
1984	Male	Black	20 to 29	Fresno Cour	127	241	50	3	27	448	1128	0						
1984	Male	Black	30 to 39	Fresno Cour	60	108	30	6	14	218	715	0						
1984	Male	Black	40 to 69	Fresno Cour	23	43	16	2	9	93	677	0						
1984	Male	Black	70 and over	Fresno Cour	3	0	1	0	1	5	28	0						
1984	Female	Black	Under 18	Fresno Cour	19	29	1	0	2	51	140	54						
1984	Female	Black	18 to 19	Fresno Cour	6	10	2	0	0	18	63	0						
1984	Female	Black	20 to 29	Fresno Cour	32	95	16	1	6	150	436	0						
1984	Female	Black	30 to 39	Fresno Cour	8	31	5	0	4	48	149	0						
1984	Female	Black	40 to 69	Fresno Cour	3	6	5	0	1	15	92	0						
1984	Female	Black	70 and over	Fresno Cour	0	0	0	0	0	1	0	0	Black total	1409	4017	133	5559	10.55%
1984	Male	Hispanic	Under 18	Fresno Cour	137	476	51	20	47	731	1613	392						
1984	Male	Hispanic	18 to 19	Fresno Cour	126	258	39	6	63	492	1674	0						
1984	Male	Hispanic	20 to 29	Fresno Cour	450	742	230	32	208	1662	9905	0						
1984	Male	Hispanic	30 to 39	Fresno Cour	205	270	98	26	72	671	4797	0						
1984	Male	Hispanic	40 to 69	Fresno Cour	82	82	35	19	41	259	3657	0						
1984	Male	Hispanic	70 and over	Fresno Cour	0	1	3	0	0	4	73	0						
1984	Female	Hispanic	Under 18	Fresno Cour	17	50	6	0	2	75	463	284						
1984	Female	Hispanic	18 to 19	Fresno Cour	11	16	7	1	1	36	182	0						
1984	Female	Hispanic	20 to 29	Fresno Cour	42	138	47	0	20	247	921	0						
1984	Female	Hispanic	30 to 39	Fresno Cour	21	47	12	2	7	89	423	0						
1984	Female	Hispanic	40 to 69	Fresno Cour	5	15	9	0	2	31	218	0						
1984	Female	Hispanic	70 and over	Fresno Cour	0	0	0	0	0	0	2	0	Hispanic total	4297	23928	676	28901	54.85%
1984	Male	Other	Under 18	Fresno Cour	10	30	0	0	2	42	107	14						
1984	Male	Other	18 to 19	Fresno Cour	4	3	1	0	1	9	39	0						
1984	Male	Other	20 to 29	Fresno Cour	13	19	4	3	7	46	250	0						
1984	Male	Other	30 to 39	Fresno Cour	12	14	5	2	2	35	250	0						
1984	Male	Other	40 to 69	Fresno Cour	5	1	4	0	0	10	195	0						
1984	Male	Other	70 and over	Fresno Cour	0	0	0	0	0	0	10	0						
1984	Female	Other	Under 18	Fresno Cour	0	1	0	0	0	1	6	7						
1984	Female	Other	18 to 19	Fresno Cour	1	1	0	0	0	2	4	0						
1984	Female	Other	20 to 29	Fresno Cour	0	7	0	0	1	8	54	0						
1984	Female	Other	30 to 39	Fresno Cour	0	2	1	0	0	3	21	0						
1984	Female	Other	40 to 69	Fresno Cour	1	2	0	0	0	3	33	0	Other total	159	969	21	1149	2.18%
1984	Male	White	Under 18	Fresno Cour	76	380	42	33	42	573	1334	386						
1984	Male	White	18 to 19	Fresno Cour	37	142	35	2	29	245	942	0						
1984	Male	White	20 to 29	Fresno Cour	198	403	143	32	124	900	4265	0						
1984	Male	White	30 to 39	Fresno Cour	91	183	59	37	65	435	2282	0						
1984	Male	White	40 to 69	Fresno Cour	49	89	20	26	33	217	2272	0						
1984	Male	White	70 and over	Fresno Cour	2	1	0	7	0	10	74	0						
1984	Female	White	Under 18	Fresno Cour	8	50	15	0	7	80	432	345						
1984	Female	White	18 to 19	Fresno Cour	4	14	8	0	5	31	167	0						
1984	Female	White	20 to 29	Fresno Cour	26	135	71	4	21	257	955	0						
1984	Female	White	30 to 39	Fresno Cour	15	68	26	2	6	117	421	0						
1984	Female	White	40 to 69	Fresno Cour	8	19	5	1	4	37	290	0						
1984	Female	White	70 and over	Fresno Cour	0	0	1	0	0	1	14	0	White total	2903	13448	731	17082	32.42%
Totals					2009	4459	1119	285	896	8768	42362	1561	52691				52691	100.00%

YEAR	GENDER	RACE	AGE_GROUP	COUNTY	VIOLENT	PROPERTY	F_DRUGOFF	F_SEXOFF	F_ALLOTHER	F_TOTAL	M_TOTAL	S_TOTAL	Column1	FELONY	MISDEMEANOR	STATUS	All	PERCENTAGE OF TOTAL
1983	Male	Black	Under 18	Fresno Cour	68	202	12	6	9	297	370	87						
1983	Male	Black	18 to 19	Fresno Cour	32	87	4	3	6	132	172	0						
1983	Male	Black	20 to 29	Fresno Cour	125	198	44	5	20	392	1270	0						
1983	Male	Black	30 to 39	Fresno Cour	44	80	20	4	11	159	804	0						
1983	Male	Black	40 to 69	Fresno Cour	25	32	15	4	12	88	944	0						
1983	Male	Black	70 and over	Fresno Cour	2	0	0	0	0	2	46	0						
1983	Female	Black	Under 18	Fresno Cour	12	35	2	0	3	52	175	47						
1983	Female	Black	18 to 19	Fresno Cour	3	15	0	0	2	20	67	0						
1983	Female	Black	20 to 29	Fresno Cour	24	77	6	2	14	123	529	0						
1983	Female	Black	30 to 39	Fresno Cour	8	26	8	0	1	43	146	0						
1983	Female	Black	40 to 69	Fresno Cour	4	6	0	1	2	13	50	0						
1983	Female	Black	70 and over	Fresno Cour	0	0	0	1	0	1	0	0	Black total	1322	4573	134	6029	11.63%
1983	Male	Hispanic	Under 18	Fresno Cour	140	452	31	12	37	672	1611	322						
1983	Male	Hispanic	18 to 19	Fresno Cour	94	194	29	5	33	355	1699	0						
1983	Male	Hispanic	20 to 29	Fresno Cour	446	580	218	16	165	1425	9862	0						
1983	Male	Hispanic	30 to 39	Fresno Cour	151	188	104	17	69	529	4543	0						
1983	Male	Hispanic	40 to 69	Fresno Cour	62	63	45	11	14	195	3788	0						
1983	Male	Hispanic	70 and over	Fresno Cour	1	0	0	1	0	2	94	0						
1983	Female	Hispanic	Under 18	Fresno Cour	13	52	8	0	3	76	376	223						
1983	Female	Hispanic	18 to 19	Fresno Cour	8	19	5	0	2	34	215	0						
1983	Female	Hispanic	20 to 29	Fresno Cour	28	86	44	0	12	170	890	0						
1983	Female	Hispanic	30 to 39	Fresno Cour	9	32	18	0	6	65	416	0						
1983	Female	Hispanic	40 to 69	Fresno Cour	3	11	7	1	1	23	215	0						
1983	Female	Hispanic	70 and over	Fresno Cour	0	1	0	0	1	2	1	0	Hispanic total	3548	23710	545	27803	53.61%
1983	Male	Other	Under 18	Fresno Cour	3	26	1	0	0	30	53	13						
1983	Male	Other	18 to 19	Fresno Cour	4	5	1	0	0	10	38	0						
1983	Male	Other	20 to 29	Fresno Cour	16	11	4	0	1	32	231	0						
1983	Male	Other	30 to 39	Fresno Cour	9	3	1	2	0	15	239	0						
1983	Male	Other	40 to 69	Fresno Cour	4	4	2	0	2	12	189	0						
1983	Male	Other	70 and over	Fresno Cour	0	0	0	0	0	0	6	0						
1983	Female	Other	Under 18	Fresno Cour	0	2	0	0	0	2	17	5						
1983	Female	Other	18 to 19	Fresno Cour	0	0	0	0	0	0	3	0						
1983	Female	Other	20 to 29	Fresno Cour	3	2	1	0	1	7	49	0						
1983	Female	Other	30 to 39	Fresno Cour	0	0	0	0	0	0	25	0						
1983	Female	Other	40 to 69	Fresno Cour	0	2	0	0	0	2	27	0	Other total	110	877	18	1005	1.94%
1983	Male	White	Under 18	Fresno Cour	72	348	37	18	41	516	1323	234						
1983	Male	White	18 to 19	Fresno Cour	36	161	31	1	27	256	899	0						
1983	Male	White	20 to 29	Fresno Cour	138	394	147	20	87	786	4387	0						
1983	Male	White	30 to 39	Fresno Cour	91	161	77	17	37	383	2357	0						
1983	Male	White	40 to 69	Fresno Cour	59	71	24	18	30	202	2701	0						
1983	Male	White	70 and over	Fresno Cour	1	1	0	0	1	3	64	0						
1983	Female	White	Under 18	Fresno Cour	5	52	13	4	8	82	372	275						
1983	Female	White	18 to 19	Fresno Cour	5	30	5	0	2	42	186	0						
1983	Female	White	20 to 29	Fresno Cour	15	86	65	4	18	188	824	0						
1983	Female	White	30 to 39	Fresno Cour	9	56	25	5	10	105	418	0						
1983	Female	White	40 to 69	Fresno Cour	8	17	5	0	5	35	376	0						
1983	Female	White	70 and over	Fresno Cour	1	0	0	0	0	1	9	0	White total	2599	13916	509	17024	32.83%
Totals					1781	3868	1059	178	693	7579	43076	1206	51861					100.00%

YEAR	GENDER	RACE	AGE_GROUP	COUNTY	VIOLENT	PROPERTY	F_DRUGOFF	F_SEXOFF	F_ALLOTHER	F_TOTAL	M_TOTAL	S_TOTAL	Column1	FELONY	MISDEMEANOR	STATUS	All	PERCENTAGE OF TOTAL
1982	Male	Black	Under 18	Fresno Cour	67	222	9	6	16	320	429	171						
1982	Male	Black	18 to 19	Fresno Cour	58	81	6	1	7	153	146	0						
1982	Male	Black	20 to 29	Fresno Cour	149	228	51	3	28	459	1186	0						
1982	Male	Black	30 to 39	Fresno Cour	53	74	13	7	9	156	728	0						
1982	Male	Black	40 to 69	Fresno Cour	33	35	20	1	3	92	869	0						
1982	Male	Black	70 and over	Fresno Cour	2	1	0	0	1	4	36	0						
1982	Female	Black	Under 18	Fresno Cour	14	36	0	1	3	54	126	55						
1982	Female	Black	18 to 19	Fresno Cour	3	13	0	0	0	16	57	0						
1982	Female	Black	20 to 29	Fresno Cour	35	60	13	2	4	114	413	0						
1982	Female	Black	30 to 39	Fresno Cour	10	17	4	0	3	34	99	0						
1982	Female	Black	40 to 69	Fresno Cour	5	6	3	0	2	16	47	0	Black total	1418	4136	226	5780	11.19%
1982	Male	Hispanic	Under 18	Fresno Cour	162	484	38	9	65	758	1581	343						
1982	Male	Hispanic	18 to 19	Fresno Cour	138	215	22	2	46	423	1836	0						
1982	Male	Hispanic	20 to 29	Fresno Cour	454	587	120	20	165	1346	9616	0						
1982	Male	Hispanic	30 to 39	Fresno Cour	146	169	64	16	46	441	4598	0						
1982	Male	Hispanic	40 to 69	Fresno Cour	79	67	21	9	20	196	4189	0						
1982	Male	Hispanic	70 and over	Fresno Cour	1	0	0	0	1	2	83	0						
1982	Female	Hispanic	Under 18	Fresno Cour	8	50	9	0	3	70	396	251						
1982	Female	Hispanic	18 to 19	Fresno Cour	10	25	4	0	1	40	226	0						
1982	Female	Hispanic	20 to 29	Fresno Cour	24	89	21	0	6	140	810	0						
1982	Female	Hispanic	30 to 39	Fresno Cour	18	34	13	0	8	73	358	0						
1982	Female	Hispanic	40 to 69	Fresno Cour	5	16	2	1	2	26	213	0						
1982	Female	Hispanic	70 and over	Fresno Cour	0	0	0	0	0	0	1	0	Hispanic total	3515	23907	594	28016	54.23%
1982	Male	Other	Under 18	Fresno Cour	1	6	1	0	2	10	50	8						
1982	Male	Other	18 to 19	Fresno Cour	2	13	0	0	1	16	26	0						
1982	Male	Other	20 to 29	Fresno Cour	18	18	4	1	8	49	276	0						
1982	Male	Other	30 to 39	Fresno Cour	9	15	2	0	2	28	271	0						
1982	Male	Other	40 to 69	Fresno Cour	2	5	0	2	0	9	288	0						
1982	Male	Other	70 and over	Fresno Cour	1	0	0	0	0	1	17	0						
1982	Female	Other	Under 18	Fresno Cour	0	1	0	0	0	1	11	12						
1982	Female	Other	18 to 19	Fresno Cour	0	1	0	0	0	1	4	0						
1982	Female	Other	20 to 29	Fresno Cour	0	4	1	0	0	5	46	0						
1982	Female	Other	30 to 39	Fresno Cour	1	2	0	0	0	3	19	0						
1982	Female	Other	40 to 69	Fresno Cour	0	1	0	0	0	1	28	0	Other total	124	1036	20	1180	2.28%
1982	Male	White	Under 18	Fresno Cour	79	436	48	12	45	620	1158	206						
1982	Male	White	18 to 19	Fresno Cour	37	202	28	1	31	299	935	0						
1982	Male	White	20 to 29	Fresno Cour	212	382	178	15	87	874	4194	0						
1982	Male	White	30 to 39	Fresno Cour	109	158	60	23	28	378	2309	0						
1982	Male	White	40 to 69	Fresno Cour	64	68	22	11	19	184	2816	0						
1982	Male	White	70 and over	Fresno Cour	0	1	0	1	0	2	77	0						
1982	Female	White	Under 18	Fresno Cour	5	50	10	2	2	69	307	163						
1982	Female	White	18 to 19	Fresno Cour	2	18	4	0	3	27	185	0						
1982	Female	White	20 to 29	Fresno Cour	19	68	43	2	8	140	779	0						
1982	Female	White	30 to 39	Fresno Cour	16	46	27	0	6	95	445	0						
1982	Female	White	40 to 69	Fresno Cour	3	19	6	0	5	33	375	0						
1982	Female	White	70 and over	Fresno Cour	1	0	0	0	0	1	12	0	White total	2722	13592	369	16683	32.29%
	Totals				2055	4023	867	148	686	7779	42671	1209	51659					100.00%

YEAR	GENDER	RACE	AGE_GROUP	COUNTY	VIOLENT	PROPERTY	F_DRUGOFF	F_SEKOFF	F_ALLOTHER	F_TOTAL	M_TOTAL	S_TOTAL	Column1	FELONY	MISDEMEANOF STATUS	All	PERCENTAGE OF TOTAL	
1980	Male	Black	Under 18	Fresno Cour	123	307	4	4	22	460	355	58						
1980	Male	Black	18 to 19	Fresno Cour	47	68	3	0	7	125	124	0						
1980	Male	Black	20 to 29	Fresno Cour	183	248	41	1	25	498	837	0						
1980	Male	Black	30 to 39	Fresno Cour	47	61	20	5	9	142	398	0						
1980	Male	Black	40 to 69	Fresno Cour	31	22	12	2	1	68	717	0						
1980	Male	Black	70 and over	Fresno Cour	6	2	0	0	1	9	40	0						
1980	Female	Black	Under 18	Fresno Cour	25	33	1	0	5	64	153	49						
1980	Female	Black	18 to 19	Fresno Cour	7	15	2	0	0	24	55	0						
1980	Female	Black	20 to 29	Fresno Cour	33	73	10	2	6	124	301	0						
1980	Female	Black	30 to 39	Fresno Cour	11	32	3	0	3	49	74	0						
1980	Female	Black	40 to 69	Fresno Cour	6	6	1	0	5	18	42	0	Black total	1581	3096	107	4784	10.19%
1980	Male	Hispanic	Under 18	Fresno Cour	212	499	29	5	63	808	1885	225						
1980	Male	Hispanic	18 to 19	Fresno Cour	162	192	14	2	42	412	1660	0						
1980	Male	Hispanic	20 to 29	Fresno Cour	505	474	89	14	170	1252	8286	0						
1980	Male	Hispanic	30 to 39	Fresno Cour	141	101	43	5	46	336	3565	0						
1980	Male	Hispanic	40 to 69	Fresno Cour	72	40	26	5	25	168	3932	0						
1980	Male	Hispanic	70 and over	Fresno Cour	1	0	0	1	0	2	85	0						
1980	Female	Hispanic	Under 18	Fresno Cour	37	70	6	0	4	117	493	259						
1980	Female	Hispanic	18 to 19	Fresno Cour	15	17	2	0	6	40	148	0						
1980	Female	Hispanic	20 to 29	Fresno Cour	31	63	23	0	8	125	659	0						
1980	Female	Hispanic	30 to 39	Fresno Cour	10	18	12	0	5	45	284	0						
1980	Female	Hispanic	40 to 69	Fresno Cour	4	6	7	0	6	23	148	0						
1980	Female	Hispanic	70 and over	Fresno Cour	0	0	1	0	0	1	0	0	Hispanic total	3329	21145	484	24958	53.18%
1980	Male	Other	Under 18	Fresno Cour	1	16	5	0	3	25	29	3						
1980	Male	Other	18 to 19	Fresno Cour	7	7	1	0	1	16	41	0						
1980	Male	Other	20 to 29	Fresno Cour	21	23	5	1	6	56	223	0						
1980	Male	Other	30 to 39	Fresno Cour	3	9	1	0	0	13	207	0						
1980	Male	Other	40 to 69	Fresno Cour	6	3	3	1	1	14	344	0						
1980	Male	Other	70 and over	Fresno Cour	0	0	0	0	0	0	30	0						
1980	Female	Other	Under 18	Fresno Cour	4	1	0	0	1	6	16	15						
1980	Female	Other	18 to 19	Fresno Cour	2	2	1	0	0	5	6	0						
1980	Female	Other	20 to 29	Fresno Cour	1	6	2	0	2	11	35	0						
1980	Female	Other	30 to 39	Fresno Cour	2	3	0	0	0	5	14	0						
1980	Female	Other	40 to 69	Fresno Cour	0	1	0	0	0	1	19	0	Other total	152	964	18	1134	2.42%
1980	Male	White	Under 18	Fresno Cour	102	493	59	5	46	705	1301	236						
1980	Male	White	18 to 19	Fresno Cour	77	189	32	3	35	336	968	0						
1980	Male	White	20 to 29	Fresno Cour	226	362	156	9	86	839	3674	0						
1980	Male	White	30 to 39	Fresno Cour	104	111	65	19	29	328	1835	0						
1980	Male	White	40 to 69	Fresno Cour	54	56	17	16	16	159	2966	0						
1980	Male	White	70 and over	Fresno Cour	1	0	0	0	0	1	186	0						
1980	Female	White	Under 18	Fresno Cour	6	69	19	0	7	101	424	333						
1980	Female	White	18 to 19	Fresno Cour	3	16	14	1	5	39	147	0						
1980	Female	White	20 to 29	Fresno Cour	16	90	54	2	8	170	556	0						
1980	Female	White	30 to 39	Fresno Cour	18	32	19	1	7	77	321	0						
1980	Female	White	40 to 69	Fresno Cour	4	19	2	1	7	33	315	0						
1980	Female	White	70 and over	Fresno Cour	0	0	0	0	0	0	9	0	White total	2788	12702	569	16059	34.22%
Totals					2367	3855	804	105	719	7850	37907	1178	46935				100.00%	

Known Fresno Murder Sentences Spreadsheet -
EXHIBIT 31b

KNOWN FRESNO MURDER
ONE SENTENCES

<u>Name of Defendant</u>	<u>Defendant Race</u>	<u>Initial Sentence Year</u>	<u>Original Sentence</u>	<u>Sentence/Resentence/Notes</u>
Defendants who got the Death Penalty				
Stankewitz, Douglas	INDIAN	1978	DEATH -TWICE	LWOP
Griffin, Donald	WHITE	1980	DEATH - TWICE	LWOP (after Atkins hearing)
Leach, Michael	WHITE	1980	DEATH	REVERSED BY CA SC 1985 - LWOP after jury retrial
Allen, Clarence Ray	INDIAN	1981	DEATH	EXECUTED
Hamilton, Billy	WHITE	1981	DEATH	Died on Death Row
Caro, Fernando	HISPANIC	1981	DEATH	None - died in while on Death Row
Edelbacher, Peter	WHITE	1983	DEATH	REVERSED BY CA SC 1989; LWOP
McPeters, Ronald	BLACK	1986	DEATH	None
Jennings, Wilbur	BLACK	1986	DEATH	2014 - Died on Death Row
Dickey, Colin Raker	WHITE	1991	DEATH	25 to Life per murder (2024)
Lewis, Raymond	BLACK	1991	DEATH	None
Wallace, Keone T	BLACK	1993	DEATH	LWOP
Curl, Robert	WHITE	1993	DEATH	None
Clark, Royal	BLACK	1994	DEATH	None
DeMent, Ronnie	WHITE	1994	DEATH	None
Avila, Johnny	HISPANIC	1995	DEATH	Died on Death Row
Doolin, Keith	WHITE	1996	DEATH	None
Rodriguez, Jerry	HISPANIC	1996	DEATH	None
Williams, Dexter	BLACK	1996	DEATH	None
Sivongxay, Vaene	ASIAN	1999	DEATH	None
Wesson, Marcus	BLACK	2005	DEATH	None
Nealy, Eddie	BLACK	2015	DEATH	Murder + Rape; None

Defendants where Death Penalty Was Sought At Trial but not obtained

Bizieff, Nicholas	WHITE	1979	Voluntary Manslaughter	DEATH SOUGHT
Sahakian, David	WHITE	1979	Voluntary Manslaughter	DEATH SOUGHT
Thomas, Doug	WHITE	1979	Not guilty	DEATH SOUGHT
Rodriguez, Carlos	HISPANIC	1987	LWOP	DEATH SOUGHT
Velasquez, John	HISPANIC	1985	LWOP	DEATH SOUGHT
Capriolio, Phillip	WHITE	1980	LWOP	DEATH SOUGHT
Willis, Randolph	BLACK	1989	LWOP	DEATH SOUGHT - Hung Jury - 2D TRIAL LWOP
Garcia, Gilbert	HISPANIC	1990	LWOP	DEATH SOUGHT
Warren, Chase	WHITE	1990	Not guilty	DEATH SOUGHT; 2d Trial acquitted

Reed, Terrell J	BLACK	1994 Not guilty	DEATH SOUGHT; 2d Trial acquitted
Harris, Kenneth	BLACK	1994 LWOP	DEATH SOUGHT
Coleman, Alex	BLACK	1995	Hung Jury - No retrial - DEATH SOUGHT
Avila, Richard	HISPANIC	1995 LWOP	DEATH SOUGHT
Spradlin, Jeffrey	W/HISPANIC	1995 LWOP	DEATH SOUGHT
Rivera, Anthony	HISPANIC	1996 LWOP	DEATH SOUGHT
Ewell, Dana	WHITE	1998 LWOP	DEATH SOUGHT
Radovich, Joel	WHITE	1998 LWOP	DEATH SOUGHT
Mounsaveng, Oday	ASIAN	1999 LWOP	DEATH SOUGHT
Dupree, Richard	BLACK	2002 LWOP	DEATH SOUGHT
Mangsanghan, Boulay	ASIAN	2007 LWOP	DEATH SOUGHT
Chea, Sokmorn	ASIAN	2007 LWOP	DEATH SOUGHT
Perkins, Jonathan	WHITE	2007 Not guilty	DEATH SOUGHT
Yann, Sokol	ASIAN	2007 LWOP	DEATH SOUGHT
Abdullah, Ramadan	BLACK	2008 LWOP	DEATH SOUGHT
Perez, Jose Angel	HISPANIC	2014 80 - Life	DEATH SOUGHT
Muhamad, Kori	BLACK	2020 LWOP	DEATH SOUGHT
Johnson, LeRoy	BLACK	2022 LWOP	DEATH SOUGHT
Caitlin, Steven	WHITE	1986 LWOP	DEATH SOUGHT

Defendants Where Death Not Sought or Settled Before Trial

Brown, James	BLACK	1990 Plea - 25 - Life	Spec Circ Murder w/robbery
Chehovich, David	WHITE/ASIAN	1988 Plea - 25 - Life	Spec Circ Murder w/robbery
Jones, James	BLACK	1990 Plea - 31 - Life	Spec Circ Murder w/robbery
Frisby, Joseph	WHITE	1992 Plea - LWOP	Double murder - settled before trial
Chea, Sokmorn	ASIAN	2007 LWOP	Spec Circ Murder multiple murder
Mangsanghan, Boulay	ASIAN	2007 LWOP	Spec Circ Murder multiple murder
Perkins, Jonathan	WHITE	2007 Acquitted	
Yann, Sokol	ASIAN	2007 LWOP	Spec Circ Murder multiple murder
Spencer-Hayes, Jarrod	BLACK	2015 LWOP + 25 - Life + 14 yrs	Spec Circs Murder gang
Estrada, Victor	HISPANIC	2016 LWOP + 25 - Life	Murder + gun enh; Death not sought
Weidert, David	WHITE	1980 LWOP	25 - Life - reduced by CA SC
Romero, Eloy	HISPANIC	2016 LWOP	Murder One x2 + multiple murders + gun enh
Singh, Dawn	ASIAN	2016 LWOP	Murder spec circs X2, felony evading
Nunez, Anthony	HISPANIC	2015 17 - Life + life	Murder + torture (death not sought)
Greenberry, Domenek	BLACK	2016 13 years, 4 mon.	Murder x2; Pleaded to vol manslaughter

Defendants who were sentenced to LWOP or less

Sherman, Gordon	INDIAN	1992 LWOP	Murder one w/Spec Circs + Robbery
Dixon, Demetrius	BLACK	1993 LWOP	Murder one w/Spec Circs + Robbery
Mitchell, Scott	WHITE	1993 LWOP	Murder one w/Spec Circs + Robbery
Montgomery, Valunt	BLACK	1993 Not guilty	Murder one w/Spec Circs + Robbery
Fane, Marvin	BLACK	1995 LWOP	Resentenced to Life With (CDCR)

Jackson, Alonzo	BLACK	1995 LWOP	Resentenced to Life With (CDCR)
Malarkey, John	WHITE	1998 LWOP	Pleaded guilty to 10 murders
Dyer, Stacey	WHITE	2004 LWOP	Spec Circs - torture, murder, robbery
Lopez, Jesus	HISPANIC	2004 LWOP	Spec Circs - torture, murder, robbery
Ortega, Daniel	HISPANIC	2004 LWOP	Spec Circs - torture, murder, robbery
Fox, James John	WHITE	2005 LWOP	2 murders + specials lying in wait
Fagone, James	WHITE	2007 LWOP	Murder one + spec circs + burglary
Shuster, Larissa	WHITE	2007 LWOP	Murder one + spec circs + burglary
Mireles, Frank	HISPANIC	2018 LWOP	Murder spec circs - burglary
Sengsongkham, Leuth	ASIAN	2017 90 - Life	Murder one + murder two + firearm enh
Stanfield, Jerel	BLACK	2023 85 - Life	Murder + assault with firearm
Barrera, David	HISPANIC	2014 80 - Life	Murder w/knife; 5 prior violent strikes
Dhanjan, Darshan	ASIAN	2024 77 - Life	2 first degree murders + criminal threats
Johnson, Dijonte	BLACK	2017 75 - Life	Murder + firearm enh + gang enh; prior felony (3 strikes)
Munoz, Reymundo F	HISPANIC	2022 75 - Life	First degree murder + gun enh; gang
Gonzalez, Daniel	HISPANIC	2025 75 - Life	first degree murder + prior strike
Foster, Craig	BLACK	2016 74 - Life	Murder + attempt murder + gun enh
Wright, Cameron	WHITE	2023 55 - Life	First degree murder
McCann, Dave	WHITE	2022 52 to Life	2 first degree murders + knife enh
Torres, Raul Jr.	HISPANIC	2017 50 to Life	Murder + firearm enh + gang enh
Robinson, Tywain D	BLACK	2024 50 - Life	first degree murder + attempt murder
Leon, Andrew	HISPANIC	2026 50 - Life	First Degree Murder + gun enhancement
Alaniz, Margaret	HISPANIC	2015 45 - Life	Murder + torture (prior robbery)
Schreiner, Kaleo	ASIAN	2022 45 - Life	First degree murder + gun enh
Lavin, Christian	WHITE	2025 35 - Life	First Degree Murder w/personal use of a firearm
Vean, Lavale	BLACK	2025 34 - Life	Second deg murder + gun enh + prior robbery strike
Valdez, Christopher	HISPANIC	2026 26 years	First Degree Murder - allowed to plead to mansl
Perez, Patricia	HISPANIC	2014 26 - Life	Murder w/knife
Reynosa, Rafael	HISPANIC	2023 26 - Life	First degree murder + knife enh
Yang, Ka L	ASIAN	2023 25 - Life + 4 gun enh	First degree murder + gun enh
Alsaid, Zyad	ARAB	2025 25 - Life + 1 year knife	5 prior felony convictions + 4 strike offenses
Moton, Aaron	BLACK	2023 25 - Life	Murder of a toddler
Munoz, Francisco	HISPANIC	2025 21 years	Hung Jury - murder + 2 att murders + shooting at occupied vehicle - Allowed to plead nolo cont to vol mansl.
Foster, Deandre	BLACK	2025 200 - Life	Double murder + gun enh + 2 strikes
Johnson, Michael M	BLACK	2016 114 years	Murder + attempt murder
Luster, Leonard	BLACK	2022 10 years + 50 to Life	Murder + attempt murder (prior strike)
Thompson, Thyshawn	BLACK	2022 10 years + 100 - Life	Murder + attempt murder + gun enh (prior strike)
Zermeno, Francisco	HISPANIC	2017 50 - Life	Murder + firearm enh



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ARCHIVES

Hate crime shocks Paiute reservation; PART TWO

by [Valerie Taliman](#), [Wes Coas](#) Editor

March 10, 2005

Facebook X

OWENS VALLEY, Calif. – By some accounts, more than 400 white supremacists live in the Owens Valley, a long stretch of desert four hours north of Los Angeles.

The region is sparsely populated and dotted with small towns nestled into the east side of the snow-capped Sierra Nevada. And it's the traditional homeland of several tribes, including the Paiute and Shoshone of Bishop, Big Pine, Lone Pine and Fort Independence.

A handful of paroled convicts with known ties to white supremacis prison gangs also live in the valley, according to police ofcials who spoke on condition of anonymity.

“We know they’re here, but a lot of them keep a low profile because they’re involved in narco-trafcking to support themselves,” said one ofcer . “We keep a handle on the ones we know about, but a lot of them say under the radar and live in remote areas. And some are jus kids who identify with the racis agenda of these or ganizations.”

While many white supremaciss are not card-carrying members of the Ku Klux Klan or the Aryan Nation, they bear neo-Nazi tattoos, shave their heads to identify as “skinheads,” and voice racis rhetoric in grafti and recruitment literature.

Several Paiute families said they have been confronted or intimidated at sports events in Lone Pine and Independence by skinheads throwing racial slurs, but outbreaks of violence here have been rare.

Las month’ s written threat to the Bishop Paiute tribe by someone claiming affiliation with the KKK sirred fresh concern among community members that overt racism and hate crimes agains tribal members and other minorities may be on the rise, with white supremacis groups recruiting new members through leafets, billboards, radio commercials, record labels and Webcass.

Several Aryan Nation camps are near Indian reservations in northern Idaho, Montana, Utah and California. White Aryan Resisance founder Tom Metzger lives in Fallbrook, Calif., near Temecula. WAR describes itself as the country’s mos racis group.

American Indians have long been victims of hate crimes in the United States, dating back to the early genocide that accompanied Manifes Desiny and the theft of millions of acres of Indian lands. In California and

South

Dakota, thousands of Native people were slaughtered when gold was discovered.

Today, many hate crimes are associated with land claims, water rights and treaty-protected hunting and fishing rights for American Indians. Many anti-Indian groups charge that they are only asking for “equality for all Americans,” ignoring Indian nations’ inherent sovereign rights. But some are motivated solely by race.

Negative stereotypes of “drunken welfare Indians” in mass media have contributed to racist assaults, harassment and murders of tribal members.

“A lot of these racists blame others for their low station in life,” said Cal Stafford, chief of law enforcement for the Bishop Paiute tribe.

“They say Indians get free money from the government, illegal immigrants are taking all the jobs and no one is standing up for the white race. So they justify their hate crimes by blaming others.”

Hate crimes – defined as criminal acts committed against a person, property, or society which is motivated by the offender’s bias against a race, religion, disability, sexual orientation or ethnicity – are sometimes organized by groups, but often perpetrated by individuals. FBI statistics show that most hate crimes involving assault are committed by people under the age of 25.

The number of organized hate groups in the U.S. increases 20 percent annually, according to a recent report by the Southern Poverty Law Center in Montgomery, Ala. The report cites several instances of hate crimes against Natives:

In Lansing, Mich., a cross was burned on the front lawn of an Indian mother with two children of mixed heritage. Her 6-year-old sons were terrified.

In a Seattle, Wash. suburb, two young white men approached a Native man standing in front of the Muckleshoot Tribal Center and yelled racial slurs before beating him with baseball bats, leaving him with multiple head injuries.

In 1999, "Indian Hunting Season" fyers were disributed in South Dakota advertising an "open season on the Sioux reservations" agains "worthless red basards, dog eaters and prairie niggers." The fyers set bag limits of 10 Indians per day with a limit of 40 and prohibited "shooting length-wise in a welfare line."

In Anchorage, Alaska, police seized a video of three white teenagers assaulting Alaska Natives with a paintball gun from a car on downtown sreeets. The 2001 video shows male and female victims being hit by marble-sized, frozen paintballs.

In June 2001, the body of an openly gay, transgendered Navajo, Fred Martinez Jr., 16, was found south of Cortez, Colo. fve days after he left home to go to a carnival. Police arresed another teen in the murder who allegedly bragged that he "beat up a fag."

American Indians and Alaska Natives experienced the wors rate of violent crime in the nation in 2000, according to a Department of Jusice sudy . Natives were victimized at a rate of 52.3 per 1,000, twice the rate reported by Hispanics (27.9 per 1,000) and whites (26.5) and one and one-half times that of African-Americans (34.1), according to Bureau of Jusice satisics.

Those fgures were lower than fgures reported between 1993 and 2000, when the average annual victimization rate among American Indians was 105 per 1,000. From 1993 to 1998, the rate was 119 per 1,000.

While no further racial threats have occurred in the valley, citizens from diverse ethnic backgrounds are banding together to sand up agains racism through open dialogues and prayer meetings.

"We live in a community where these kinds of things very seldom touch us but when they do, it becomes much more personal because we all know each other," said Inyo County Sherif Dan Lucas. "I jus need you to know that every man and woman in local law enforcement is there for this community."

Ted Williams, Third District Inyo County supervisor, told Paiute tribal members, "The community getting together like this is something I have never seen before. You do not have to endure this alone. We are all in this together."

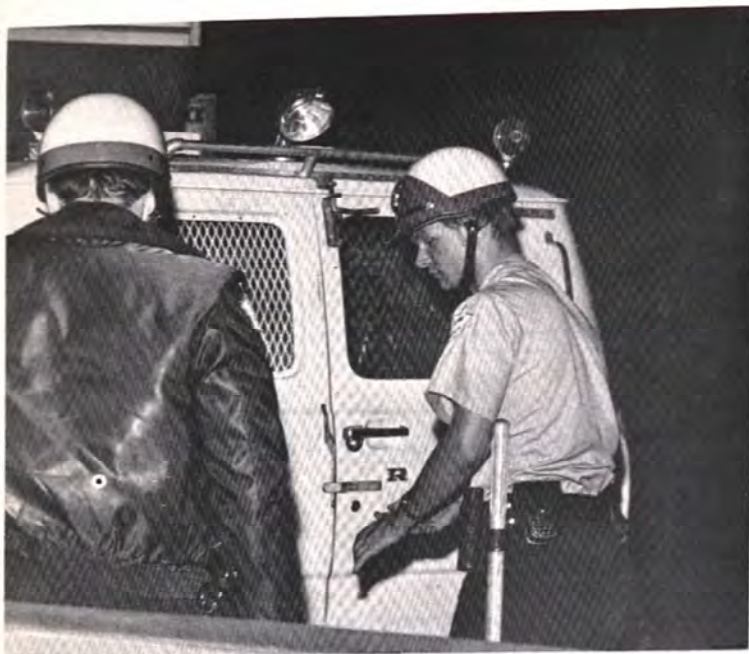
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LATEST NEWS

**1970 FRESNO POLICE ANNUAL, P. 50 – 55 “PITY THE
POOR CRIMINAL”- EXHIBIT 31d**



barely concealed tongue-in-cheek amusement. Sensational headlines reported the international squabbles about extradition to the United States, or whether the young hijacker should be tried in Italy. In most reports, the stress seemed primarily on the young man, his motives, frustrations, actions during the commission of the crime. One newscaster observed rather routinely that the passengers had been only mildly discomfited — perhaps delayed no longer than many a normal air traffic delay in this modern age of crowded skies and jammed airports.

Glaringly absent (we've grown "accustomed" to hijacking of airplanes now!) was any clearcut explanation of the constant terror and fear all passengers would have felt — knowing a man armed with semi-automatic carbine was in the airplane cockpit. There was only sketchy information in early reports about the stress on the plane's crew, the continual danger of sudden aberrant behavior from the nervous hijacker, the danger of malfunction of an airplane denied regular airline ground servicing and normal stops, the possibility of crashes during takeoff or landings as a result of unusual pressures on the

(Continued on page 51)

Paradoxically, millions of our people live in fear of crime. Still attitudes toward criminals continue to soften — some crimes are so sensationalized the culprits are virtually praised as heroes. What's happening to old-fashioned indignation against wrongdoing? This article probes current trends, and offers some logical reasons for them.

"Pity the poor CRIMINAL"

by Garner Ted Armstrong

"Congratulations! Your son has done a remarkable thing!" beamed the shopkeeper in Rome.

He was talking to the father of captured hijacker, Raffaele Minichiello, who had electrified the world by forcing the crew of an American airliner, TWA Flight 85 bound for San Francisco from Los Angeles, to fly to Rome.

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"Pity the poor CRIMINAL!"

pilots, or the potential disruption of important in-flight airplane systems resulting from a gunshot fired into the overhead of the airplane forward of the galley area.

It would seem doubtful that the airline captain — flying the lonely Atlantic without preparation or sleep — constantly in threat of his life, would feel like congratulating the boy or his father for having accomplished anything particularly significant.

It would seem doubtful too that the Italian police chief who approached the plane at Rome's Fiumicino Airport with hands aloft, and then drove the young man to a copse of woods with a fully loaded and cocked gun held to his head would be in a congratulatory mood.

Somehow, the public was being subtly told aircraft hijacking is just not all that bad.

It was observed the boy had "set a new record" with the distance covered during his gunpoint ride — thus placing the crime in the general area of a sort of sport, like pole vaulting, skydiving, or round-the-world trips in small boats. Presumably, upon reading the sensationalized stories, some demented creep will soon leap into public attention with an attempt at a much longer hijacking, merely for the purpose of breaking "the old record" and with no particular destination in mind.

But are we unaware of the **seriousness** of crime?

Do we fail to understand that severest penalty for such an act is DEATH? Does not the public know that stealing a multimillion-dollar airplane; kidnapping many, many, people (in itself calling for the death penalty in some states); threatening murder continually; taking, by force of arms, his victims across many state borders, and across several international borders, carrying a concealed weapon — that these are only a **few** of the serious charges that can be levelled against such a person?

This is not to say the public believes hijacking is a sport, nor that it carries no penalties. But it is to state that there is a definitely changing mood in public attitudes toward crime.

A Paradox

And how ironic this shift in attitude is when viewed in the light of other changing moods, in America in particular.

All across the country, people's daily habits are being changed by **fear** of crime. Articles have shown repeatedly how many people, themselves never the victims of crime, live in continual **fear** of being a victim, even in basically "crime-free" neighborhoods.

The truth is, your chances are now about 1 in 54 of being a victim of a criminal act if you live in America. Only a few years ago, your chances were 1 in 100.

People don't walk the streets at night like they used to. Cabbies in many a big city note the drop-off

in business (talk to them in Washington, D.C., and find out!) as a result of people "holing up behind drawn blinds" at night.

Residents have bought new locks, alarm systems (some very elaborate and costly), big and vocal dogs, revolvers and other weapons, and have been known to clip shrubbery from their doorways that could afford potential concealment to a criminal.

The sales of such items, including the pocket-sized vials of tear gas, whistles, knives, long hatpins and other gadgets for self-protection, have soared in recent years.

It's practically an old homespun American joke now — the wife-wakes-husband routine with the statement "John, I hear a burglar downstairs!"

But when it's fact instead of fancy, the victims aren't laughing or applauding — they're generally terrified.

Crime has skyrocketed by proportions beyond any predictions only a decade ago. Many inner urban areas are virtually deserted at night, invaded by mobs of itinerant workers by day and quickly vacated in the daily exodus at rush hour.

Service station managers, clerks in liquor stores, dairy bars, small restaurants and bars are continually aware, especially in the big cities, of the potential for armed robbery — and it's doubtful they feel comfortable with **any** customer unless he's well known to them personally.

Organized crime is mostly out of sight — played down as it were. But the crimes in the news are just as vicious as any reported during the gangster era of prohibition.

For example, in the wake of the grisly Sharon Tate murders, when Miss Tate, wife of Polish movie director, Roman Polanski, was found dead along with four other friends, even other motion picture personalities reacted with fear.

And no wonder, since it was only a little later that a middle-age businessman and his wife were found murdered in the same general area, and only a little later still that William Lennon, the father of the Lennon Sisters singing group, was slain.

Singer Connie Stevens was interviewed on the patio of her Bel-Air mansion, about a half mile from the mansion where the Tate murders occurred. She said she was terrified of the area, and "scared stiff" at night.

Miss Stevens said that during a recent trip to London for a TV show, a veritable army of electricians and burglar alarm experts were working to make her home as safe as possible.

The area around the mansion is now floodlit at night, and every door and window is carefully wired to an alarm system.

Not feeling adequately protected with this, there is also a collection of watch dogs with emphasis on size and vocal power.

Strange isn't it? Even those who are the envy of millions of the middle-income theater-goers of our lands — who can afford large mansions in fabulous

(Continued on Page 52)

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Suite 520, Del Webb Center
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Fresno, Calif. 93721

PITY (Cont.)

Bel-Air — still must live with the fears and worries of many a ghetto dweller.

All because of the terror of rising crime and violence.

A Crime-Oriented Society?

A recent Harris Poll, reported in *Life* magazine showed that many major American cities have undergone significant changes as a direct result of rising crime.

An ad for the future might read as the one in the box, which is not too far out from those currently in vogue. The changes in the cities are most notable

AVAILABLE SOON!

THE Guarded Arms apartments is now accepting tenants for Oct. 1 occupancy. Just check these features:

- Armed doorman (with sharpshooter medal and Silver Star) on duty 24 hours a day;
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THE Guarded Arms will be open for your inspection this Sunday. Come out and see the latest in apartment living.

SEE our 20-foot moat! Throw a rock against our rubberized front door and watch it bounce! Try to make an obscene telephone call from one of our lobby phones and have poison squirted in your ear! Get frisked by our security officer! Test the trap door outside each suite. You'll fall for it at once!

COME out Sunday. Free karate lessons to the first 100 ladies. Tear gas pens for the kiddies. Act now and take a new lease on life! Rents from \$800. Apply . . .

—Washington Star

An Ad for the Future?

in the downtown areas at night. But even architecture, design, lighting, and the location of electrical equipment must now take into consideration the continual threat of burglarly and more violent crimes.

For a full look at rising crime as accurately reported from all available sources, and a solid, practical and useful guide on how to protect yourself and your property, write for our free booklet, **Crime Can Be**

Stopped . . . Here's How! written in collaboration with the Los Angeles Police Department.

The Poll showed 55 percent of the people living in big cities are more likely to keep their homes locked, even when at home, than in previous years. Forty-eight percent were less likely to use public areas and parks at night, and thirty-three percent less likely to use them even in the daytime.

Forty-one percent had sharply curtailed their habitual trips downtown for restaurants and movies as a direct result of crime-related fears.

Thirty-nine percent were less likely to move about their own neighborhoods for the same reason. Twenty-nine percent had bought additional safeguards, and sixteen percent had purchased guns.

Hardware store owners prosper, but cab drivers, downtown restaurants and theaters do not. All because of shifting habits from fear of crime.

Even the modern design of homes plays a part. Not only do we see higher incidence of the protected, walled "villages" complete with uniformed guards at the gates, but more and more architects are designing homes with all the living areas facing to the rear, or inward upon a secluded patio, rather than toward the street. Not all this shift in design is by any means crime related, but some is.

Some designers have speculated that American architecture may be returning to the centuries-old practice of huge gates, high walls and windowless buildings — with all social and private life directed toward inner, locked courts. Some apartment complexes already offer such advantages for single women.

Let's face it — millions live in fear of crime. But perhaps a little healthy fear of crime is better, after all, than being a victim. Some of the victims are dead. Others may wish they were.

Fear of Being "Involved"

Further, Americans have learned it's useless to depend on help in an emergency. From the now-famous "Kitty Genovese" murder of years ago, when many residents watched while an attacker stabbed the woman repeatedly, actually departing and returning three times — to the daily cases of victims of crimes being denied assistance by homeowners or passersby — we have been duly warned that our fellows may not help us.

They not only may not come to our aid — they may refuse to testify we were hurt, for the fear an unknown criminal might retaliate.

So fearful are many of being "involved" that they will remain securely locked in their homes while listening to screams, shouts, continual honking of auto horns, or even gunshots. It could be a woman being attacked, or a liquor store owner being robbed, or a driver witnessing a crime and trying to signal help, or a policeman firing his revolver in the air to get help in the face of a group of thugs — but the average American is fearful of being involved.

Knowing this — **knowing** we can't expect help in a time of crisis — most of us are even more poignantly aware of the need to protect ourselves, to avoid being exposed to a potential criminal act in the first place. So we stay inside.

Plight of the Policeman

While some big city police forces have noted with alarm a thinning of their ranks, the hiring of private security forces has risen as never before. Not only

(Continued on Page 53)

PITY (Cont.)

have rapid population growth patterns of big cities meant most police forces have been rendered proportionately more ineffective, but the quality of their officers has gone down.

Many explain why.

They say the courts are turning criminals loose with barely a slap on the hand, that the criminal has a better than even chance of getting away with his crime, and, in the event of stolen goods, even having the goods returned to him.

Many policemen are thoroughly disgusted with the laborious procedures imposed upon them during an arrest, in order not to interfere with the "rights" of a criminal.

Some openly wonder who is handcuffing whom.

Older, experienced officers are retiring early. Some are resigning — even in the face of missing out on civil service retirement pay — and even this can reflect fear of being victimized by crime.

Policemen are human, too — in spite of the curses, abuse, hatred and prejudice levelled against them. They are usually family men with children, living in smaller homes. They, too, can become gripped with a certain amount of fear. And so can their wives and children.

What policeman's wife is there in America today who does not know the almost daily apprehension that the wife of a soldier in Vietnam faces? She knows her husband faces, **daily**, the possibility of assault, injury, or worse, death. One of six police officers was assaulted last year!

Two ex-marine corps officers, long-time members of San Francisco's Police Department, suddenly quit. They told why. Seems they had apprehended some automobile thieves in the very act of stripping cars — stealing engines and parts. Through some technicality, the judge not only dismissed the case, but returned the stolen goods to the criminals.

Police forces, therefore, are experiencing a shifting of personnel. There is a gradual disappearance of the older veteran, a difficulty in recruiting the right kind of younger man, and the increasing possibility of being overwhelmed by the sheer size of violent outbursts because of lack of sufficient numbers of uniformed officers to control it.

Sometimes, the public is made to feel afraid of the police. But there is always a sound, sane balance between allowing a free society to revert to a "police state" and a shackling of the duly constituted police forces so as to make them helpless to perform their duties.

What **happens** when a city is left without police for a time? Unfortunately, Montreal, Canada, had opportunity to find out. During a 16-hour strike by the Montreal Police, there were six bank robberies, over 100 shops looted, numerous burglaries, 12 fires, property damages totaling nearly \$3,000,000, and two men shot to death!

Yet, it was generally agreed that Montreal was lucky to escape as lightly as it did.

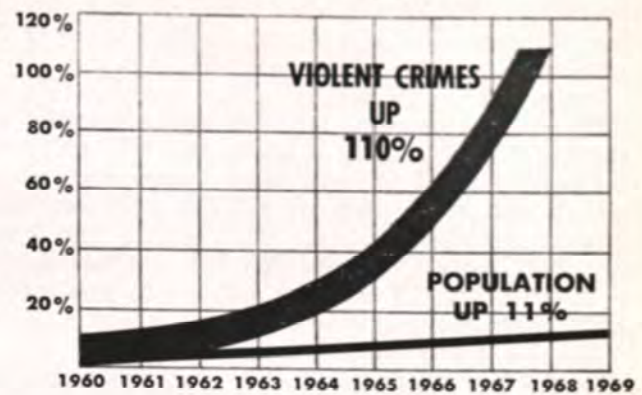
Why the Problem?

The answers to the growing problems of crime are simpler than they seem.

First, it's time we realized the vital part of the **home** and the **family** play in the character of a nation. Criminals are **made**, not born! Juvenile delinquency began mushrooming in the 50's when the "war babies" were reaching their early teens. The

CRIMES OF VIOLENCE⁵³

1960-1968



From FBI Crime Chart

combined forces of mounting affluence, more leisure time, more independence for mothers, growing divorce and unsettled home life, and the gradual pre-occupation with violence in entertainment all played their part.

Meanwhile, there was progressive education and the "new morality."

Viewed in the perspective of the past 15 years and the changing character of our peoples, it's comparatively easy to see how crime has grown by leaps and bounds. Lack of sound moral values from home, school and church; all the aforementioned forces at work in society; and the growing scope of worldwide problems threatening the very survival of all humanity, have **all** played their part in producing the attitudes of our violence-prone populace.

To illustrate the basic **CAUSES** for mounting crime, and the **CAUSES** for our growing concern for the criminal as opposed to his victims, take another look at your own forms of entertainment. Take a look at television programming over the past decade.

What a paradox it is that Americans are tending more toward "fear patterns" of behaviour when selecting their apartments and homes, or in shopping, going to work, or purchasing various personal protection devices, yet their most insistent demands upon the entertainment producers are for **MORE AND MORE VIOLENCE!**

The TV networks and their affiliates are in the business of providing the public with what the public **wants**.

They operate within the regulatory restrictions of a Federal Commission.

They are continually subject to criticism, evaluation, and are themselves evaluators and critizers of all public and social issues.

But the producers of TV shows are looking for **ratings**. And ratings come from the numbers of people who watch their shows. And the sponsors of TV programs want to make sure the very largest possible number of people **see their products advertised**. It's all quite simple. The ratings represent a constantly updated survey of **WHAT THE PUBLIC WANTS TO SEE**.

And the answer has been, at least over a large number of years, **MORE VIOLENCE!**

Of course, the public does not make its wishes known in any such simple manner as saying "give us more violence," but the public **does buy** the prod-

(Continued on Page 54)

PITY (Cont.)

ucts advertised. The rating firms dutifully report the viewing habits. Shows are cancelled, or shifted to class C times. Out of it all comes the pattern of TV viewing as you, the viewer, experience it.

The public wants sex, (in every possible twisted, distorted, and unusual form) violence, hilarity, relaxation, entertainment. It wants that TV set to do precisely what it's plugged in for—carry them away through that magic window into the most desirable forms of escape from their daily cares, and keep them ever more entranced. No one watches shows he dislikes. The TV viewing habits are true measures of what the public wants.

And how utterly ironic it is.

The public sits securely behind locked doors with burglar alarms turned on, backyard floodlit, loaded gun in dresser drawer, huge police dog sleeping peacefully beside favorite chair, and stares by the hour at every conceivable form of violence over television.

Perhaps one of the most bizarre illustrations of this irony was the mafia-type shootouts that occurred outside the home of a lady in Las Vegas. Hours after police had found a man slumped over the wheel of his car just outside her door, the victim of a fusillade of gangland bullets, the lady was questioned about whether she heard the shots.

Yes, seems she had heard them alright. Then why didn't she call police? Seems she didn't want to get interrupted — she was watching her favorite "cops and robbers" type television show at the time.

Alarming Trends

To see how really incongruous the whole situation is, let's realize a few important trends exist. First, crime is rising each year — alarmingly so. Second, the **victims** of criminal acts have found, as have the police, that other private citizens are unwilling to come to their aid, even unwilling to testify in their behalf to punish a criminal. Third, the trends show far more "involvement" from the private sector **against** the police, that is, helping a criminal escape, or refusing to come to the aid of an arresting officer, than involvement **for** the police.

Fourth, people **do** want to become more and more involved in crime — but **vicariously**, "second-hand," as **spectators** in motion pictures, television, or reading of viciousness and violence in paperbacks and magazines.

Meanwhile, the beleaguered police departments find themselves on the defensive, losing good officers, finding their arrests were often useless, continually meeting hostility from the public.

A veteran police officer, previously a U. S. Marine machinegunner who had fought on Iwo Jima, turned in his badge in San Francisco. "I've had it, I'm fed up," he said.

He is 43. And he has an ulcer.

But why quit after 12 years on the police force, and with a meritorious citation of disarming a bank robber? "I've had it. The courts haven't backed us up. The laws don't mean a thing. I'm fed up with the low class element that's floated into San Francisco. They throw rocks at us. They curse us. They spit at us. If we arrest them and take them to court, they're released. I've been thinking about this for two or three years. Getting the ulcer just triggered it."

A Police Inspector, from the same city, also re-

(Continued on Next Page)

signed. "They let the hoods out faster than we can lock them up," said Inspector Bernard Deloughary, who had been with the department since 1950. "I'm sick of the 'O, that poor boy' attitude judges and juries have toward defendants."

Let's face it, the public **attitudes** toward crime, and the criminal, are eroding. A survey of 1,700 persons found that 91 percent of them admitted having committed one or more offenses for which they might have received jail or prison sentences.

According to the President's Commission on Crime, our peoples must begin to "reject the cynical argument . . . that 'anything goes as long as you don't get caught.'"

What has happened to our sense of moral values?

As peoples we are losing national purpose — transcendent goals. As individuals, we are losing our capacity for righteous indignation over criminal and immoral acts.

Why?

First, because our whole family structure is breaking down! Divorce, at the present rate, rips up more than one of four of our homes — most of the others are nowhere near as happy, or as stable, as they should be.

Illegitimacy, pornography, loosening morals all play a part.

A tremendous percentage (police estimate more than one half) of all crime is directly drug related, thus plainly illustrating the obvious tie-in between crime and personal passions, lusts, greediness and self-seeking.

Our entertainment and leisure have become increasingly hedonistic, nihilistic, "sick." Young people are influenced to laugh at the most hideous and brutal acts, to "enjoy" thrill-kills, mass murder, rapes, brutal beatings, hangings, all assorted forms of torture and sadistic perversion.

Our mental diet is filled with too many poisons, too much "roughage," too much poor-quality food.

So don't be overly shocked at the growing public concern for the criminal, instead of his victims. The more we relate to crime, the more we enjoy watching it, enjoying it vicariously, the more and more difficulty we'll have in shaking ourselves free from the nebulous, dull grey of "situation ethics," and the more certain will be our ultimate collapse as a society.

The character of her peoples is what makes nations great.

What is **our** national character? Or, perhaps better asked, **where** is it?

**SOME OUTLAWS REACHED ENDS OF ROPES - MADERA
TRIBUNE - EXHIBIT 31e**

Serving the heart of California since 1885

The Madera Tribune



Some outlaws reached ends of ropes

Opinion

Entertainment

More

Oct 5, 2019

·3 min read

Madera County Historical Society

Samuel Ashe Holmes came to Madera County as part of the Alabama Colony. He became Fresno County's first Superior Court Judge, and in that capacity ordered the last legal hanging outside the walls of a prison.

Historians tell us there has been only one legal hanging in these parts, and that was the execution of Dr. Frank O. Vincent in 1893. From this meager statistic, one might assume that folks were a little soft-hearted around here. After all, one legal hanging — that's not very many.

When, however, one takes into account all of the times a criminal met his end through extra-legal means, one gets a clearer picture of pioneer society in what is now Madera County. Our history is filled with lynchings.

The first illegal hanging to occur within the boundaries of what is now Madera County took place in 1863. One A. L. Dixon was strung up somewhere between Coarsegold and the Fresno River. He was part of a gang of thieves who had infested the area for some time, plundering the mining camps and the stores. The outlaws primarily confined themselves to robbing the Chinese, since they were the least likely to retaliate. Finally, however, the citizens had enough, so they organized and went after the gang, all of whom got away except Dixon. He was hanged to the nearest tree and then buried close by; His grave was still marked as late as 1900.

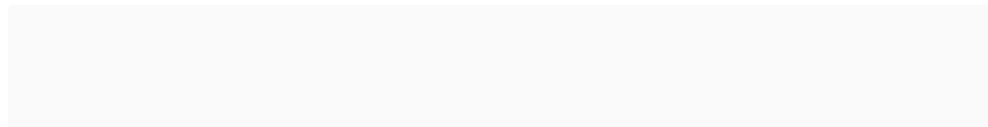
The next year another lynching took place in the mountains, and this was also for stealing. James Rains was caught pilfering in his neighborhood. So exasperated were the people over the thefts and depredations, they decided to make an example of Rains, so he was hanged from a tree at Finegold, half way between present day O'Neals and North Fork.

In that same year, 1864, one of the most famous of all local hangings took place along the San Joaquin River just the next day, when he went in search of his stolen rope, he found it on the same gallows tree with the ghastly figure of a man still swaying back and forth. Judge Lynch had prevailed with the help of a boy and his calf.

It was nine years before another lynching took place in present day Madera County. As in the case of the Millerton hanging, the crime was once again the murder of a sheepherder, this time a Chinese, by two Indians. They were hanged near Jone's store on the north bank of the San Joaquin River.

Just a few months after old Judge Lynch took care of this case, he had to act again. The victim was another Indian who was hanged about a half-mile from Millerton for having violated a young girl. He fled to Centerville on the Kings River, but was subsequently caught, brought back to the county seat, and hanged.

Of course history will never forget the lynching of Victor Adams in 1895. Having been accused of shooting his father-in-law, Judge I.L. Baker, to death in an argument over a horse, Adams was apprehended by the dead man's brother. On the way to the constable, a lynch mob intercepted Adams and his captors and relieved them of their prisoner. In less than an hour, Adams was stretched out beneath the limb of a huge oak tree that still stands on the O'Neals-to-North Fork road. Such was the contempt with



which the community held Adams that they left his body hanging from the tree for two days!

There were, no doubt, other lynchings in the county. In 1893, a local newspaper estimated that there had been at least a hundred vigilante hangings in the county over the prior 37 years. The above examples, however, will suffice to show that lynch law was alive and well throughout our pioneer past, notwithstanding the fact that we've had only one legal hanging.

Tags:
[law](#)
[culture](#)
[death](#)
[History](#)

2740

Comments

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**FRESNO BEE 9/7/2010 – PAGE FROM 2001 FRESNO
POLICE ANNUAL “NOOSE” - EXHIBIT 31f**

FRESNO FORECLOSURES GET FEDERAL HELP Page A3



BOISE STATE WINS THRILLER
Sports

RAGGEDY ANN CELEBRATES 95th BIRTHDAY
Life



The Fresno Bee

TUESDAY | SEPTEMBER 7, 2010

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WATCHDOG REPORT

W. Hills job plan under review

Students say they were shorted training hours.

By **Cyndee Fontana and Tim Sheehan**
The Fresno Bee

The Fresno County agency that subsidizes job training for unemployed workers has suspended new referrals to the West Hills Community College District after finding that some students in one class were shorted training hours.

The Fresno Regional Workforce Investment Board said last week it would temporarily stop sending clients to district vocational classes pending a review of training cost-acts. The suspension doesn't affect those already enrolled.

The move comes after 13 students in two classes lodged formal complaints and the board made a series of inquiries.

Maria Romeral, executive director of the work force board, said some grievance hearings have shown that West Hills didn't deliver the minimum of 480 hours required by contract in a class training students to be hospital billers and coders.

"We never agreed to a reduction in hours," he said.

Fontana said the agency may seek a refund of any money incorrectly spent. Workforce spent more than \$50,000 in fees.

See **WEST HILLS**, Page A6

Myths of studying exposed

By **Benedict Carey**
New York Times

Every September, millions of parents try a kind of psychological witchcraft, to transform their summer-glassed campers into fall students. Advice is cheap and all too familiar: Clear a quiet work space. Stick to a homework schedule. Set goals. Set boundaries. Do not forfeit (except in emergencies).

And check out the classroom. Does the teacher's learning style match the new teacher's approach?

Such theories have developed in part because of sketchy education research that doesn't offer clear guidance. Student traits and teaching styles rarely interact, so do personalism and at-home rules. The trouble is, no one can predict how.

Yet there are effective approaches to learning, at least for those who are motivated. In recent years, cognitive scientists have shown that a few simple techniques can reliably improve what matters most: how much a student learns from studying.

See **STUDYING**, Page A4

150,000 MILES of roads and highways



4,000 MILES of rail tracks



150 MILES of airport runways



FRESNO BEE FILE PHOTOS

Obama unveils jobs initiative unlikely to win quick votes.

By **Sheryl Gay Stolberg and Mary Williams Walsh**
New York Times

MILWAUKEE — President Barack Obama, looking to stimulate a slumped economy and create jobs, called Monday for Congress to approve major upgrades to the nation's roads, rail lines and runways — part of a six-year plan that would cost tens of billions of dollars and create a government-run bureau to finance innovative transportation projects.

With Democrats facing an inevitably bleak midterm election season, Obama used speech on Labor Day, the traditional kickoff to the campaign season, to outline his plan. It calls for a quick infusion of \$90 billion in government spending that White House officials said could spur job growth as early as next year — if Congress approves.

"That's a big 'if.' Although transportation bills usually garner bipartisan support, quick passage of Obama's plan seems unlikely, given that Congress has only a few weeks of work left before lawmakers return to their districts next month and that Republicans are showing little interest in giving Democrats any pre-election victories.

Central to the plan is the president's call for an "infrastructure bank," which would be run by the government but would pool its dollars with private investment, the White House says.

Obama endorsed the idea as it would be. However, Democratic gubernatorial candidate Jerry Brown launched the first TV commercial of the general campaign election. Page A6

See **ECONOMY**, Page A5

EEOC: Fresno should settle

Sensitivity training also urged in black police captain's case.

By **Paul Lopez**
The Fresno Bee

The federal agency that enforces workplace discrimination laws has recommended that Fresno Police Chief Jerry Dyer and his top staff take sensitivity training to settle a complaint by a black police captain.

The city also should give Capt. Al Maroney a financial settlement, according to a letter from Douglas E. Perry, district director of the Equal Employment Opportunity Commission in Los Angeles. Maroney wants \$60,000.

In the Aug. 6 letter, Perry details what he believes the city needs to do. For example, he says that within 100 days of settling, Dyer and his deputy chiefs, captains, lieutenants and sergeants all should undergo at least two hours of training on what constitutes discrimination.

In cases like this, it is typical for the EEOC to recommend a settlement. If both parties agree to the settlement, the case is resolved. If not, the person who filed the complaint — Maroney in this case — can sue in federal court.

EEOC spokesman James Ryan said federal law bars the agency from releasing any information about a complaint or the commission's investigations. But Maroney showed the letter to The Bee.

The EEOC letter is the latest development in the city's decades-long struggle to fight complaints about racial discrimination in the Police Department.

In 1989, Maroney was among six black Fresno police officers who claimed discrimination in the promotion process. They ultimately prevailed with the city's Civil Service Commission, which ruled that discrimination was built into the city's testing for promotions.

Since then, however, the complaints have continued. In addition:

See **POLICE**, Page A4



ERIC PAUL ZAMORINI THE FRESNO BEE Fresno police Capt. Al Maroney has filed a discrimination complaint against Police Chief Jerry Dyer and the Fresno Police Department.

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INDEX

- Business A7
- Classified A1
- Fun & Games D2
- Horoscope D4
- Local A3
- Nation & World B1
- Obituaries B2
- Opinion B3
- Sports C1
- State A6
- Television D4

CHATTER BOX

'I'm not an advertisement'

However, Democratic gubernatorial candidate Jerry Brown launched the first TV commercial of the general campaign election. Page A6

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TODAY'S FORECAST

Sunny High 94 Low 58

AQI: Good, 51
Details: Weather, B4

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IN BRIEF

Boy killed when ATV collides with truck

A 10-year-old boy was killed Monday afternoon when he drove an all-terrain vehicle in front of a Ford pickup in Coconino, the California Highway Patrol said.

The driver and passenger in the truck suffered minor injuries, Savage said. The passenger was taken to Coconino District Hospital.

Corcoran man shot as car being stolen

A Coconino man was shot Monday morning when he hid his brother interrupted a vehicle burglary on the 900 block of Jensen Avenue, Coconino police said.

When the brothers confronted the suspected vehicle burglar he fired at least one shot, striking the 31-year-old in the upper left thigh, officers said.

Buildup Marching Band member dies

Fresno State freshman and marching band member Nathan Rey was killed early Sunday morning when his vehicle rolled over on Highway 166 near Shepherd Avenue, the California Highway Patrol reported.

Fresno State Band Director Timothy Anderson said Rey was recruited to play the tuba for the first time in Building Stadium in Fresno State's victory on Saturday.

Anderson, who met Rey as a student at Sierra High School, said Rey was attending Fresno State to become a band director.

Anderson said the tragic accident has been difficult on the band.

Rey, 18, of Clovis was driving on 12th St. Sunday when his vehicle left Highway 166, rolled and struck a telephone pole, the CHP said. He was taken to Community Regional Medical Center in Fresno where he died.

Stolen car used in shooting linked to 2 officers from the Fresno IED? Auto Theft Task Force arrested two gang members Monday afternoon on suspicion of stealing a car and using it in a drive-by shooting Sunday night.

Officers saw the two men get into the stolen Honda Prelude around noon Sunday and followed them to California and McCall avenues in Seaside, where officers saw them organizing the hit. Sgt. Timothy Tjepfen said.

Bullet found rounds in the vehicle that matched the caliber of the bullets used in Sunday's shooting.

The men allegedly shot 10 rounds into a home near Beach and Olive avenues in east-central Fresno, Tjepfen said. Six people were inside the home, but no one was injured.

The two men, 33 and 40, both of Fresno, are members of the Asian Crisp gang, Tjepfen said.

5-acre North Fork blaze is contained

Firefighters on Monday evening contained a 5-acre fire in North Fork. No structures were involved in the fire, reported off Road 225 and Corrine Lake Road. The fire started about 1:30 p.m., officials said.

Fire crews from Cal Fire and Madera and Merced responded, as well as U.S. Forest Service fire crews.

THE FRESNO BEE - LOCAL NEWS - TUESDAY, SEPTEMBER 7, 2010

POLICE

Continued from A1

limit, in Maroney's EEOC complaint, filed in 2007, the Fresno Police Department faces lawsuits in federal court filed by officers who accuse the department of racial discrimination.

"Now Maroney — who denies his involvement in one the department's top leaders — is speaking publicly for the first time about why he filed his complaint, and what he believes is wrong with the department."

He said Dyer isn't a racist, but the chief is insensitive to discrimination against black officers by other officers. Maroney also said Dyer would do a better job, but he is surrounded by deputy chiefs and others who don't challenge his decisions.

Dyer dismisses Maroney's concerns. In an e-mail response to questions, Dyer wrote: "I can tell you that I am 100% confident that Cecilia Maroney has not been discriminated against or retaliated against."

But Maroney says that in numerous behind closed doors, Dyer "has been known to throw a tantrum" over the discrimination lawsuits. Maroney says, "discrimination practices continue."

Maroney says that in numerous behind closed doors, Dyer "has been known to throw a tantrum" over the discrimination lawsuits. Maroney says, "discrimination practices continue."

"This has been a problem for a long time. Maroney said. It's time to put it on the table and get moving."

Maroney's complaint

Maroney, promoted to captain in 2003, is the only Afro-American among the department's eight captains. Six of the captains are white men and one is a Hispanic woman.

In his EEOC complaint, Maroney says he was passed over for promotion from head of the video police program to district commander of southwest Fresno because he is black. The area is home to a large black population and has some of the highest crime rates in the city.

Maroney called Dyer's raise of pay to \$120,000 a "black neighborhood" "Jim Crowish."

"It was a slap in my face," said Maroney, who spent two years as southwest district commander. He was named north district commander in the fall of 2009 and remains there today.

After news of Maroney's complaint over his 2007 transfer became public, Dyer deducted the raise. He said he assigned Maroney to the southwest area because he had faith in the captain's ability to lead the officers there, and because Maroney has excellent skills needed to serve as a district commander.

"The district commander position is one of the most important in the Police Department," Dyer said at the time. "They are responsible for controlling crime in one-fifth of the city."

But Maroney said he told Dyer the transfer was unfair. He also said he sometimes told officers who just showed the rank of captain Ma-



A photo from a 2001 police annual shows Jerry Dyer, left, with Sgt. Pat Justice holding a nose. The photo in the book was printed without a caption. It is being used against the chief as part of discrimination allegations.

rony said he has seriously over the other seven requires. He replaced David DeBonomi, who had just been promoted to captain.

Maroney said he told Dyer the job's demands would take time away from his family — particularly his seven-year-old son, who had just been born. He said Dyer ignored the concerns.

"Southwest requires a lot of attention because of the gangs there," Maroney said. "As district commander, I would be called out often to address neighborhood concerns."

There was another reason to fight the transfer, Maroney said. In August 2006, Dyer's mother, who was married to Maroney's sister, Gloria Maroney, was shot to death in southwest Fresno. The shooter never was charged.

Maroney said he told Dyer that the killing would put him in an awkward position as the southwest district commander. "I didn't want people to think I was involved in the shooting," Maroney said.

Another member of Dyer's inner circle doubts Dyer's decision to place Maroney in the southwest district.

"I was placed to lead Maroney's placement in southwest," said Deputy Fresno Police Chief Keith Foster, who is black.

Foster said Dyer never has discriminated or retaliated against anyone, and that the chief has the right to shuffle his staff as he sees fit.

Maroney, however, dismisses Foster's perception.

"Dyer's claim that Deputy Chief Foster is Dyer's 'pen,'" Maroney said.

That is Maroney's remark, Foster said. "I am disappointed in his characterization of me. Captain Maroney is a valued member of this organization and a friend I can deeply rely on."

Prize race complaints

In 2008, Maroney was among six black Fresno police officers who claimed discrimination in the promotion process. To support their allegation, they said only one black officer had been promoted to sergeant in the previous 11 years.

The city's Civil Service Commission upheld the complaints, ruling that discrimination was built into the process.



The city's testing fee penalties. The commission awarded that the oral portion of the examination be promoted to sergeant was nullified. The board suggested that the officers who give the examinations should reflect the ethnic makeup of the pool of candidates. The officers had charged that neither of the two rating panels included an Afro-American.

The following year, city officials created more sergeants. Maroney was among those promoted.

Those complaints happened before Dyer became police chief. But as chief, Dyer has faced similar allegations.

In June 2008, Fresno police Sgt. James Lewis said Dyer and four other officers in U.S. District Court in Fresno, alleging he was subjected to discrimination because he is black and because he was looking into alleged unfair practices against the police officers' union.

The following year, Fresno police officers Gerald Miller and Ron Manning and former captain Paul Hamilton filed their own federal lawsuit alleging widespread discrimination against black officers.

In their lawsuit, they said black officers are underrepresented on the force, and that police officers and those officers who attend the same church as Dyer are given preferential treatment.

Three days after the lawsuit became public, Dyer held an administrative staff meeting on Feb. 27, 2009. Maroney attended the meeting.

The chief went into a trade, saying he was tired of being on the defense and that he would sue the black officers and take everything they had," Maroney said.

Maroney said he felt threatened by the chief's remarks, which he says is the basis of his retaliation complaint with the EEOC.

"Trials are pending for the officers' discrimination complaints because the city is trying to conceal them."

Others in the community are watching the case closely. Among them is Keith Kelley, chief executive officer of Fresno West Coalition for Economic Development, who is a friend of Maroney and was a member of a citizens panel that recommended hiring Dyer as

chief.

His father is Jack Kelley, one of the first black police officers in Fresno and the first one to be promoted to sergeant in 1960.

"Both are outstanding citizens, so don't want to see them," Keith Kelley said. "But everyone knows the history of the Police Department."

The Rev. Floyd Harris Jr., who was once a member of Dyer's citizens advisory committee, said he doesn't think Dyer discriminates, but some of his officers do.

"Discrimination is real, especially against minorities on the west side," Harris said. But he added, "The black stops at the top."

Still others say Dyer should be fired. On Aug. 18, a group of social activists presented a petition to the Fresno City Council, saying they were fed up with police brutality against minorities.

Council President Larry Winterland, however, told them Dyer "was doing a fabulous job."

Dyer's predicament

Dyer said the discrimination allegations are untrue. In his e-mail response to questions, Dyer implied that Maroney was using the media to further his cause.

"I am in a very difficult position as I have strenuously defended myself publicly against the allegations," Dyer wrote. "I am very much aware of the fact that any threat I may be used against me in future civil proceedings."

Dyer also wrote: "If this causes any negative reputation for me in the media as a result, then I must be willing to accept that until I can prove there was no wrongdoing on my part of the police department."

One thing already being used against Dyer is an old black and white photograph published in the Fresno Police Annual in 2001 showing Dyer holding a nose. A nose is widely recognized as a racial symbol, revealing images of socially-marginalized blacks. Lewis, one of the officers suing over discrimination, said in his suit that black officers were in arms over the picture.

Dyer declined to explain the undated photograph, which was published without a caption.

Deputy City Attorney Tommi Segalinas, who represents Dyer, would not say whether the city would accept the EEOC proposed settlement.

But Fresno attorney Charles "Franklin" Taylor, who represents businesses against work-related discrimination complaints, said the EEOC letter indicates that Maroney has a valid complaint and could win in court.

"My client got the letter, I would tell them to take it seriously, and I'd be in serious negotiations," said Taylor, who is not involved in Maroney's case.

With sales last month's estimated their final arguments to the EEOC, Maroney said his attorney, Bryan Church, said they think a final ruling could come within a month.

"The response can be negative or positive," Taylor said. "It's never seen to before."

When the court makes a ruling, it could be carefully and gradually, it holds its courtrooms for far, far longer.

**CDCR CPRA RESPONSE 7/10/2025, INCLUDES REQUEST
QUERY- EXHIBIT 31g**

Subject: [Records Center] Data Concierge Service :: C027466-051525, dated 7/10/2025

Body:

RE: PUBLIC RECORDS ACT REQUEST May 15, 2025, Reference # C027466-051525

Dear alexandra cock,

This letter is in response to your Public Records Act request dated May 15, 2025 in which you requested the following records:

"I previously received files for request #C022515-011325 regarding prisoners serving LWOP from Fresno. "CDCR has provided a list of incarcerated individuals currently in CDCR's in-custody population who are serving a Life Without Parole (LWOP) sentence on any offense, and have a Sentencing County of Fresno on the case with the LWOP sentence.

Additionally, CDCR has also provided a list of the above cohort, but for those who have an LWOP sentence on a first degree murder offense, excluding attempts and conspiracies.

For both of these lists, the data elements include the following:

- First Name
- Last Name
- Admission Date
- Age at Admission
- Sentence Pronounced Date"

Please update that request to show the race of each prisoner described above."

The CA Department of Corrections and Rehabilitation has identified non-exempt public records responsive to your request.

1) CDCR has provided a list of incarcerated individuals currently in CDCR's in-custody population who are serving a Life Without Parole (LWOP) sentence on any offense and have a Sentencing County of Fresno on the case with the LWOP sentence.

2) CDCR has also provided a list of the above cohort, but for those who have an LWOP sentence on a first-degree murder offense, excluding attempts and conspiracies.

3) CDCR has also provided a list of incarcerated individuals currently in CDCR's custody who are serving a Life sentence or Determinate Sentence of 15 years or more on a first-degree murder offense, excluding attempts and conspiracies, and have a Sentencing County of Fresno on the case with the Life sentence or Determinate Sentence.

For all of these lists, the data elements include the following:

- First Name
- Last Name
- Admission Date
- Age at Admission
- Sentence Pronounced Date
- Sentence Type (ISL, DSL, LWOP, etc.)

- Aggregate Sentence Length
- Race of each prisoner described above

Pursuant to Government Code sections 7922.000, Government Code section 7927.705, incorporating: the protections enumerated in the Eighth Amendment to the United States Constitution, the holding of the United States Supreme Court in Farmer v. Brennan, 511 U.S. 825, 832-834 (1994), Right to Privacy as stated in the California Constitution Article 1, section 1, and WIC 827, these data exclude identifying information pertaining to offenders under the age of 18, where disclosure is prohibited by law, and those who CDCR has determined that the release of their information would create an unreasonable risk of danger to themselves.

Please log in to the CDCR PUBLIC RECORDS PORTAL at the following link to retrieve these records.

**REPLY TO THE PEOPLE'S OPPOSITION TO DEFENDANT'S
RACIAL JUSTICE ACT (CRJA) MOTIONS FOR RELEVANT
DATA UNDER § 745(d) AND § 745(a)(1) AND (A)(2) -
EXHIBIT 31h**

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14

15
16 SUPERIOR COURT OF CALIFORNIA, COUNTY OF FRESNO

17 CENTRAL DIVISION

18 PEOPLE OF THE STATE OF CALIFORNIA,
19 Plaintiff,

20 vs.

21 DOUGLAS R. STANKEWITZ,
22 Defendant

Case No.: CF78227015

REPLY TO THE PEOPLE'S OPPOSITION
TO DEFENDANT'S RACIAL JUSTICE ACT
(CRJA) MOTION FOR RELEVANT DATA
UNDER CJRA 745(D) AND CJRA 745(A)(1)
AND (2) MOTION

23 REPLY TO THE PEOPLE'S OPPOSITION TO DEFENDANT'S RACIAL JUSTICE ACT
(CRJA) MOTION FOR RELEVANT DATA UNDER CJRA 745(D) AND CJRA 745(A)(1) AND
24 (2) MOTION - 1

1 Contents

2 I. INTRODUCTION 4

3 II. THE RJA AND THE CASES INTERPRETING IT ANTICIPATE THAT A

4 COMBINATION OF FACTORS CAN SHOW A VIOLATION 5

5 III. THE PEOPLE DO NOT DISPUTE THE FACTS CONTAINED IN THE 2D AMENDED

6 MOTION FOR RELEVANT DATA NOR DEFENDANT’S MOTION FOR RELIEF UNDER

7 (a)(1) AND (2) 7

8 IV. THE PROSECUTION’S USE OF PEREMPTORY CHALLENGES TO ELIMINATE

9 THE ONLY INDIAN JUROR VIOLATED THE CRJA 7

10 A. DEFENDANT IS ENTITLED TO PROSECUTION JUROR NOTES TO DETERMINE

11 WHETHER THERE WAS RACIAL BIAS IN JURY SELECTION 10

12 B. THE LOSS OF THE JURY QUESTIONNAIRES IN THIS CASE SHOULD BENEFIT

13 THE DEFENDANT 13

14 C. THE DENIAL OF HABEAS CLAIM 14: THE PROSECUTION ELIMINATED THE

15 ONLY NATIVE AMERICAN JUROR IN VIOLATION OF PETITIONER’S RIGHTS

16 UNDER THE SIXTH AMENDMENT TO AN IMPARTIAL JURY AND HIS RIGHT TO

17 DUE PROCESS UNDER THE FOURTEENTH AMENDMENT OF THE HABEAS

18 PETITION IS IRRELEVANT UNDER THE CRJA 14

19

20 V. CLOSING ARGUMENTS BY DEFENSE AND PROSECUTION DEMONSTRATE

21 IMPLICIT BIAS UNDER THE CRJA 14

22

23 REPLY TO THE PEOPLE’S OPPOSITION TO DEFENDANT’S RACIAL JUSTICE ACT

24 (CRJA) MOTION FOR RELEVANT DATA UNDER CJRA 745(D) AND CJRA 745(A)(1) AND

(2) MOTION - 2

1	VI. THE FRESNO DISTRICT ATTORNEY’S CPRA REQUEST RESPONSE PROVIDES A	
2	PARTIAL OUTLINE OF WHAT MATERIAL IT CAN PROVIDE, SEE EXHIBIT 30e	17
3	VII. THE DEFENDANT HAS DEMONSTRATED GOOD CAUSE FOR HIS DISCOVERY	
4	REQUEST.....	19
5	A. DEFENDANT SATISFIES THE <i>YOUNG</i> GOOD CAUSE TEST AS OUTLINED IN	
6	<i>YOUNG</i> AND SUBSEQUENT CASES.....	19
7	B. DEFENDANT HAS PROVIDED MORE THAN AMPLE FACTS AND CALIFORNIA	
8	STATISTICAL DATA TO SUPPORT GOOD CAUSE, DESPITE THE DISTRICT	
9	ATTORNEY’S ARGUMENTS TO THE CONTRARY	21
10	VIII. THE DEFENDANT HAS SATISFIED THE <i>YOUNG/ALHAMBRA</i> FACTORS.....	23
11	A. THE DISCOVERY REQUESTED IS ADEQUATELY DESCRIBED.....	23
12	B. THE DISCOVERY REQUESTED IS AVAILABLE TO THE GOVERNMENT	23
13	C. NO CONFIDENTIAL OR PRIVATE RIGHTS WOULD BE VIOLATED - ANY	
14	LEGITIMATE PRIVILEGE CAN BE ADDRESSED BY PROTECTIVE ORDER OR	
15	REDACTIONS.	26
16	E. TIME REQUIRED DOES NOT DELAY THE UNDERLYING PROCEEDINGS.....	28
17	F. PRODUCTION OF RECORDS IS NOT UNREASONABLY BURDENSOME	28
18	IX. THE DEFENDANT’S SPECIFIC REQUESTS AND THE PEOPLE’S OPPOSITION	
19	CAN BE ADDRESSED AS FOLLOWS:	30
20	X. CONCLUSION.....	32
21	REPLY TO THE PEOPLE’S OPPOSITION TO DEFENDANT’S RACIAL JUSTICE ACT	
22	(CRJA) MOTION FOR RELEVANT DATA UNDER CJRA 745(D) AND CJRA 745(A)(1) AND	
23	(2) MOTION - 3	

1
2 I. INTRODUCTION

3
4 As explained at length in Defendant's Second Amended Motion for Relevant Data Pursuant
5 to Section 745(d) of the California Racial Justice Act (CRJA) (hereinafter "2d Amended Mtn for
6 Relevant Data"), the racism against defendant is set against an historical backdrop of genocide
7 against Native Americans stretching back hundreds of years in the United States. There is a strong
8 correlation between European actions and the decimation and suppression of Native American
9 populations and cultures, characterized as genocide. Given this context, there is a proclivity to
10 view Native Americans as disposable. Native American people know this in their bones; however,
11 the dominant culture has obscured much of the history, so many people of unaware of it.

12 Social scientists have studied the fact that for people of color, it is difficult to get a jury of
13 one's peers. Thus, when a Native American is tried for murder, the result is often, as here, his fate
14 is in the hands of an all-white jury. An all-white jury increases the likelihood that he will be given
15 the death penalty. This is implicit bias because members of a jury are not even aware of the history
16 of genocide, much less how it affects their thinking toward and treatment of Native Americans.
17 This is exactly the racial bias that the CA legislature proclaimed that it intended to eliminate when
18 it passed the CRJA.

19 There is a strong correlation between historical Native American genocide and the
20 continued racial bias against them. In addressing the DA's opposition, we should not lose the forest
21 for the trees. Racial discrimination against Native Americans is very pervasive yet subtle and
22 difficult to prove. The prosecution doesn't deny that the examples listed and described in the 2d

1 Amended Mtn for Relevant Data are racist. Instead, they argue that they should not have to provide
2 the requested discovery because it is too burdensome on their agency, time-consuming, not readily
3 available and untimely. They further argue that the specific facts and statistical data don't pertain
4 to defendant. However, the defendant being Monache Native American, all of this anti-Indian
5 racism applies to him.

6 As the defendant has continued to state throughout the last eight years, the prosecution has
7 a special ethical responsibility as a minister of justice. By taking an oath, all attorneys and judicial
8 officers are bound to uphold the U S Constitution and California Constitution. Part of their
9 responsibility is to raise only legally valid arguments, not just throw up obstacles to justice being
10 served. The court should not allow invalid arguments to obscure the truth of racial discrimination
11 and its pervasive effect on this defendant. When the prosecution's opposition arguments are
12 considered, it becomes obvious that they are merely obstructionist, rather than substantive. Thus,
13 they should not be given any weight.

14 As explained in defendant's Supplemental Brief, procedurally if the defendant shows a
15 prima facie case of implicit bias, then he is entitled to an evidentiary hearing with an opportunity
16 to prove that bias existed by a preponderance of the evidence.

17 II. THE RJA AND THE CASES INTERPRETING IT ANTICIPATE THAT A
18 COMBINATION OF FACTORS CAN SHOW A VIOLATION

19 Here, the defendant has provided case specific facts under RJA (a)(1) and (2), Fresno
20 specific facts and circumstantial evidence including statistical evidence of California
21 discrimination under RJA (a)(3) and (4). He has also made a discovery request under 745(d) to
22 obtain data and records for Fresno cases to determine whether "he was charged or convicted of a

23 REPLY TO THE PEOPLE'S OPPOSITION TO DEFENDANT'S RACIAL JUSTICE ACT
24 (CRJA) MOTION FOR RELEVANT DATA UNDER CJRA 745(D) AND CJRA 745(A)(1) AND
(2) MOTION - 5

1 more serious offense than defendants of other races, ethnicities, or national origins who have
2 engaged in similar conduct and are similarly situated” ((RJA (a)(3)) and/or “A longer or more
3 severe sentence was imposed on the defendant than was imposed on other similarly situated
4 individuals convicted of the same offense, and longer or more severe sentences were more
5 frequently imposed for that offense on people that share the defendant’s race” ((RJA (a)(4)(A))
6 and/or “A longer or more severe sentence was imposed on the defendant than was imposed on
7 other similarly situated individuals convicted of the same offense, and longer or more severe
8 sentences were more frequently imposed for the same offense on defendants in cases with victims
9 of one race ((RJA (a)(4)(B)).

10 One or more of these facts and evidence should be considered together to determine that
11 there has been a CRJA violation. In *Gonzalez*, the court found that the evidence offered in support
12 of a theory of violation under one subpart may be corroborative of the evidence supporting another
13 theory of violation under a different subpart. “In short, as we read them, subdivision (a), subparts
14 (1) and (3) are not isolated pathways to proving a violation, but in a given case this one being an
15 example may work in tandem. (*Young, supra*, 79 Cal.App.5th at 163 -164; see also *Bonds v.*
16 *Superior Court* (2024) 99 Cal.App.5th 821, 830, 831 [RJA specifically provides that reliable,
17 statistical evidence and aggregated data are admissible to show whether a violation has occurred
18 and section 745, subd.(c)(1) makes no distinction between the various subparts of subdivision (a),
19 so there is no basis to say that such evidence is admissible only to show certain types of violations
20 and not others].)” (*Gonzales v. Superior Court* (2024) 108 Cal. App. 5th Supp. 36, at pp. 60-61,
21 emphasis added, citing *Young v. Superior Court* (2022) 79 Cal.App.5th 138.)

1 III. THE PEOPLE DO NOT DISPUTE THE FACTS CONTAINED IN THE 2D AMENDED
2 MOTION FOR RELEVANT DATA NOR DEFENDANT’S MOTION FOR RELIEF UNDER
(a)(1) AND (2)

3
4 The People did not refute any of the specific facts nor statistics showing racial bias against
5 Native Americans provided by the defendant. The People have not hired their own statistician.
6 Rather they make the conclusory statement that they dispute and deny the allegations. Any specific
7 facts that they have not disputed should be presumed true by the court. They further imply that the
8 articles cited are hearsay and should not be considered. However, under 745(c)(1), “out-of-court
9 statements that the court finds trustworthy and reliable, statistical evidence and aggregated data
10 are admissible for the limited purpose of determining whether a violation of subdivision (a) has
11 occurred.” The sources of the articles and statistics are well established media, such as the Fresno
12 Bee. The statistics are from government agencies, including the US Census and various California
13 agencies. The declaration of Eduardo Duran is of personal knowledge, unrefuted by the People, is
14 of personal knowledge of the relevant time period and should be given considerable weight. The
15 court should consider the facts presented by defendant to be trustworthy and reliable and accept
16 them to show that a possible violation of CRJA (a) occurred.

17 IV. THE PROSECUTION’S USE OF PEREMPTORY CHALLENGES TO ELIMINATE
18 THE ONLY INDIAN JUROR VIOLATED THE CRJA

19 The People concede that RJA sect. (b)(1) prohibits the state from exercising peremptory
20 challenges based on race, ethnicity or national origin. Nonetheless they say, because no
21 *Batson/Wheeler* objection was preserved at trial (another example of IAC), the defendant has not
22 demonstrated that the juror strike was part of a broader pattern of discrimination. However, that is

1 the test under *Batson/Wheeler*, not the RJA. Under the RJA, the prohibition is against any attorney
2 in the case exhibiting implicit bias against the defendant based on his race. The RJA does not
3 require that the defendant prove that it was part of a broader pattern of discrimination.

4 If the state wanted to remove the only Indian juror because she knew family members, the
5 proper way to do so was for cause. Then the court could have determined whether that was a
6 legitimate concern. Perhaps even more concerning are the inaccurate citations to case law provided
7 by the People. They cite *People v. Clark* (2011) 52 Cal.4th 856, 906 for the proposition that a
8 juror's acquaintance with individuals involved in the case constitutes a valid ground for excusal.
9 However, a reading of page 906 reveals that it does not discuss that subject and a word search for
10 the word 'acquaintance' in the entire opinion shows no such word appears. They also cite *People*
11 *v. Wheeler* for the same proposition but again the pin cited pages discuss a completely different
12 subject: "that a party is constitutionally entitled to a petit jury that is as near an approximation of
13 the ideal cross-section of the community as the process of random draw permits."

14 When prosecutors engage in purposeful racial discrimination during jury selection they
15 necessarily violate the RJA. By design, the standard to establish a violation of the RJA is easier to
16 meet than *Batson/Wheeler*, which has been criticized for its rigid demand for proof of purposeful
17 discrimination in a context where such proof is unlikely to exist. The Legislature discussed
18 *Batson's* shortcomings in the uncodified portion of the RJA:

19 Even though racial bias is widely acknowledged as intolerable in our
20 criminal justice system it nevertheless persists current law is
21 insufficient to address discrimination in our justice system. Even
22 when racism clearly infects a criminal proceeding, under current
legal precedent, proof of purposeful discrimination is often required,
but nearly impossible to establish. For example, one justice on the
California Court of Appeals recently observed the legal standards

23 REPLY TO THE PEOPLE'S OPPOSITION TO DEFENDANT'S RACIAL JUSTICE ACT
24 (CRJA) MOTION FOR RELEVANT DATA UNDER CJRA 745(D) AND CJRA 745(A)(1) AND
(2) MOTION - 8

1 for preventing racial bias in jury selection are ineffective, observing
2 that “requiring a showing of purposeful discrimination sets a high
standard that is difficult to prove in any context.”

3 (Stats. 2020, ch. 317, § 2, subd. (c) [quoting *People v. Bryant* (2019) 40 Cal.App.5th 525 (conc.
4 opn. of Humes, J.).] The Legislature’s solution was a new mechanism that sweeps broadly and
5 eliminates the requirement of purposeful discrimination. Specifically, the Legislature added
6 section 745, subdivision (a)(2), which prohibits racially discriminatory language and racial bias
7 towards a defendant during trial “whether or not purposeful.”

8 According to the prosecution, race-based jury selection cannot violate section 745,
9 subdivision (a)(2), because that section makes it a violation to exhibit racial bias “towards the
10 defendant” and race-based jury selection only exhibits racial bias towards prospective jurors. Their
11 argument is flawed as a matter of history, precedent, and common sense.

12 For 145 years, courts have consistently reaffirmed that Black defendants are the direct
13 target of the racial harm that occurs when Black people are systematically excluded from service
14 on their juries. *Strauder v. West Virginia* (1880) 100 U.S. 303, 309; *People v. Wheeler* (1978) 22
15 Cal.3d 258, 266; *Batson v. Kentucky* (1986) 476 U.S. 79, 87; *Miller-El v. Dretke* (2005) 545 U.S. 231,
16 237. While the harm caused by race-based selection extends beyond the defendant to the prospective
17 jurors who are removed and to the criminal justice system as a whole, *Powers v. Ohio* (1991) 499 U.S.
18 400, 406, the harm to the defendant is unquestionable. Since Reconstruction, there have been many
19 mechanisms used to stack the deck against Black defendants. The prototypical device is the all-
20 White jury. It began with states passing laws expressly excluding Black people from jury service.
21 When those laws were struck down *Strauder v. West Virginia, supra*, 100 U.S. at 308, states began
22 using literacy tests. And when those tests were struck down *South Carolina v. Katzenbach* (1966)

23 REPLY TO THE PEOPLE’S OPPOSITION TO DEFENDANT’S RACIAL JUSTICE ACT
24 (CRJA) MOTION FOR RELEVANT DATA UNDER CJRA 745(D) AND CJRA 745(A)(1) AND
(2) MOTION - 9

1 383 U.S. 301, 308, the peremptory challenge emerged as the principal device for eliminating Black
2 jurors. *Swain v. Alabama* (1964) 380 U.S. 202, 222.

3 Historically, all-White juries have been used to punish Black people more harshly and
4 insulate White people from punishment for committing acts of violence against Black people.
5 *Peña-Rodriguez v. Colorado* (2017) 580 U.S. 206, 222; Forman, *Juries and Race in the Nineteenth*
6 *Century* (2004) 113 Yale L.J. 895, 909-910. Precedent and history confirm that prosecutors exhibit
7 bias towards Black defendants by purposefully excluding all the people who share their race from
8 serving on their juries.

9 The same is true for the effect of all-White juries on Native American people. The
10 defendant doesn't have precedent for them because their population is much smaller than Black
11 people and the issue has not litigated.

12 A. DEFENDANT IS ENTITLED TO PROSECUTION JUROR NOTES TO
13 DETERMINE WHETHER THERE WAS RACIAL BIAS IN JURY SELECTION

14 The defendant here is not making a *Batson/Wheeler* claim. A *Batson/Wheeler* claim
15 requires that he show explicit bias. However, *Batson/Wheeler* error does not need to be the same
16 race as the defendant, just a showing that bias by the District Attorney is structural error, which
17 requires reversal.

18 The earliest date that we know the defense specifically asked for prosecutor's juror notes
19 and juror questionnaires was in 2011. *See* Habeas Exhibit 11d, FCSC Mtn for Post Convict
20 Discovery, dated 8/31/11. The FSCS motion included a request for everything listed in the 1978
21 Discovery Motion and Order, entered 4/24/1978, including notes. (T1 CR Vol. I CT 116).

22
23 REPLY TO THE PEOPLE'S OPPOSITION TO DEFENDANT'S RACIAL JUSTICE ACT
24 (CRJA) MOTION FOR RELEVANT DATA UNDER CJRA 745(D) AND CJRA 745(A)(1) AND
(2) MOTION - 10

1 Defendant is also entitled to the juror notes under Penal Code 1054.9 and the CRJA.
2 Because this court did not issue an order to show cause on Claim 14: THE PROSECUTION
3 ELIMINATED THE ONLY NATIVE AMERICAN JUROR IN VIOLATION OF
4 PETITIONER’S RIGHTS UNDER THE SIXTH AMENDMENT TO AN IMPARTIAL JURY
5 AND HIS RIGHT TO DUE PROCESS UNDER THE FOURTEENTH AMENDMENT, OF THE
6 DEFENDANT’S HABEAS PETITION, no additional discovery or litigation transpired relative to
7 this claim. At the evidentiary hearing on the habeas petition, the court reviewed the district
8 attorney’s files. Then, the court and the District Attorney reviewed the files in chambers without
9 the defense present. No juror notes have ever been produced to the defense. We still don’t know if
10 there are any juror notes in the DA files. Despite the district attorney’s claim that defendant’s entire
11 file prior to 2017 was lost, defense’s review of the previously reviewed files in chambers during
12 the evidentiary hearing revealed documents from prior to 2017. The District Attorney has never
13 stated that it does not have jury notes from the second trial.

14 The defense is entitled to see the jury notes. They are not categorically exempt under either
15 Penal Code Sect. 1054, CCP 2018.030, nor as attorney work product. *Box v Superior Court*
16 (*People*) (2023 4DCA, Div. 1) 87 Cal.App. 5th 60, 83. [held that notes a prosecutor took during
17 voir dire are not absolutely privileged under the work product privilege]. As the *Box* court stated
18 “Unless the People articulate a foundational basis for shielding some portion of the jury selection
19 notes from discovery, those materials must be turned over to Box in their entirety.” *Ibid*, at 83.

20 In *People v. Superior Court (Jones)*, the court said:

21 “We are tasked with determining whether the work product
22 privilege remains absolute when a court has an obligation to
evaluate the intent of the prosecution, and the written mental

23 REPLY TO THE PEOPLE’S OPPOSITION TO DEFENDANT’S RACIAL JUSTICE ACT
(CRJA) MOTION FOR RELEVANT DATA UNDER CJRA 745(D) AND CJRA 745(A)(1) AND
24 (2) MOTION - 11

1 impressions themselves may reveal an effort to unlawfully exclude
2 prospective jurors based on race or gender.”

3 It further concluded that in light of “the importance of avoiding
4 discrimination in jury selection,” the trial judge dd not err in order
5 release of the notes to the defendant’s counsel who was seeking
6 habeas relief. *People v. Superior Court (Jones)* (2019 4DCA, Div.
7 1) 34 Cal.App.5th 75, 83.

8 In *Box, supra*, the court analyzed the *Jones* cases regarding whether juror selection notes
9 are work product. “Absent waiver of work product privilege, must a prosecutor’s jury selection
10 notes be produced in postconviction discovery under Penal Code section 1054.9 to facilitate a
11 *Batson/Wheeler* challenge? This is an issue we previously addressed in *People v. Superior Court*
12 (*Jones*) (2019 4DCA, Div. 1) 34 Cal.App.5th 75. (*Jones I*). In *People v. Superior Court (Jones)*
13 (2021) 12 Cal.5th 348 (*Jones II*), the Supreme Court sidestepped the applicability of work product
14 privilege by finding a waiver on the facts of that case. But it did not depublish *Jones I*, nor did it
15 say anything in *Jones II* that cast doubt on our reasoning with respect to the general inapplicability
16 of the work product privilege to jury selection notes in the *Batson/Wheeler* context. *Box, supra*, at
17 67.

18 “Accordingly, *Jones I* remains good law and we reaffirm the correctness of the conclusions
19 we reached in that opinion. Where a prima facie case of racial bias under *Batson/Wheeler* has been
20 made, a defendant is entitled to discover the prosecution’s jury selection notes under section
21 1054.9. Those notes are not categorically shielded from discovery by the absolute work product
22 privilege. *Ibid*, at 67. To the extent the People maintain that those notes reflect the prosecution’s
23 impressions, conclusions, opinions, or legal research and theories *about case strategy* independent
24 of conclusions or impressions about *prospective jurors*, they bear the burden to make that

1 foundational proffer and seek appropriate redactions from the trial court.” *Ibid*, at 67. The court
2 remarked: “It seems unlikely that a prosecutor’s jury selection notes will reveal impressions,
3 conclusions, or opinions about the legal theory of the case, as opposed to impressions about
4 particular jurors.” *Ibid*, at 67.

5 In the *Dykes* case in Alameda County, after the jury selection notes were disclosed to the
6 defense and the court, Judge Chhabria issued an order stating that the jury selection notes, along
7 with other evidence in other cases, were important in establishing that prosecutors were engaged
8 in serious misconduct by eliminating prospective Black and Jewish jurors. In his order, he lifted
9 the restriction of disclosure to other parties, allowing the jury selection notes to be publicly released.
10 See Exhibit 30xx, *Dykes v. Mertel*, U S District Court, N. Dist. Cal., Case #11-cv-04454-SI (VC)
11 Order Lifting Confidentiality of Jury Selection Notes, dated 4/22/2024. Thus, the content of the
12 jury selection notes was very important and there was a public interest in having the notes disclosed.
13 This order in *Dykes* shows that they are not unavailable because they are “Official Information”
14 as described in Evid. Code 1040.

15 In *People v Nadey*, in his dissent, Justice Liu discusses *Dykes* and other cases regarding
16 *Batson/Wheeler* claims using jury selection notes. His dissent includes the Curtis Ervin case.
17 Ervin’s death penalty conviction was vacated because of the racial bias content of the jury selection
18 notes under *Batson/Wheeler*. *People v Nadey* (2024) 16 Cal.5th 102, 208. These cases show the
19 importance of jury selection notes and establish good cause for obtaining them in this case.

20 B. THE LOSS OF THE JURY QUESTIONNAIRES IN THIS CASE SHOULD
21 BENEFIT THE DEFENDANT
22

23 REPLY TO THE PEOPLE’S OPPOSITION TO DEFENDANT’S RACIAL JUSTICE ACT
24 (CRJA) MOTION FOR RELEVANT DATA UNDER CJRA 745(D) AND CJRA 745(A)(1) AND
(2) MOTION - 13

1 The 1983 second trial juror questionnaires have been lost by the court. As a result,
2 defendant is unable to review their content or assess whether they were adequate. *See People v*
3 *Nieves* (2021) 11 Cal.5th 404, 422-429. This happened through no fault of the defendant and he
4 should not be punished for this. Instead the court should give him leniency in what is needed to
5 prove implicit bias by the district attorney.

6 C. THE DENIAL OF HABEAS CLAIM 14: THE PROSECUTION ELIMINATED
7 THE ONLY NATIVE AMERICAN JUROR IN VIOLATION OF PETITIONER'S
8 RIGHTS UNDER THE SIXTH AMENDMENT TO AN IMPARTIAL JURY
9 AND HIS RIGHT TO DUE PROCESS UNDER THE FOURTEENTH
10 AMENDMENT OF THE HABEAS PETITION IS IRRELEVANT UNDER THE
11 CRJA

12 It is irrelevant to these CRJA motions whether the court did not issue an order to show
13 cause for Claim 14 because Claim 14 alleges explicit bias under *Batson/Wheeler*. Here, under the
14 CRJA, the test is for implicit bias. Because said claim goes to an explicit bias claim, it is also
15 irrelevant here that second trial defense counsel did not properly preserve a *Batson/Wheeler* claim.

16 V. CLOSING ARGUMENTS BY DEFENSE AND PROSECUTION DEMONSTRATE
17 IMPLICIT BIAS UNDER THE CRJA

18 The People make the assertion that defendant's second trial defense counsel Goodwin's
19 made a tactical decision to use an expert to testify about life on the defendant's reservation. They
20 contend it was done in order to create sympathy for defendant. The witness who testified,
21 defendant's sister-in-law, was not an expert. She was a lay witness.

22 The prosecution then argues that because defendant's counsel used derogatory remarks
23 regarding Indian youth on his reservation, that he opened the door and that it was therefore
24 acceptable for the district attorney to repeat those comments. Contrary to their position, this race-

REPLY TO THE PEOPLE'S OPPOSITION TO DEFENDANT'S RACIAL JUSTICE ACT
(CRJA) MOTION FOR RELEVANT DATA UNDER CJRA 745(D) AND CJRA 745(A)(1) AND
(2) MOTION - 14

1 related evidence was not relevant, despite the fact that the court allowed it. Further, it showed
2 racial bias against the defendant's Indian tribe by the prosecution. As cited in both the defendant's
3 and the People's RJA motion pleadings, RJA Sect. 745(a) provides that it is a violation of the Act
4 for an attorney in the case to exhibit bias or animus toward the defendant based on his race,
5 regardless if it is the prosecution or the defense. . It is worth reiterating that in enacting the RJA, the
6 Legislature was at least equally concerned with *implicit* bias:

7 Whatever may be uncertain about the Racial Justice Act, there are a
8 few things that are abundantly clear. Perhaps the most obvious is that
9 the Racial Justice Act was enacted to address much more than
10 purposeful discrimination based on race. Indeed, the primary
11 motivation for the legislation was "the failure of the judicial system
12 to afford meaningful relief to victims of unintentional but *implicit*
13 *bias*."

14 (*Bonds v. Superior Court* (2024) 99 Cal.App.5th 821, 828

15 They cite *People v. McDaniel* (2021) 12 Cal.5th 97, 132-133 erroneously. The pin cite
16 contains a discussion of hearsay, it doesn't say anything about group characteristics. Regardless,
17 the testimony regarding the defendant's tribal youth and subsequent reference to it in both defense
18 and prosecution closing arguments was about group characteristics, basically using otherness as
19 another form of bias. The People misunderstand when they say that statements made by defense
20 counsel cannot be attributed to the prosecution. Again, that is not what RJA 745(a) states. It states
21 that each separate act by "an attorney in the case" is a violation. Piling on by the prosecution acted
22 as a double whammy against the defendant, likely making the argument more legitimate in the
23 jury's minds.

24 *Sanchez v. Superior Court* (2024) 106 Cal.App.5th 617, 628-630, recognized that a public
25 defender "may harbor an unintentional or unconscious implicit racial bias." It determined that

26 REPLY TO THE PEOPLE'S OPPOSITION TO DEFENDANT'S RACIAL JUSTICE ACT
27 (CRJA) MOTION FOR RELEVANT DATA UNDER CJRA 745(D) AND CJRA 745(A)(1) AND
28 (2) MOTION - 15

1 under the RJA, the implicit racial bias of defense counsel can create a conflict of interest and must
2 therefore be resolved before legal representation could continue. In *People v Simmons* (2023
3 2DCA, Div. 6) 96 Cal. App. 5th 323, 339, the court found that the prosecutor’s cross examination
4 and rebuttal comments which repeatedly referred to the defendant’s skin tone was a violation of
5 CRJA.

6 Unless it was unconscious on his part, our argument is strengthened by asking the question
7 ‘what defense attorney could reasonably conclude that saying that the youthful members of the
8 defendant’s tribe were worthless human beings before the jury would be beneficial?’ We know
9 from Goodwin’s two declarations,¹ regarding his representation of defendant that he didn’t hire
10 any experts nor make any tactical decisions. This is also borne out by the fact that there are no
11 Penal Code Sect. 987.9 court records for payment of any experts for defendant’s second trial. IAC
12 expert, Gary Gibson, testified at the evidentiary hearing that because Mr. Goodwin did not do any
13 investigation or hire any experts, he was unable to make any tactical decisions. This further
14 supports the fact that the decision to use the sister-in-law’s testimony was not a tactical decision.

15 Despite introducing any evidence to the contrary, including interviewing either defense
16 attorney Goodwin or DDA Robinson, the People have surmised the reasons for the content of their
17 closing arguments. Given these facts, as applied to the RJA, both the second trial defense counsel
18 and second trial deputy district attorney committed violations of the RJA.

21
22 ¹(See Habeas Exhibits 12b & 12c, Goodwin Declarations.)

1 As to timeliness, as explained in Section VIII.D, *infra*, under the RJA, defendant's motion
2 is timely.

3 VI. THE FRESNO DISTRICT ATTORNEY'S CPRA REQUEST RESPONSE PROVIDES A
4 PARTIAL OUTLINE OF WHAT MATERIAL IT CAN PROVIDE, SEE EXHIBIT 30e

5 The People have not disputed that the records requested in this discovery motion would be
6 disclosable under the Public Records Act. That is significant because the People also claim a
7 privilege that would only apply to non-public information, if at all: the privilege against disclosing
8 "official information" under Evidence Code section 1040 (a), which defines "' official information"
9 [as] information acquired in confidence by a public employee in the course of his or her duty and
10 not open, officially disclosed, to the public prior to the time the claim of privilege is made." (Evid.
11 Code § 1040 [a] [emphasis added]). Further, under Evid. Code Sect. 1040(b)(2), public entities are
12 limited in what they can decide to disclose. That section includes a balancing test which provides
13 that only if "there is a necessity for preserving the confidentiality of the information that
14 outweighs the necessity for disclosure in the interest of justice;" can the disclosure be withheld.

15 Contrary to what the People maintain, the jury notes taken by the prosecution are not
16 undisclosable official information. All public records are subject to disclosure unless they fall
17 within one of the exemptions articulated in the CPRA. "Public records" are broadly defined and
18 include most documents generated by the government. *See* generally Gov't Code § 790.5230. The
19 Court should take the People's failure to dispute that the records requested are public records as an
20 admission that they are subject to CPRA disclosure, and therefore, available to the public absent
21 some exemption. Accordingly, the People's claim of privilege under Evidence Code Section
22 1040(a) must fail because that section does not apply.

23 REPLY TO THE PEOPLE'S OPPOSITION TO DEFENDANT'S RACIAL JUSTICE ACT
24 (CRJA) MOTION FOR RELEVANT DATA UNDER CJRA 745(D) AND CJRA 745(A)(1) AND
(2) MOTION - 17

1 In the alternative, if it did apply, the People have failed to acknowledge subd. (b)(3), which
2 allows a government official to claim the privilege (assuming disclosure if not forbidden by federal
3 statute) *only* if:

4 (2) Disclosure of the information is against the public interest
5 because there is a necessity for preserving the confidentiality of the
6 information that outweighs the necessity for disclosure in the
7 interest of justice ... In determining whether disclosure of the
8 information is against the public interest, the interest of the public
9 entity as a party in the outcome of the proceeding may not be
10 considered. Evid. Code§ 1040 subd. (b)(3)).

11 While claiming this privilege, the People have not even attempted to meet this standard. Nor could
12 they.

13 The public is deeply interested in knowing the truth about the People's data and charging
14 practices and whether, considerations of race have unlawfully tainted the People's charging
15 decisions. Similar concerns drove the General Assembly to enact the groundbreaking Racial
16 Justice Act in the first place. (*Young v. Superior Court, supra*, at 149-51 [reviewing legislative
17 intent of the RJA]). On its face, the People's claim should fail.

18 Alternatively, because Mr. Stankewitz has made a prima facie showing of his need for this
19 evidence, the Court should follow the procedure set out in *In re Macos B.* (2013), 214 Cal.App.4th
20 299, 308, to evaluate the People's claim of privilege or official information. The procedure requires
21 the Court to hold an ex parte hearing with the People, at which the People produce the requested
22 evidence and demonstrate that "the need to preserve the confidentiality of the information"
23 outweighed the need for disclosure in the interests of justice[.]" (*Id.* at 310) Although the defendant
24 may not attend, the defense should have an opportunity to propose questions for the court to ask
25 at the hearing. (*Id.*). If the People succeed, the Court then must hold an adversarial hearing to

26 REPLY TO THE PEOPLE'S OPPOSITION TO DEFENDANT'S RACIAL JUSTICE ACT
27 (CRJA) MOTION FOR RELEVANT DATA UNDER CJRA 745(D) AND CJRA 745(A)(1) AND
28 (2) MOTION - 18

1 explore the defense's need for the evidence, hear testimony, and make findings of fact suitable for
2 appellate review. (*Id.* at p. 308). Mr. Stankewitz preserves his right to such a hearing before the
3 Court makes any finding of privilege under section 1040(a).

4 If the Court does grant the People an exemption under Evid. Code section 1040, Mr.
5 Stankewitz hereby formally requests that the Court specify that basis and then apply Evid. Code
6 section 1042, subd. (a), which requires the Court to "make such order or finding of fact adverse to
7 the public entity bringing the proceeding as is required by law upon any issue in the proceeding to
8 which the privileged information is material."

9 VII. THE DEFENDANT HAS DEMONSTRATED GOOD CAUSE FOR HIS DISCOVERY
10 REQUEST

11 A. DEFENDANT SATISFIES THE *YOUNG* GOOD CAUSE TEST AS OUTLINED
12 IN *YOUNG* AND SUBSEQUENT CASES

13 To demonstrate good cause, the *Young* court stated "we conclude that in order to establish
14 good cause for discovery under the Racial Justice Act, a defendant is required only to advance a
15 plausible factual foundation, based on specific facts, that a violation of the Racial Justice Act
16 "could or might have occurred" in his case. *Young, supra* at 159.

17 *McDaniel* is in accord, citing the *Young* factors as the proper criteria to establish good
18 cause. "A defendant may establish good cause for discovery under the RJA by "advance[ing] a
19 plausible factual foundation, based on specific facts, that a violation of the [RJA] 'could or might
20 have occurred' in his case." *Young, supra*, 79 Cal.App.5th at 159. *McDaniel v. Superior Court*
21 (2025 1DCA, Div. 3) 111 Cal.App.5th 228, 241. "Preventing a defendant from obtaining
22

1 information about charging decisions without first presenting that information in a discovery
2 motion is the kind of catch-22 that the Act was designed to eliminate. *McDaniel*, at 241.

3 Similarly, *Gonzales v. Superior Court* (2024 Santa Clara Superior Court, App.Div.) 108
4 Cal.App.5th.Supp. 36, 64, observed that in *Young* there were supposed flaws in the statistical data
5 presented by the defense but nevertheless, such statistical data was enough to satisfy the good
6 cause standard to entitle the defendant to discovery under section 745, subdivision (d): “The flaws
7 in *Young*’s statistical proof, however, serve to illustrate how the good cause standard works. At
8 *this stage, he need not make a strong case but only a plausible one.* Here, his claim that he was
9 closely observed before being pulled over and subjected to excessive force in the course of his
10 arrest arguably tips the scale from a situation in which he is speculating about possible racial
11 profiling to one in which, in his case, specific facts arguably provide circumstantial proof of the
12 substance of the allegation. Statistical discovery could bolster this claim and rationally tie it to
13 prosecutorial decisionmaking, at least as a prima facie matter.” *Gonzales, supra*, at p. 64, quoting
14 *Young, supra*, at 166; italics added by the court.

15 *Gonzalez* concluded that the county wide and statistical data offered by the defense was
16 sufficient to show a plausible factual basis to be entitled to RJA discovery under section 745, subd.
17 (d). (*Id.*, at 66.) “Instead, where the statistical evidence *Gonzales* has presented supports an
18 inference that Latinx people may have been disproportionately charged with resisting arrest and
19 that non-Latinx people who were similarly situated by engaging in similar conduct may have been
20 treated more leniently by not being so charged, this is sufficient to show that an RJA violation
21 could or might have occurred.” (*Id.*, at 66.)

1 B. DEFENDANT HAS PROVIDED MORE THAN AMPLE FACTS AND
2 CALIFORNIA STATISTICAL DATA TO SUPPORT GOOD CAUSE, DESPITE
3 THE DISTRICT ATTORNEY'S ARGUMENTS TO THE CONTRARY

4 Part of what the People argue is that the specific facts and California statistical data that
5 defendant has supplied is not enough to demonstrate implicit bias. However, at this stage,
6 defendant need only present facts and statistics to show a plausible basis of an RJA violation. If
7 he does so, and receives discovery, he will then need to use it to demonstrate implicit bias by a
8 preponderance of the evidence. As to the People's objections to specific requests, they apply to
9 this case as follows:

10 1) the list of all people charged with murder which identifies race is necessary so that the
11 defendant can determine the racial composition of those charged. It is needed as the baseline for
12 data analysis, to be used in combination with other data regarding special circumstances charged
13 to determine whether there was disparate treatment.

14 2) the defendant agrees that the fact that two Native American men were both sentenced to
15 death, along with the California statistics regarding people of color being disproportionately
16 sentenced to death, is not enough to demonstrate that the defendant was charged or sentenced more
17 harshly due to his race. That is why defendant needs the data requested in his discovery motion.

18 3) Knowing that members of law enforcement were members of the KKK during the time
19 surrounding his second trial is circumstantial evidence of law enforcement bias against Native
20 Americans. The KKK had as part of its mission to eliminate all non-whites, including Native
21 Americans. See Exhibit 30yy hereto. Therefore, defendant's request #12 for statements or other

1 evidence from law enforcement is necessary to determine specific bias by law enforcement against
2 Native Americans and defendant specifically.

3 4) The Fresno incidents cited in defendant's 2d Amended Motion for Relevant Data may
4 not have happened to defendant himself; however, they demonstrate the anti-Native American
5 climate in the county and offer a plausible factual foundation for racism against the defendant, he
6 being Monache Native American.

7 5) The Dickey case provides a plausible justification for the requested discovery because
8 Colin Dickey is white and defendant is Native American. They both received the death penalty but
9 after serving only 36 years, in 2024, Dickey was resentenced to two 25 to Life terms for two
10 murders. Because the People have not moved the court for a lesser sentence for defendant for the
11 last 13 years since his case was remanded, he is entitled to know why Dickey, upon resentencing,
12 received disparate treatment in the form of a lighter sentence.

13 6) In *Young*, the defendant was able to show a particularized nexus because he is Black and
14 could show that he was arrested due to a racially motivated traffic stop. This is due to an increased
15 awareness and information gathering regarding racial bias against Blacks in traffic stops garnered
16 over an extended period of time. However, he also used statistics to show that Blacks are more
17 likely to be stopped than any other racial group. In ruling on Young's discovery request, the
18 appellate court found that the trial court's denial of the request was factually incorrect. Because
19 the grounds for the request went beyond just his race, the court held that the government's
20 objection "goes to the breadth and depth of discovery, not whether he should receive discovery at
21 all." *Young*, at 144. The court held he is entitled to discovery if he makes a plausible case, based
22

1 on specific facts, that any of the four enumerated violations of 745(a) might or could have occurred.
2 *Young*, at 144.

3 Here, the defendant does not have the advantage of an already existing awareness of
4 discrimination against Native Americans in the criminal legal system. Unfortunately, the public is
5 largely unaware of the racial discrimination against Indians/Native Americans. Therefore, in order
6 to provide a nexus, he has not only provided specific facts that occurred based on the record, he
7 also presents circumstantial evidence of Fresno discrimination against Indians/Native Americans
8 spanning the decades from 1970s – present. That discrimination is inside and outside the legal
9 system. He also included California specific statistical evidence which shows that the percentage
10 of people of color on death row is 68% and that youthful offenders (of which defendant was one
11 when he was sentenced) are given the death penalty three times as often as their white peers.(fn)
12 Notwithstanding the lack of additional statistics presently available, the defendant has provided
13 anecdotal evidence of the Dickey resentencing, which is directly on point.

14 VIII. THE DEFENDANT HAS SATISFIED THE *YOUNG/ALHAMBRA* FACTORS

15 A. THE DISCOVERY REQUESTED IS ADEQUATELY DESCRIBED

16 The defendant's requests were formulated by our statistician and well defined.

17 B. THE DISCOVERY REQUESTED IS AVAILABLE TO THE GOVERNMENT

18 Despite the People's protestations, it has provided data in response to other Fresno requests.
19 For example, in 2021 – 2023, it has provided data, including training materials and data of case
20 lists, to the ACLU (<https://aclunc.org/racial-justice-act/fresno-county>) (last accessed 7/20/25); and
21 recently, in *People v. Ger Lee*, a Fresno Superior court case, where Peter Jones, one of Mr.
22

23 REPLY TO THE PEOPLE'S OPPOSITION TO DEFENDANT'S RACIAL JUSTICE ACT
24 (CRJA) MOTION FOR RELEVANT DATA UNDER CJRA 745(D) AND CJRA 745(A)(1) AND
(2) MOTION - 23

1 Stankewitz' attorneys, represents a defendant, the Fresno District Attorney's office provided
2 statistical data in response to a RJA 745(d) motion. Because the legislature passed the CRJA with
3 the goal of eliminating racial bias in the criminal legal system, the People must comply with it. So,
4 if need be, it must search both old and new information management systems. The People take the
5 position that it may not be able to provide all the discovery information requested. If so, then it
6 should be ordered to produce what it can and let the defendant sort through it and draw whatever
7 conclusions are possible.

8 The People state that they are unable to provide any information regarding sentencing
9 because it is prohibited by law. They cite Penal Code Sects. 11141, 11142, 13302 and 13303.
10 However, these sections state that it is a misdemeanor for government employees to provide
11 information to unauthorized third parties. None of them expressly refer to sentencing information.
12 Further, as noted in *Weaver v. Superior Court*, (2014) 224 Cal.App.4th 746, 751, Sect. 13302
13 contains an exception for the CPRA: "Nothing in this section shall prohibit a public prosecutor
14 from accessing and obtaining information from the public prosecutor's case management database
15 to respond to a request for publicly disclosable information pursuant to the California Public
16 Records Act (Division 10 (commencing with Section 7920.000) of Title 1 of the Government
17 Code). *Weaver, supra*, at 752.

18 The People argue that defendant's reliance on *Weaver, supra*, is misplaced because it deals
19 only with publicly filed court records. However, in *Weaver*, the defendant asked for all charging
20 documents. The court there held that the charging document records were not exempt from release.
21 *Weaver, supra*, at 749 -750. Significantly, the People fail to mention that *Weaver* ruled that the
22 CPRA request that it reviewed was not overly burdensome even though the requested records

1 spanned 26 years. *Weaver*, supra, at 752. If the People are going to take a position that the
2 disclosure of certain records is unlawful under the Penal Code, then they need to cite the specific
3 sections which so state.

4 Furthermore, the defense made a CPRA request to CDCR for sentences by race for Fresno
5 inmates to which CDCR complied in full. That list which was produced in response to a query,
6 lists all Fresno inmates under LWOP or life sentences by race and includes their names. See
7 Exhibit 30zz, CDCR CPRA request response listing sentences for Fresno offenders, received
8 7/9/25.

9 The People say that many of the discovery request information may be available through
10 already existing databases. As noted in defendant's 2d Amended Motion for Relevant Data, he has
11 previously made a CPRA request to the CA Department of Justice. He received a response which
12 was reviewed by our statistician expert, Prof. Beth Redbird. She informed the defense that the DOJ
13 records were aggregate data, which is not susceptible to proper data analysis.

14 The People argue that the defense must conduct its own investigation. However, the state
15 has the records. The idea of the defense going to the Fresno Superior Court Archives to ferret out
16 records would be a waste of judicial resources and extremely time-consuming, as well as
17 ineffective. Are they saying that the defense should go to the Archives and ask for the first criminal
18 file from 1973, review it and then ask for the second criminal file from 1973, review it and so on
19 from there? Other than the discovery request items that the People specifically contend that they
20 do not have, getting them from the government is the most efficient and effective way. They also
21 argue, citing no other sources, that the information responsive to the discovery requests may be
22

1 available from other sources. Again, whether or not this is true, getting the information from the
2 government is the most efficient and effective way to get it.

3
4 C. NO CONFIDENTIAL OR PRIVATE RIGHTS WOULD BE VIOLATED - ANY
5 LEGITIMATE PRIVILEGE CAN BE ADDRESSED BY PROTECTIVE ORDER
6 OR REDACTIONS.

7 The People state that disclosure of all of this information would encroach on government
8 interests and third party rights. However, there are protections available to protect both the
9 government and third parties. Penal Code section 745 subsection (d) states that a "court may permit
10 the prosecution to redact information prior to disclosure or may subject disclosure to a protective
11 order." But only "[i]f a statutory privilege or constitutional privacy right cannot be adequately
12 protected by redaction or a protective order," shall the court "not order the release of the records."
13 *Id.* See also Legis. Counsel's Dig., Assem. Bill No. 256 (2021-2022 Reg. Sess.) ("The bill would
14 require ... disclosure unless a statutory privilege or constitutional privacy right cannot be
15 adequately protected by redaction or a protective order."). Although the People have failed to
16 advance any cognizable privilege, even if they had, they have not shown that a protective order or
17 redaction could not adequately protect their interests. Therefore, if the Court finds any discoverable
18 information to be covered by any privilege, it should order disclosure with an appropriate
19 protective order or redaction.

20 The People argue that its decisions to file special circumstances in murder cases is
21 privileged attorney work product and does not have to be disclosed, citing Penal Code 1054.6 and
22 CCP 2018.030(a). *People v. Nadey* (2024) 16 Cal.5th 102, 150-151, discusses attorney work

1 product under those statutes. “The referenced statute establishes two levels of privilege for
2 different types of attorney work product. Subdivision (a) relates to written work product, which is
3 absolutely privileged: “A writing that reflects an attorney's impressions, conclusions, opinions, or
4 legal research or theories is not discoverable under any circumstances.” (Code Civ. Proc., §
5 2018.030, subd. (a).) Under subdivision (b), all other attorney work product that is not contained
6 in such a writing is protected by a qualified privilege, which may be overcome if the court
7 concludes denial of discovery would result in unfair prejudice or injustice. (Code Civ. Proc., §
8 2018.030, subd. (b).) By specifically referencing only subdivision (a) of this statute, Penal Code
9 section 1054.6 ““expressly limits the definition of ‘work product’ in criminal cases to ‘core’ work
10 product, that is, any writing reflecting ‘an attorney's impressions, conclusions, opinions, or legal
11 research or theories.’”” (*People v. Zamudio* (2008) *supra*, 43 Cal.4th 327, 355; [full citation
12 added] *see People v. Bennett* (2009) 45 Cal.4th 577, 595 (*Bennett*).)” *People v. Nadey*, *supra*, at
13 150-51. As discussed in Sect. IX, Logistical Concerns, *infra*, this court can hold a hearing to
14 determine whether any of the discovery requested is attorney work product.

15 D. DEFENDANT ACTED IN A TIMELY MANNER

16 As this court knows, the defendant litigated a habeas petition from January, 2021 –
17 December 24, 2024, when the court rendered its decision denying the petition. Since 2022, the
18 parties have agreed multiple times, on the record, that resentencing would follow the habeas
19 proceedings. The People state that under RJA Sect. 745(c), that the defendant’s RJA motions are
20 not timely. However, the language of 745(c) only applies when a case is in trial. It states in relevant
21 part, “A motion made at trial shall be made as soon as practicable upon the defendant learning of
22

1 the alleged violation.” Penal Code Sect. 745(c). This case is not at trial. The trial was completed
2 in 1983. This case is currently pending resentencing by this court.

3 Also, RJA Sect. 745(b) makes provision for appeal from sentencing to raise RJA issues. It
4 also provides for remedies, specifically as is true here, where there is no final judgment in a case.
5 See RJA Sect. 745(e)(1). The RJA provides remedies throughout the duration of a case from trial
6 through final judgment to post judgment. See RJA Sect. 745 (b)(c) and (e). In the interest of judicial
7 economy, the case was not ripe for an RJA motion until the habeas proceeding was completed.

8 E. TIME REQUIRED DOES NOT DELAY THE UNDERLYING PROCEEDINGS

9 Since the case was remanded by the 9th Circuit, the People have asked for and received
10 numerous extensions of time in both the criminal case and the habeas cases of this defendant over
11 the last 13 years. The court has also given itself numerous extensions over the years. These
12 combined extensions have added years of time to the Stankewitz proceedings. Defendant’s
13 motions for release on bail during these proceedings have been denied. The defendant is
14 incarcerated, as he has been over the last 47 years, so time has always been irrelevant to the People
15 and the court. The defendant is the only one who suffers due to delays, so the People’s complaint
16 about the RJA discovery process taking time should not be given any weight.

17 F. PRODUCTION OF RECORDS IS NOT UNREASONABLY BURDENSOME

18
19 The People acknowledge that they have the ability to generate ad-hoc reports of certain
20 data, provided it is initially tracked as a data point. They state that in order to provide the discovery
21 requested, it would require compilation of a new record that doesn’t presently exist. However, as
22 discussed in VIII.B., supra, they have produced similar records to the ACLU and in the Ger Lee

23 REPLY TO THE PEOPLE’S OPPOSITION TO DEFENDANT’S RACIAL JUSTICE ACT
24 (CRJA) MOTION FOR RELEVANT DATA UNDER CJRA 745(D) AND CJRA 745(A)(1) AND
(2) MOTION - 28

1 case. Their CPRA response also states that they can provide many of the records. Throughout their
2 opposition, the People argue that the discovery request is overly burdensome , an untenable burden.
3 However, as discussed in Sect. IX infra, their logistical concerns can be addressed to reduce the
4 burden.

5 Training materials for capital case prosecutors are important because those records in other
6 cases have shown prosecutors being instructed on ways to eliminate Black and Jewish jurors. If
7 the Fresno District Attorney’ office received these same trainings, it would demonstrate purposeful
8 discriminatory acts.

9 IX. THE PEOPLE’S LOGISTICAL CONCERNS CAN BE ADDRESSED

10 The People acknowledge that under certain conditions, a defendant, under the RJA, may
11 be entitled to the release of relevant records possessed by the state. However, they argue that they
12 do not have “lists” with the requested information. The defense agrees that the CPRA does not
13 require that the government create new records. However, the Fresno District Attorney’s response
14 to the defense’s CPRA request shows that they do in fact have the data needed for analysis. The
15 defense realizes that data will be different depending upon the time period for which it is provided.
16 The defendant has not responded to the FCDA CPRA request because he is waiting to see what
17 the court decides on his motions.

18 If the DA provides a full copy of all data, the defense will locate and hire an expert to
19 conduct all required data extraction and cleaning, saving the need for the DA to find an expert who
20 can do this work themselves.

1 If the court determines that any of the discovery requests are subject to privilege or is
2 official information, Mr. Stankewitz requests that the court specify the basis and then apply Evid.
3 Code Sect. 1042, subdivision (a) (*See* Sect. VII.A. Good Cause, *supra*)

4 If the court determines that any of the discovery requests infringe the rights of third parties,
5 then it can withhold that information. Likewise, if any statutory privilege or constitutional right
6 cannot be protected by redaction or protective order, the court shall not order release of the material.
7 *See City of Alhambra v. Superior Court* (1988) 205 Cal.App.3d 1118.

8 If needed to clarify the discovery requests, in coordination with an expert statistician, the
9 parties could meet and confer.

10 IX. THE DEFENDANT’S SPECIFIC REQUESTS AND THE PEOPLE’S OPPOSITION
11 CAN BE ADDRESSED AS FOLLOWS:

12 Once the court resolves the People’s objections to providing items, it can use the following
13 to create a roadmap for the discovery process. Based on the People’s Opposition Briefs,

14 **Here is what the People say they can do:**

15 search old and new management systems for data;

16 generate ad-hoc reports of certain data, provided it is initially tracked as a data point.

17 Retrieve the race of the defendant and victim in electronic records

18 **Here are the items for which the People claim they do not have responsive records:**

19 Request #2 Defense requests all cases where a defendant was charged, at any point, with
20 murder.

21 Request #3 Defense requests all cases reviewed for potential filing of Special
22 Circumstances under Penal Code section 190.2, where the District Attorney declined to file
special circumstances.

1 Requests # 7 - 8 would allow Mr. Stankewitz to see where the prosecution has obtained
2 convictions for the death penalty or LWOP. It will also help him determine whether the District
3 Attorney can demonstrate a racially neutral reason for any significant racial differences that the
4 data reveal. See PC § 745(h)(1) [a showing of racial disparity requires that “the prosecution
5 cannot establish race-neutral reasons for the disparity.”]

6 Requests # 9 - 10 would allow Mr. Stankewitz to see whether the prosecution has pursued
7 the death penalty or LWOP in resentencing cases. It will also help him determine whether the
8 District Attorney can demonstrate a racially neutral reason for any significant racial differences
9 that the data reveal. See PC § 745(h)(1) [a showing of racial disparity requires that “the
10 prosecution cannot establish race-neutral reasons for the disparity.”]

11 Request #12 seeks information that will allow Mr. Stankewitz to assess whether any of
12 the attorneys or law enforcement in this case exhibits racial bias or animus towards Mr. Stankewitz
13 because of his race. Given that based on news accounts, some members of law enforcement were
14 members of the KKK, this information is especially important.

15 Records relating to the promotion of prosecutors who tried capital cases

16 A log of cases where homicide is charged, including special circumstances for the last 50
17 years nor a list of cases where gun enhancements are charged

18 **Tasks which the People say they cannot perform:**

19 Flexible pattern-based search for data

20 **Tasks which the People may not be able to perform completely:**

21 Identify charged co-defendants but not show connected homicide criminal activity

22 Provide records prior to 1999 because they are not available electronically

23 **Information which the People state is privileged attorney work product**

24 Decisions to file specials, citing Penal Code 1054.6 and CCP 2018.030(A). *See* Sect.
25 VIII.C., *infra.* for discussion.

26 **Items which the People say are too burdensome**

27 Training materials re capital cases because they have to search DA employee records of
28 over 50 years. However, training materials have been provided to the ACLU for Fresno

1 specifically and are available on their website². Further, it seems likely that the District Attorney's
2 office keeps a record of trainings provided to their employees, especially those that are taught
3 internally.

4 As to how these training manuals relate to racial bias toward the defendant, defense counsel
5 is aware of testimony from at least one district attorney that district attorneys were trained in
6 statewide prosecution death penalty conferences to remove blacks and Jews from juries.

7 X. CONCLUSION

8 Here, the various examples of bias, including the ultimate jury decision to give Mr.
9 Stankewitz the death penalty, corroborate each other to show an RJA violation. Specifically, the
10 failure to have any Indian jurors, the closing argument statements by defense counsel and the
11 prosecutor arguing that Indian youth from the defendant's own reservation are drug addicts,
12 alcoholics and school dropouts (not true for Chief), the climate against Indians in Fresno (Eduardo
13 Duran dec. and KKK members in law enforcement), up to the present day discrimination against
14 indigenous people described in Section VI of the 2d Amended Motion for Relevant Data. Add the
15 People's resentencing request for Dickey, a white man, previously sentenced to death, for a
16 reduced sentence. These demonstrations of bias, along with the State statistics contained in Section
17 V. of defendant's 2d Amended Motion for Relevant Data, corroborate each other. We are not
18 asking for the data in a vacuum, the specific facts, nonstatistical evidence and CA statistical
19 evidence demonstrate good cause to provide the data.
20

21
22 ²(<https://aclunc.org/racial-justice-act/fresno-county>) last accessed 7/20/25.


1 This court should grant defendant's discovery motion under RJA Sect. 745(d), find that
2 defendant has made a prima facie case and order an evidentiary hearing for defendant's Sect.
3 745(a)(1) and (2) claims, pursuant to RJA Sect. 745(c).

4 Dated this 24 day of July, 2025

5 Respectfully submitted,

6 J. TONY SERRA
7 PETER M. JONES
8 CURTIS L. BRIGGS
9 MARSHALL D. HAMMONS

Attorneys for Defendant
DOUGLAS R. STANKEWITZ

10 
11 By CURTIS L. BRIGGS
12 Attorney for Defendant

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1
2 PROOF OF SERVICE

3 The undersigned declares:

4 I am a citizen of the United States. My business address is P. O. Box 7225, Cotati, CA 94931. I am over the age of eighteen years and not a party to the within action.

5 On the date set forth below, I served the foregoing document(s) described as

6 REPLY TO THE PEOPLE'S OPPOSITION TO DEFENDANT'S RACIAL JUSTICE ACT (CRJA) MOTION FOR RELEVANT DATA UNDER CJRA 745(D) AND CJRA 745(A)(1) AND (2) MOTION

7 On all interested parties in this action as follows:

8 Elana Aron Smith
9 Office of the District Attorney
Fresno, CA 93721
10 Earon@Fresnocountyca.gov

Honorable Arlan L. Harrell
Teresa VanZuyen, Clerk
Dept62@fresno.courts.ca.gov

11 Mail Overnight mail Personal service Fax

12 By Email or Electronic Filing/Service) CCP Sect. 1010.6 and California Rules of
13 Court, Rule 2.251. Based upon a Court Order, Local Rules of Court, or an agreement of the
14 parties to accept service by e-mail or electronic transmission, I caused the documents to be sent
15 to the person(s) listed above on the parties listed above who are signed up for electronic service.
I did not receive, within a reasonable time after the transmission, any electronic message or
other indication that the transmission was unsuccessful.

16 I declare under penalty of perjury that the foregoing is true and correct, and that this
17 declaration is executed on July 24, 2025, at Sebastopol, California.

18 
19 Alexandra Cock

20
21
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23 REPLY TO THE PEOPLE'S OPPOSITION TO DEFENDANT'S RACIAL JUSTICE ACT (CRJA) MOTION FOR RELEVANT DATA UNDER CJRA 745(D) AND CJRA 745(A)(1) AND (2) MOTION - 34
24