

STAT. DEPARTMENT OF JUSTICE
 BUREAU OF CRIMINAL IDENTIFICATION AND INVESTIGATION
 A. L. COFFEY, Chief of Bureau
 P. O. Box 1839, Sacramento, California

1. CASE NO.
 73-4197

CRIME REPORT
 FRESNO COUNTY SHERIFF'S DEPARTMENT

1000

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|--|--|---|---|--------------------|--|-----------------------|--------------------------------|---|
| 2. CODE SECTION PC 217 | | 3. CRIME Assault with Intent to Murder | | | 4. CLASSIFICATION | | 5. REPORT AREA | |
| 6. DATE AND TIME OCCURRED - DAY Approx. 2130 4-24-73 | | | 7. DATE AND TIME REPORTED 4-24-73 2130 | | 8. LOCATION OF OCCURRENCE Pittman Hill Road | | | |
| 9. VICTIM'S NAME LAST, FIRST, MIDDLE (FIRM IF BUSINESS) REID, Steve | | | | | 10. RESIDENCE ADDRESS | | 11. RES. PHONE | |
| 12. OCCUPATION Traffic Officer | | 13. RACE - SEX WM | 14. AGE 30 | 15. DOB 5-21-42 | 16. BUSINESS ADDRESS (SCHOOL IF JUVENILE) CHP, Olive & 99 | | 17. BUS. PHONE 488-4321 | |
| 18. CHECK IF MORE NAMES IN CONTINUATION | | | | | | | | 18. CHECK IF MORE NAMES IN CONTINUATION |
| 19. NAME - LAST, FIRST, MIDDLE MULHOLLAND, Wayne | | | | | 20. CODE W | 21. RESIDENCE ADDRESS | | 22. RESIDENCE PHONE |
| 23. OCCUPATION Traffic Officer | | 24. RACE - SEX WM | 25. AGE | 26. DOB | 27. BUSINESS ADDRESS (SCHOOL IF JUVENILE) CHP, Olive & 99 | | 28. BUSINESS PHONE 488-4321 | |
| 29. NAME - LAST, FIRST, MIDDLE WLEDGAN, R. H. | | | | | 30. CODE W | 31. RESIDENCE ADDRESS | | 32. RESIDENCE PHONE |
| 33. OCCUPATION Traffic Officer | | 34. RACE - SEX WM | 35. AGE | 36. DOB | 37. BUSINESS ADDRESS (SCHOOL IF JUVENILE) CHP, Olive & 99 | | 38. BUSINESS PHONE 488-4321 | |

MODUS OPERANDI (SEE INSTRUCTIONS)

39. DESCRIBE CHARACTERISTICS OF PREMISES AND AREA WHERE OFFENSE OCCURRED
 In a patrol vehicle during a high speed chase on rural road

40. DESCRIBE BRIEFLY HOW OFFENSE WAS COMMITTED
 Officers REID and MULHOLLAND attempted to stop three suspects in a stolen vehicle. The suspects fired a shot at the officers with a shotgun, hitting

41. DESCRIBE WEAPON, INSTRUMENT, EQUIPMENT, TRICK, DEVICE OR FORCE USED
 Shotgun REID in the face and head.

42. MOTIVE - TYPE OF PROPERTY TAKEN OR OTHER REASON FOR OFFENSE
 Anger

43. ESTIMATED LOSS VALUE AND/OR EXTENT OF INJURIES - MINOR, MAJOR
 Superficial wounds to head and face

44. WHAT DID SUSPECT/S SAY - NOTE PECULIARITIES
 NA

45. VICTIMS ACTIVITY JUST PRIOR TO AND/OR DURING OFFENSE
 Pursuing suspect vehicle in patrol car

46. TRADEMARK - OTHER DISTINCTIVE ACTION OF SUSPECT/S
 Suspects attempt to evade arrest, fire at officers with shotgun and rifle in

47. VEHICLE USED - LICENSE NO - ID NO - YEAR - MAKE - MODEL - COLORS (OTHER IDENTIFYING CHARACTERISTICS)
 1957 Chev. 2 dr. white in color chase.

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| 48. SUSPECT NO. 1 (LAST, FIRST, MIDDLE) STANKWITZ, John | | | 49. RACE - SEX Ind. M | 50. AGE 14 | 51. HT. 5-3 | 52. WT. 100 | 53. HAIR blk | 54. EYES brn | 55. ID NO. OR DOB 12-28-59 | 56. ARRESTED YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> |
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57. ADDRESS, CLOTHING AND OTHER IDENTIFYING MARKS OR CHARACTERISTICS

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| 58. SUSPECT NO. 2 (LAST, FIRST, MIDDLE) STANKWITZ, Douglas | | | 59. RACE - SEX Ind. M | 60. AGE 16 | 61. HT. 5-9 | 62. WT. 120 | 63. HAIR blk | 64. EYES brn | 65. ID NO. OR DOB 5-31-58 | 66. ARRESTED YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> |
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67. ADDRESS, CLOTHING AND OTHER IDENTIFYING MARKS OR CHARACTERISTICS

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|---|--|-------------------------------------|---------------------------|-----------------|--------------------------|-----------|
| 68. CHECK IF MORE NAMES IN CONTINUATION | | REPORTING OFFICER Sgt. E. HANSEN | RECORDING OFFICER same | TYPED BY clw | DATE AND TIME 4-25-73 | ROUTED BY |
|---|--|-------------------------------------|---------------------------|-----------------|--------------------------|-----------|

FURTHER ACTION YES NO

COPIES TO:

- DETECTIVE CII
- JUVENILE PATROL
- DIST. ATTY OTHER
- SD/PO

REVIEWED BY _____ DATE _____

FRESNO COUNTY SHERIFF'S DEPARTMENT
Fresno, California

67 CASE NO.

73-4197
73-4192
73-4182

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|---|-----------|--------------------|-----------|----------|
| 70 CODE SECTION PC 217 | 71. CRIME | 72. CLASSIFICATION | | |
| 73 VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS) REID, Steve | | 74. ADDRESS | RESIDENCE | BUSINESS |
| | | | | 75 PHONE |

VICTIM #2 Randy L. RHOADES 3971 Marcus, Friant 822-2388
VICTIM #3 George KEY 6890 Tollhouse Road 299-7742

SYNOPSIS: Burglaries, Armed Robbery, Strong Armed Robbery and Assault with Intent to Commit Murder committed by John STANKEWITZ, Douglas STANKEWITZ, and Eddie John DAVIS.

Suspects John and Douglas STANKEWITZ were apprehended by CHP Officers on Pittman Hill Road approximately one half mile south of the Humphries Fire Station. Suspect Eddie John DAVIS was fatally sounded by gun fire at the scene John and Douglas STANKEWITZ were transported to the Sheriff's Dept. The deceased was removed to Boice Funeral Home, Clovis.

CHP Officer Wayne MULHOLIAND was interviewed at the Sheriff's Dept. He advised that he and Steve REID were working together. Approximately 2108 hrs. they heard a radio broadcast advising that Officer BLEDSAW was following a stolen vehicle occupied by three suspect/s. The vehicle was eastbound on Sheppard Ave. from Friant Road. BLEDSAW advised by radio that he was now involved in a high speed chase. MULHOLIAND then parked his vehicle at Maple and Sheppard to wait for the suspects. The suspects came by with BLEDSAW in pursuit. MULHOLIAND and REID then pulled in behind the suspect vehicle, going eastbound on Sheppard. They hit a dip in the road at Willow and Sheppard, causing the patrol vehicle to stall. BLEDSAW then pulled behind the suspect vehicle. MULHOLIAND got his vehicle started and followed BLEDSAW. At this

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| REPORTING OFFICERS Sgt. HANSEN | RECORDING OFFICER same | TYPED BY clw | DATE AND TIME 4-25-73 | ROUTED BY |
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FRESNO COUNTY SHERIFF'S DEPARTMENT
Fresno, California

59 CASE NO.
73-4197
73-4192
73-4192

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| 70 CODE SECTION PC 217 | 71 NAME | 72 CLASSIFICATION | | |
| 73 VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS) REID, Steve | | 74 ADDRESS | RESIDENCE | BUSINESS |
| 75 PHONE | | | | |

time, MULLHOLLAND observed shotgun fire coming from the suspect vehicle. The pellets struck the windshield of the patrol vehicle. CHP Sgt. CUNNINGHAM was advised of the gunfire. Sgt. CUNNINGHAM instructed his men to keep enough distance away from the suspects to prevent damage or injury to the officers, however, keep close enough to observe them. MULHOLLAND advised that the suspects were firing from the right side of the vehicle. BLEDSAW then radioed that the suspects were firing rifles. Sgt. CUNNINGHAM then directed MULHOLLAND and REID to take position behind the suspect vehicle and attempt to stop it. MULHOLLAND drove up behind the suspect vehicle as it was entering the mountain on Highway 168. REID leaned out the right window and fired two shots at the suspect vehicle with his shotgun. The weapon then jammed. The malfunction was then corrected and REID fired two more shots. The shotgun again jammed. REID then laid down the shotgun and leaned out the window to fire at the suspect with his handgun. At that time he was hit in the face and head with a shotgun blast from the suspects. REID fell back into the front seat up against MULHOLLAND. MULHOLLAND slowed to return REID to the hospital in Fresno. REID then stated that he was not seriously injured. MULHOLLAND and REID then continued the pursuit. At a point approximately one half mile south of the Humphries Fire Station on Pittman Hill Road, the suspects spun their vehicle on a curve. The suspect vehicle stopped crossway in the road. MULHOLLAND and REID stopped their vehicle. MULHOLLAND states that he got out of the patrol

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FRESNO COUNTY SHERIFF'S DEPARTMENT
Fresno, California

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| 70. CODE SECTION PC 217 | 71. CRIME | 72. CLASSIFICATION | | |
| 73. VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS.) REID, Steve | | 74. ADDRESS | BUSINESS | 75. PHONE |

unit with his side arm drawn. He then observed the driver of the suspect vehicle get out of drivers side of the suspect vehicle. When the driver got out he was in a defensive position and appeared to have a weapon in his hand. MULHOLLAND then fired at the driver aiming at his chest area. MULHOLLAND states that he heard at least one shotgun blast fired by a fellow officer. The driver of the suspect vehicle fell to the ground. At this time, Sgt. CUNNINGHAM and Officer BLEDSAW were at the scene. A second suspect was found in the vehicle. He was directed to come out of the vehicle and was then handcuffed. The third suspect had escaped from the vehicle. He was later found a short distance away hiding in some tall grass.

Officer R. H. BLEDSAW was then interviewed. He stated that he heard a broadcast advising of a strong arm robbery that occurred in the Friant area (case #73-4192). The same suspects were believed to have been involved in an armed robbery and ADW earlier (case #73-4182). Officer BLEDSAW then took a position on Friant Road approximately 100 yards east of Friant Road. BLEDSAW then observed the suspect drives slowly by. BLEDSAW recognized the vehicle as the vehicle that was stolen in case #73-4182. BLEDSAW then started to follow the suspects. He had been directed the suspect till assistance arrived. The suspect turned east on Sheppard from Friant Road. They then increased their speed reaching eighty miles per hour. BLEDSAW received radio communication that Officers MULHOLLAND and REID were waiting for the suspects at Maple and

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FRESNO COUNTY SHERIFF'S DEPARTMENT
 Fresno, California

73-4197
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|--|----------|--------------------|-----------|-------------------|
| 73 CODE SECTION BC 217 | 71 CRIME | 72. CLASSIFICATION | | |
| 73 VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS.) REID, Steve | | 74. ADDRESS | RESIDENCE | BUSINESS 75 PHONE |

Sheppard. When they reached that intersection, MULHOLIAND and REID's vehicle stalled. BLEDSAW then pulled in behind the suspects. It was at this time that BLEDSAW observed shotgun fire coming from the suspect vehicle. BLEDSAW gave substantially the same story as MULHOLIAND concerning the pursuit.

BLEDSAW advised that he was the second vehicle to arrive at the scene when the suspect vehicle stalled on Pittman Hill Road. BLEDSAW got out of his patrol vehicle with his shotgun. When the suspect that was in the vehicle was taken into custody, BLEDSAW checked the suspect who had been shot. He was of the opinion that the suspect was deceased.

Officer Steve REID was then interviewed. He gave substantially the same story as MULHOLIAND and BLEDSAW. He stated that the suspects fired five or six rounds at the officers. REID further stated that when the suspect vehicle stopped and the driver began to get out of the vehicle, he, REID, fired two or three shots from his shotgun.

Sgt. CUNNINGHAM advised that the MULHOLIAND and REID's patrol vehicle was twenty nine paces from the suspect vehicle when the suspect was shot. The vehicle is identified as the vehicle that was stolen from George KEY, case #73-4182. Photos were taken of the patrol vehicle, the suspect vehicle, and

Officer REID. Sgt. CUNNINGHAM advised that CHP reports would be forwarded to the Sheriff's Dept.

Det. D.A. Bert HOFFMAN and Court Reporter Charlotte OSBURN obtained a

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| REPORTING OFFICERS Sgt. HANSEN | | RECORDING OFFICER Same | TYPED BY clw | DATE AND TIME 4-25-73 | ROUTED BY |
| FURTHER ACTION | <input type="checkbox"/> YES | COPIES TO: | | | |
| | <input type="checkbox"/> NO | <input type="checkbox"/> DETECTIVE | <input type="checkbox"/> CII | | |
| | | <input type="checkbox"/> JUVENILE | <input type="checkbox"/> PATROL | | |
| | | <input type="checkbox"/> DIST. ATNY | <input type="checkbox"/> OTHER | | |
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FRESNO COUNTY SHERIFF'S DEPARTMENT
Fresno, California

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|---|-----------|--------------------|-----------|--------------------|
| 10. CODE SECTION PC 217 | 11. CRIME | 12. CLASSIFICATION | | |
| 13. VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS.) REID, Steve | | 14. ADDRESS | RESIDENCE | BUSINESS 15. PHONE |

statement from John STANKEWITZ. Also present at the statement were the undersigned and Sgt. Jack CUNNINGHAM. STANKEWITZ was advised of his rights. He stated that he understood his rights and agreed to answer any questions. John stated that he was home at 592 E. Herndon, Apt. 11, when Eddie DAVIS and Douglas STANKEWITZ drove in the yard. John advised that Douglas went into the house to take a shower and Eddie stayed outside and sniffed paint. All three suspects left the Herndon address about dark. John stated that they went to Friant. The weapons were in the vehicle at this time. Eddie and Douglas told John that they had borrowed the weapons to go rabbit hunting. John admits that the suspects shot at a school in the Friant area. While in Friant they observe a juvenile riding a ten speed bicycle. Eddie stopped the car, John got out and beat the juvenile with his fists and took the bicycle. The bicycle was placed in the back seat of the vehicle. John stated that they were then returning to Pinedale when they observed a patrol vehicle following them. Eddie increased his speed in an effort to evade the patrol vehicle. John denied shooting at the patrol vehicle. He stated that Eddie DAVIS was the suspect who shot. John advised that Eddie was driving ninety to one hundred miles per hour and told John to load a weapon. John was in the back seat at this time. Douglas was on the passenger side in the front seat. John states that he told Eddie to run into the patrol vehicle when it came close. When the officers fired a shot at the suspects, John hid on the floorboard. When Eddie got the

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| REPORTING OFFICER'S Sgt. HANSEN | RECORDING OFFICER same | TYPED BY clw | DATE AND TIME 4-25-73 | ROUTED BY |
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FRESNO COUNTY SHERIFF'S DEPARTMENT
Fresno, California

69. CASE NO.

73-4197
73-4192
73-4182

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| 70. CODE SECTION PC 217 | 71. CRIME | 72. CLASSIFICATION | | |
| 73. VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS.) REID, Steve | | 74. ADDRESS | RESIDENCE | BUSINESS 75. PHONE |

loaded shotgun, Douglas steered the vehicle while Eddie shot at the patrol vehicle. John later stated that Eddie and Douglas traded places so Douglas could drive while Eddie fired at the officers. Prior to spinning out on Pittman Hill Road, Eddie and Douglas again traded places. John continually denied shooting at the officers. He did admit loading two of the weapons for Eddie. John states that Eddie shot out the passenger side of the vehicle as well as the rear window. Prior to stopping, Eddie gave Douglas a wallet stating "Her's that old man's wallet, hold it for me." Douglas replied "OK." John denied any knowledge of the wallet.

Douglas STANKEWITZ was then interviewed, He stated that he has known Eddie DAVIS for approximately ten years. Eddie came to the house approximately 1700 hrs. He and Eddie rode around for a time then returned to the Herndon address to get John. They then went towards Friant. They observed two subjects on a bicycle. Eddie stopped the vehicle and got out of the car and fought with one of the subjects on the bicycle. The second subject ran with John in pursuit. John took the bicycle and placed it in the back seat of the vehicle. Douglas advised that Eddie had the guns in the vehicle when he came to the Herndon Ave. address. Eddie told Douglas that he got the guns in a burglary in the Tollhouse area. Eddie also had a wallet that he had taken from an old man. Douglas denied that he ever shot at the officers. He states that all three suspects were sitting in the front seat of the vehicle. Douglas further

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FRESNO COUNTY SHERIFF'S DEPARTMENT
 Fresno, California

73-4197
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|---|-----------|--------------------|-----------|--------------------|
| 70. CODE SECTION PC 217 | 71. CRIME | 72. CLASSIFICATION | | |
| 73. VICTIM'S NAME - LAST, FIRST, MIDDLE (FORM IF BUS.) REID, Steve | | 74. ADDRESS | RESIDENCE | BUSINESS 75. PHONE |

states that when Eddie started shooting, he, Douglas, steered the vehicle. When the officers returned the fire, Douglas hid on the floorboard and John steered. Douglas further advised that Eddie only shot out of the drivers side. Douglas then stated that he would answer no further questions and the interview was terminated.

Lt. GRINDSTAFF, CHP, and the undersigned witnessed the autopsy of Eddie John DAVIS at Boice Funeral Home. Pathologist Dr. MILLER Performed the autopsy and it was photographed by Criminologist SARMENT. There were four entrance and four exit holes in the body. An entrance hole possibly made by a 357 magnum was observed in the center of the chest area. This bullet went through the right ventrical, severed the spinal cord and exited out the upper center back. Dr. MILLER advised that either puncturing the ventrical or severing the spinal cord would have caused instant death. A second entrance hole was observed at the left temple. This was caused by buckshot. It passed through the skull severing the pons at the base of the brain and exited below the right ear. Dr. MILLER advised that this buckshot could also have caused instant death. He was unable to determine which shot caused death. Two other wounds were observed in the body, in the right hip and right outer thigh. Neither of these wounds would have caused death. None of the projectiles were found except a small piece of lead inside the skull.

No further action taken at this time. Investigation to continue.

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| REPORTING OFFICERS Sgt. HANSEN | RECORDING OFFICER same | TYPED BY clw | DATE AND TIME 4-25-73 | ROUTED BY |
| FURTHER ACTION <input type="checkbox"/> YES <input type="checkbox"/> NO COPIES TO: <input type="checkbox"/> DETECTIVE <input type="checkbox"/> G11 <input type="checkbox"/> JUVENILE <input type="checkbox"/> PATROL <input type="checkbox"/> DIST. ATTNY <input type="checkbox"/> OTHER <input type="checkbox"/> SO/PD. <input type="checkbox"/> OTHER | | REVIEWED BY | | DATE |

EXHIBIT B

FRESNO POLICE DEPARTMENT

LD. NO. 1895

CASE NO.
75-41415

Form 1225 (NOT)

STANDARD CRIME REPORT FORM

| | | | | | | | |
|---|--|---|------------------------------|---|---|--------------------------------------|---------------------------------------|
| 1. CRIME 245B PC | | 2. CRIME/ASSAULT WITH A DEADLY WEAPON | | 4. CLASSIFICATION AGAINST PEACE OFFICER | | 5. REPORT AREA (BEAT) B/21 | |
| 3. DATE AND TIME OCCURRED-DAY 11-5-75 10:30 | | 7. DATE AND TIME REPORTED 11-5-75 10:30 | | 8. LOCATION OF OCCURRENCE | | | |
| 9. OCCUPATION Police Officer | | 13. RACE - SEX WMA | 14. AGE 30 | 15. DOB [REDACTED] | 16. BUSINESS ADDRESS (SCHOOL IF JUVENILE) 2323 Mariposa | | 17. BUS. PHONE 488-1414 |
| 10. CODES FOR VICTIM/WITNESS/PARENT/REPORTING PARTY/DISCOVERED CRIME BOOKS 20 AND 30 | | 18. CHECK IF MORE NAMES IN CONTINUATION REPORT | | 19. NAME - LAST, FIRST, MIDDLE HUNTER, Freeman Jr., nma | | | |
| 20. OCCUPATION Police Officer | | 24. RACE - SEX NMA | 25. AGE 28 | 26. DOB [REDACTED] | 27. BUSINESS ADDRESS (SCHOOL IF JUVENILE) 2323 Mariposa | | 28. BUSINESS PHONE 488-1414 |
| 29. NAME - LAST, FIRST, MIDDLE PLOHARZ, David | | 34. RACE - SEX WMA | 35. AGE [REDACTED] | 36. DOB [REDACTED] | 37. BUSINESS ADDRESS (SCHOOL IF JUVENILE) 2323 Mariposa | | 38. BUSINESS PHONE 488-1414 |
| MODUS OPERANDI (SEE INSTRUCTIONS) | | | | | | | |
| 39. DESCRIBE CHARACTERISTIC OF PREMISES AND AREA WHERE OFFENSE OCCURRED Parking Lot, located next to liquor store in downtown, chinatown area, bus district, low income | | | | | | | |
| 40. DESCRIBE BRIEFLY HOW OFFENSE WAS COMMITTED Susp observed suspicion to be a felony armed robbery susp. RO attempted to search the susp, he resisted fighting, reached in pocket pulled out gut, pointed to police officer's head fight insued susp fired shot ran, susp was fired upon numerous times. Susp fired again striking RO in RO returned the fire susp fleeing the scene. | | | | | | | |
| 41. DESCRIBE WEAPON, INSTRUMENT, EQUIPMENT, TRICK, DEVICE OR FORCE USED 25-caliber automatic pistol | | | | | | | |
| 42. MOTIVE - TYPE OF PROPERTY TAKEN OR OTHER REASON FOR OFFENSE prevent capture by xm shooting at officers and was by resisting. | | | | | | | |
| 43. ESTIMATED LOSS VALUE AND/OR EXTENT OF INJURIES - MINOR, MAJOR [REDACTED] | | | | | | | |
| 44. WHAT DID SUSPECT/S SAY - NOTE PECULIARITIES "ALL RIGHT THIS IS IT." | | | | | | | |
| 45. VICTIM'S ACTIVITY JUST PRIOR TO AND/OR DURING OFFENSE Performing police duties | | | | | | | |
| 46. TRADEMARK - OTHER DISTINCTIVE ACTION OF SUSPECT/S Susp carries 25-automatic in right rear pocket using deadly force to prevent capture. | | | | | | | |
| 47. VEHICLE USED - LICENSE NO. - ID NO. - YEAR - MAKE - MODEL - COLOR (OTHER IDENTIFYING CHARACTERISTICS) non used | | | | | | | |
| 48. SUSPECT NO. 1 (LAST, FIRST, MIDDLE) STANEWITZ, Gary Dewayne | | 49. RACE - SEX INA | 50. AGE 21 | 51. HT 5-7 | 52. WT 160 | 53. HAIR blk | 54. EYES brn |
| 57. ADDRESS, CLOTHING AND OTHER IDENTIFYING MARKS OR CHARACTERISTICS shirt, long dark grn trench coat, poss blu levies, susps hair Mohikan style (pg | | 59. RACE - SEX [REDACTED] | 60. AGE [REDACTED] | 61. HT [REDACTED] | 62. WT [REDACTED] | 63. HAIR [REDACTED] | 64. EYES [REDACTED] |
| 58. SUSPECT NO. 2 (LAST, FIRST, MIDDLE) | | 65. RACE - SEX [REDACTED] | 66. AGE [REDACTED] | 67. HT [REDACTED] | 68. WT [REDACTED] | 69. HAIR [REDACTED] | 70. EYES [REDACTED] |
| 56. ADDRESS, CLOTHING AND OTHER IDENTIFYING MARKS OR CHARACTERISTICS | | 71. CHECK IF MORE NAMES IN SUPPLEMENT | | 72. TOTAL VALUE \$ | | | |
| 73. SUPERVISOR LT. James | | 74. TIME COLLECTED 0120 hours | | 75. DATE TYPED 11-5-75 | | 76. BY VM | |
| 77. ADDRESSING AGY | | 78. OFFICER REPORTING J. GARRISON #322/P. HUNTER #339 | | 79. NAME ALEXANDRA COCK | | | |

This Copy was prepared by the Fresno Police Department on (Date) 12/17/2019
For the official use of:
Name ALEXANDRA COCK
Agency FOMAL PRA REQUEST
and may not be revealed by any unauthorized person
By H. Martin T370

FRESNO POLICE DEPARTMENT
CONTINUATION REPORT

Case No.
75-41415

11-5-75

GARRISON, James Dryle

245b PC

RO continued to chase as the susp crossed Tulare and ran into the 900 block of China Alley just south of Tulare. RO at this time were approx in the center of Tulare Street when the susp turned around and fired another shot at RO. Officer Hunter was in the lead and was approx 6 to 8 yards ahead of Officer Garrison who was followed by Officer Ploharz. The bullet fired ~~in~~ by the susp struck approx 3 to 4 feet next to Officer Hunter ricocheted up and striking Officer Garrison's ~~gun~~ causing the gun to drop to the roadway. At this time the susp was approx 23 paces south of the south curb line of Tulare in the center of the China Alley. The susp then fled down the alley around the first building and proceeded in a south east direction across the vacant parking lot between China Alley and "G" St. As RO continued pursuit they were continually yelling for the susp to halt and at this time as they rounded the corner observed the susp fleeing across the field at which time they observed no vehicles or civilians in the area return fire at the susp. Due to the fact that the susp had pulled a revolver placing it at Officer's Head and fired approx 2 to 3 rounds striking Officer Garrison in the ~~head~~, the susp was fired on and was known to be carrying a deadly weapon and had ~~he~~ used deadly force upon RO. RO at this time felt it necessary to return the fire and in order to possibly to protect owns life and possibly others in the area.

RO at this time upon not striking the susp at which time he continued in a SE direction across the intersection of Kern and "G" St. then turned EB on Kern around the first building on the southeast corner rounding at the SP Railroad Tracks heading south bound. RO at this time did not have radio due to the emergency situation having to exit the vehicle and chase the subj. RO were finally able to contact other units and advise of the situatio putting out ~~the~~ description of the subj and advising that he was armed and had already shot one officer in the ~~head~~ and shot several times at the pursuing officers.

Numerous units came to the scene and a block was set up and the area was searched.

RO at this time went back to the original scene and in order to pick up the evidence of the spent casing ~~in~~ other ~~prevalent~~ evidence.

RO went back to the north side of Happy's Liquor and found the 1 spent casing that Officer Hunter had fired at the susp as he fled around the corner but was unable to find any 25-caliber casing due to the fact that the numerous amounts of grass, rock and other shiny debris, possible check at a later time would produce other casings.

RO check the 900 block of China Alley and found a spent 25-caliber casing approx 23 ~~xxx~~ paces south of the south line of Tulare directly in the center of the alley. This round was believed to be the one fired and ricocheted in striking Officer Garrison in the ~~head~~ dislodging the gun from his hand. RO also located 5 spent 9mm cartridges those which were fired at the susp while he was fleeing in a SE direction, across the parking lot. The IB was called to the location and photographs were made of the spent cartridges along with Officer's Garrison's ~~gun~~ and Detective Woods was dispatched to the scene to continue the investigation. See follow-up report, Officer Hansen from the IB and also follow-up report, Detective Woods, for farther information. (pg 4)

CONTINUATION REPORT

FRESNO POLICE DEPARTMENT
FOLLOW-UP REPORT

| | | | | | | |
|-------------------------------------|---------------------------------------|--|------|------|------|------------|
| Date of Report 11-7-75 | Type of Original Report ADW | Case No. 75-41215 | | | | |
| Date of Incident 11-5-75 | Location of Occurrence | | | | | |
| Officer's Name | Rate, Sex, Age | Residence Address | | | | |
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| Person arrested | Rate, Sex, Age | Charge | Date | Time | Date | Court Date |
| STANKWITZ, Gary Dewayne IM21 | | No PC211, Attempt murder, PC12021, PC245 (3 cts). | | | | |
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On 11-7-75 PO received info that the susp Gary STANKWITZ was at [redacted]. The subj was taken into cust at approx 1300 hrs by members of the SWAT Team. For details of the arrest see case nr 75-41276.

The subj Gary STANKWITZ was brought into the Interrogation room on 11-7-75 at approx 1400 hrs & advised of his rights by Det WOOD. He stated that he understood his rights & did not wish to talk to POs.

Subj Gary STANKWITZ was then returned to the IB where he was processed & later booked at the FCJ.

| | | | | |
|--------------------------------|----------------------------------|------------------|------------------|------------------|
| Additional items recovered | Case Number | Case Number 2 | By | TOTAL VALUE \$ |
| See Continuation Sheet, Item 2 | | 1641 | DGT | |
| Applying Officer | Officer's Name | Applying Officer | Applying Officer | Applying Officer |
| CAPT BOOS | HICKMAN 181/CEGIELSKI 153 | | | |
| Applying Station | Applying Station | Applying Station | Applying Station | Applying Station |
| | | | | ARBORE |

FOLLOW-UP REPORT

WEAPON DISPOSITION

CASE NO: 75-4141B

OCCURRED ON: 11-5-75

WEAPON: .25 Cal Auto 1 1/2 -2" Barrell, No S/N (partial weapon) not complete

OWNER: _____

PERSON REQUESTING: None

DATE TELETYPE SENT: AFS None CII _____

AFS SHOWS REGISTERED OWNER AS: _____

CII SHOWS: NO FELONY CONVICTION FOLLOW-UP NABZ
 FELONY CONVICTION

SYNOPSIS OF CASE:

On 11-5-75, Gary STANKWITZ fired a 25 Cal pistol at F.P.D. Officers. On 11-7-75 Gary Stankwitz was arrested at _____ . On 11-13-75 the above weapon was found by a citizen and turned into the F.P.D. The weapon was found in the 300 blk of N. Calaveras. This case has gone through the courts and is no longer needed as evidence.

- COURT ORDER DESTROY
- COURT ORDER RELEASE TO: _____
- RETURN TO: _____
- DESTROY AS PER P.C. 12028

FROM: OFFICER J. Cegielski SUPERVISOR: E. T. Mockalis

Capt. E. T. Mockalis

DATE: 9-5-78 DATE APPROVED: 9-6-78

MILPITAS POLICE DEPARTMENT
CONTINUATION REPORT

Page Number

2

Case No.
75-41415

11-5-75

GARRISON, JAMES/MENDOZA RICHARD

PC-245B/PC-217

RO checked for possible 25 caliber shell casing in this area as the suspect fired one round at officer MENDOZA. The round fired at Officer MENDOZA struck the rear window of the patrol vehicle in the cab approx 10 inches to the right of the left edge of the back window and at the bottom edge of the window. The round was fired through the vehicles rolled down drivers door window. RO checked and observed that the projectile passed through the window shattering the glass then struck the forward portion of the patrol wagon box and it not penetrate and simply fell to the ground. This could not be located by Officer HANSEN or Officer MENDOZA. RO would like to point out that the SP Tracks at the location are full of debris, and the surface is very rough, railroad bed type surface with gravel, broken bottles and debris.

The hole to vehicle #287 was photographed by RO at the rear of HQ this date at the request of Officer MENDOZA.

PHYSICAL EVIDENCE: (1) 25 caliber automatic shell casing with possible FC stamped on the base of the cartridge.

This casing was booked into property by RO this date.

PHOTOGRAPHIC EVIDENCE: 35mm color photos of scene.

These photographs will be on file in the ID Bureau under this case number.

SGT. GARNSEY
H.W. HANSEN #194

DS
11-7-75

CONTINUATION REPORT

PEASING POLICE DEPARTMENT
CONTINUATION REPORT

Page Number 24

Case No.
75-41415

11-5-75

GARRISON, James Dryle

2458 PC

Community Hospital where first aid was given to
wound and the knee which had suffered abrasions when Officer dove for cover
after being struck by the bullet.

It should be noted that the susp STANKEWITZ was that same susp involved
in the PC211 at Dermer's Liquor at 11-4-75 and that he also had a light
blk hat which was taken from his coat and possibly grabbed when the susp
fled the scene. It should be noted that the susp approx 1-1/2 hours after
he was last seen in the area of Kern and "G" fired upon Officer Mendoza near
the Greyhound Bus station barely missing him and shooting into the rear
window into the cab portion of the vehicle. The susp fired at four different
officers during the chase and would indicate four different accounts of
assault with a deadly weapon upon a peace officer. Susp also resisted when
he was being searched and was going to be placed into custody for susp for
armed robbery when the susp did pull the revolver and an additional charge of
PC 69 should be filed.

Lt. James
J. GARRISON #322/F. HUNTER #339

0120 hours/vm

CONTINUATION REPORT

FRESNO POLICE DEPARTMENT
FOLLOW-UP REPORT

| | | |
|---|--|---|
| Report Number 11-5-75, / | Type of Original Report ASSAULT WITH A DEADLY WEAPON ON POLICE OFF. | Case No. 75-41415 |
| Date when obtained 11-5-75 | Location of occurrence | Reporting Division |
| Officer assigned (not of orig. report) R. MENDOZA #301 | Rank Year Age PMA-23 | Residence Address |
| | | Per. Phone |
| | | Ext. Phone 488-1414 |
| Partners accepted | Rank Year Age | Filed by |
| | | Charge |
| | | Date |
| | | #1A |
| | | Date |
| | | Case Dis. |
| <input type="checkbox"/> Closed | <input type="checkbox"/> Closed | <input type="checkbox"/> Incorrectly classified charge is |
| | | <input type="checkbox"/> Unfounded |
| | | <input type="checkbox"/> Continued |

See Bureau investigation progress and status. Do not check items unless witnesses listed in crime report have not been interviewed, give reason. (2) If all of the property recovered in crime is not returned, list property retained, destroyed and where to if reported in original return or lost report.

VICTIM #2:

GARRISON, J.D. #322 P.P.D.

SUSPECT:

STANKWITZ, Gary Dwayne, IMA-25, [redacted], wearing a orange T-shirt, dark pants, carrying a grn type coat, armed with small caliber automatic weapon. (If contacted place susp in custody, PC836, PC217 on a peace officer as subj fired on officer and should be considered armed and dangerous)

VICTIM #3:

MENDOZA, R.A. #301, FPD

11-5-75, 2105 hours, Wed

RO while on patrol in the Chinatown area was traveling WB on Tulare crossing the Southern Pacific Tracks. RO ~~was~~ had been previously been advised prior to this date of the above mentioned assault with a deadly weapon on a peace officer that occurred at China Alley and Tulare to Officers Hunter and Garrison. RO was advised of the description of the susp as a IMA-25, STANKWITZ, Gary, with an AFA Gary LEWIS. RO was advised that the susp was wearing a grn type army overcoat and was armed with a small caliber automatic weapon. RO was further advised that the susp had a mohawk type haircut with a ponytail.

(pg 2)

| | | | |
|------------------------------|--------------------------------------|--------------|----------------|
| Time Called to 2120 hours | Time Typed 0130 hours | By VTD | TOTAL VALUE \$ |
| Supervisor Lt. JAMES | Officer Reporting R. MENDOZA #301 | Typed By | Printed By |
| Approving Officer | Received By | Total Copies | |

FOLLOW-UP REPORT

FRESNO POLICE DEPARTMENT
CONTINUATION REPORT

Case No.
75-41415

11-5-75

HUNTER, P. 4339

RO traveling WB on Tulare crossing the Southern Pacific Tracks observed a indian male wearing a orange type T-shirt with dark pants to be walking EB on Tulare on the north curb line of Tulare just beginning to cross the Southern Pacific Tracks. RO observed the subj to further have a very short blk hair with a pony tail. RO observing this subj also being an indian male to match the description of the 245 B susp at this time made a U-turn in his police paddy wagon which RO was driving at this time approached the susp in the northeast direction with RO using the vehicle to cut off the susp from walking EB on Tulare ~~xxx~~ across the tracks. RO made the contact and stop with the susp approx 5 to 10 yards east of the west side of the ~~tracks~~ southern Pacific Tracks.

RO taking in mind that this indian male adult matched the description of the susp and that he was armed at this time ro in marking contact with the susp pulled his police automatic weapon, undid the safety end placing the barrel through the ~~the~~ RO rolled down window area of the police paddy wagon. RO upon making contact had the weapon pointed at the susp and at this time observing the susp to have his hands in his pockets advised him to take his hands out of his pockets. RO did say that the susp was carrying what appeared to be a grn army ~~xxx~~ overcoat and at this time the susp failed to heed off RO ~~order~~ to take his hands out of his pockets.

RO again advised the susp to take his hands out of his pockets with the ~~xx~~ susp then turning while taking his hands out of his pocket at this time fired one shot from what appeared to be a small caliber automatic weapon at the head of RO. RO did fire one shot back from his police automatic weapon with RO believing that he missed the susp. The susp ~~then~~ began to run EB on Tulare with RO taking to advise radio of the situation, officer needed assistance with shots being fired.

RO attempted to pursue the susp in the police van but lost the susp on the ~~west~~ side of the Southern Pacific Depot at Tulare.

Be advised that RO is not sure ~~z~~ due to the quickness of the act in which the susp shot at RO exactly which hand the susp pulled the gun with but RO believes that the gun was ~~possibly~~ probably in the susps left hand under his coat and when possibly pulled his hands out of his pockets he then turned facing RO pulling his hand out and then fired the weapon at RO head. RO again advising that RO did fire his police automatic and is unsure if RO struck the susp but does believe that it is highly unlikely that susp was shot by RO.

RO does believe the susp ~~is~~ observed the RO to be a R Fresno Police Officer in a marked police vehicle and that the susp ~~is~~ intended on shottng the RO in the head area. RO with this believes the susp to be extremely dangerous and armed and that an additional charge of attempted murder should be placed on the susp as RO does believe the susp intended to kill RO if necessary to maintain his flight.

RO did check the immediate area with assisting units but with negative results ~~xxx~~ in locating the susp, Stankewitz.

(pg 3)

CONTINUATION REPORT

CONTINUATION REPORT

Page Number

3

Case File

75-41415

11-5-75

HUNTER, W. #339

RO did have the IB take photographs of the police van with RO finding the hole had been shot through the rear window of the police paddy wagon #287. The necessary processing was done by the IB on the police paddy wagon and RO did respond back to the scene of the shooting at Tulare and the Southern Pacific Tracks with the IB technician with the purpose of attempting to locate the shell casing from the susp weapon. RO and IB technician Hansen were unable to locate the shell casing of the automatic that was used by the susp.

The above officers locating the above susp Sta nkewitz should place him in custody PC836, PC217 on a peace officer and the susp should be considered armed and dangerous.

Lt. James
R. MENDOZA #301

2320 hours/vm

CONTINUATION REPORT

FRESNO POLICE DEPARTMENT
FOLLOW-UP REPORT

| | | |
|---|--|-----------------------------|
| Date of Report 11-5-75 | Type of Original Report PC-245B/PC-217 | Case No. 75-41415 |
| Date of case occurred 11-5-75 | Location of occurrence Tulare & China Alley Tulare and SP Tracks | Reporting Officer |
| 1 | 2 | 3 |
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VICTIM: #2 MENDOZA, RICHARD, PPD OFFICER
SUSPECT: STANKOWITZ, GARY, Indian MA.

11-5-75 at 2040 hours, Wednesday,

This date RO was detailed to China Alley and Tulare St. in regards to an assault with a deadly weapon on a police officer. At this location RO contacted requesting Detective Woods, and at his request took 35mm color photos were taken of the scene.

RO observed and photographed a 25 caliber automatic shell casing, of the butt stamp marking on the shell casing believed to be FC. This casing appeared to have possibly been run over by a vehicle or stepped on by a person in the alley.

The shell casing was photographed and then recovered by RO and taken in as evidence. The casing was approx 19 paces south of the south curb line of Tulare and approx 3 paces west of the east side of China Alley. This location would approx be the center of China Alley. RO also took cover photographs both from Tulare St. slightly west of China Alley and showing the position the officer were in when the suspect fired at them. Photos were also taken from China Alley south of Tulare back toward where the officer were when fired upon.

At approx 1000 hours this date RO was contacted by Officer MENDOZA who advised RO the suspect STANKOWITZ had fired a round at officer MENDOZA in the area of Tulare st. and the SP Tracks. Officer MENDOZA further advised RO that he had pulled his patrol wagon vehicle #287 to the north side of Tulare St. at the SP Tracks where he saw a male suspect standing there, matching the description

| | | | | |
|---------------------------------|--|---|-----------------|----------------|
| Additional copies required | Time Called In 2330 | Time Found 11-7-75 | By dn | TOTAL VALUE \$ |
| Use Continuation Form (Form 10) | Officer Reporting SCT. GARNSEY | Officer by Reporting H.W. HANSEN #194 | Reported By | Filed By |
| Accepted by | Signature of SCT. GARNSEY | Signature of H.W. HANSEN #194 | Printed Name | Printed Name |

FOLLOW-UP REPORT

FRESNO POLICE DEPARTMENT
CONTINUATION REPORT

Page Number

2

Case No.
75-41415

11-5-75

GARRISON, JAMES/MENDOZA RICHARD

PC-245B/PC-217

On 11-5-75 at approximately 10:00 AM while driving in this area the suspect fired one round at Officer MENDOZA. The round fired at Officer MENDOZA struck the rear window of the patrol vehicle in the cab approx 10 inches to the right of the left edge of the back window and at the bottom edge of the window. The round was fired through the vehicles rolled down drivers door window. RO checked and observed that the projectile passed through the window shattering the glass then struck the forward portion of the patrol wagon box and ~~it~~ not penetrate and simply fell to the ground. This could not be located by Officer HANSEN or Officer MENDOZA. RO would like to point out that the SP Tracks at the location are full of debris, and the surface is very rough, railroad bed type surface with gravel, broken bottles and debris.

The hole to vehicle #287 was photographed by RO at the rear of HQ this date at the request of Officer MENDOZA.

PHYSICAL EVIDENCE: (1) 25 caliber automatic shell casing with possible PC stamped on the base of the cartridge.

This casing was booked into property by RO this date.

PHOTOGRAPHIC EVIDENCE: 35mm color photos of scene.

These photographs will be on file in the ID Bureau under this case number.

SGT. GARRISON
H.W. HANSEN #194

DN
11-7-75

CONTINUATION REPORT

**MESNO POLICE DEPARTMENT
FOLLOW-UP REPORT**

| | | |
|---|---|---|
| Reporting Date 11-13-75, 1620 Date of Report 11-5-75 | Type of Original Report PC 245B Location of Occurrence 1010 F Street | Case No. 75-41415 Reporting Division |
| Person arrested Name Sex Age Race Hair Eyes Ht/A Date Court Div. | | Tel. Phone Res. Phone |
| <input type="checkbox"/> Closed <input type="checkbox"/> Closed <input type="checkbox"/> Inaccurately classified (keep as is) | | <input type="checkbox"/> Unfounded <input type="checkbox"/> Continued XXX |

CROSS-REFERENCE: #75-41276

11-13-75, 1630 hrs, RO was contacted via front desk by the above listed person interviewed, [redacted], and he advised he had found the below listed pistol laying in the 300 blk of N. Calaveras.

RP [redacted] states that he works for Mercedes Benz and that he was test driving one of the vehicles when he stopped and happened to look down and see the weapon lying in the middle of the roadway. RP states that the weapon looked as though it had been run over by other vehicles prior to him finding it. RP states that he then proceeded to FPD Headquarters to report same. RO then took possession of the below listed pistol and booked same into FPD property locker room #12. RO prior to booking the below listed pistol contacted Detective Cegielski and advised of same as the weapon may have possibly been used in a PC 245B earlier this month. RO then booked the below listed weapon under this case number at the request of Detective Cegielski.

PROPERTY BOOKED: One .25-caliber semi-automatic pistol, black metal with chrome, approx 1 1/2" to 2" barrel, black plastic grips with the letters J B stamped on same, frame has 1954 stamped onto it. RO was unable to locate a serial number.

| | | | |
|-----------------------------------|---|-------------------------------|--------------------------|
| Reported by Sgt. Martin | Date Reported T. Valdez, #510 | Total Value \$ 1700 | Reported by NR |
| Reported by Sgt. Martin | Reported by T. Valdez, #510 | Reported by NR | Reported by NR |

FOLLOW-UP REPORT

FRESNO POLICE DEPARTMENT
FOLLOW-UP REPORT

| | | | |
|---|--------------------|---|--------------------------------|
| Date: 11-12-75 | | Type of Original Report: PC 245B | Case No: 75-41415 |
| Reporting Division: Investigation | | Location of occurrence: 3010 "F" Street | |
| 1. Name (last, first, middle initial) 2. Rank 3. Title 4. Department | 5. Sex 6. Age | 7. Residence Address | 8. Rec. Phone 9. Ext. Phone |
| Dept. DA Frank Wells | | | |
| 10. Name (last, first, middle initial) | 11. Sex 12. Age | 13. Filed on? | 14. Charge |
| STANKWITZ, Gary D. IM-21 Yes PC245b, (4 cts) PC69, 211, 664187 | | | |
| 15. Date | 16. Closed | 17. Incorrectly classified - Change to | 18. Unfounded |
| XX | XX | | |

19. Complete investigation progress and status. 20. Where within precinct witnesses listed in original report have not been interviewed, give reasons. 21. If all of the property recovered as shown in original report, list articles recovered, description and value as it appears on original copies of that report.

WARRANT ISSUED:

Warrant #P-18243, charging PC245b (4 cts) PC69, 211, 654/187, issued on 11-12-75 by Judge Hopper, Bail \$132,000.00. (Warrant filed with court, susp remains in custody.

RO took copy of this report to the DA Office, upon review by Dep. DA Frank Wells the above listed complaint was issued with the above listed charges. Warrant filed with court, susp remains in custody. The charges PC12021 was not in lieu of the above listed charges filed.

The DA File #75-7092

~~ATTENTION~~
Attention Records: Case Cleared and Closed.

PC

| | | | |
|---|---|------------------|----------------|
| 19. Additional space to report use Coordination Report Form | 22. Total Time Spent: 0130 hours | 23. In VM | TOTAL VALUE \$ |
| 24. Supervisor: Capt. BOOS | 25. Officer Reporting: WOOD, L. #176/PAUL E. #161 | 26. Checked By: | 27. Date: |
| 28. Approving Sgt: | 29. Review Sgt: | 30. Reviewed By: | 31. Date: |

FOLLOW-UP REPORT

**FRESNO POLICE DEPARTMENT
FOLLOW-UP REPORT**

| | | | | | | | |
|--|--|---|--|----------------------------------|------------------------------------|------------|------------|
| Date of Report 11-18-75 | Type of Criminal Report PC 245 B | Case No. 75-41415 | | | | | |
| Date of Occurrence 11-5-75 | Location of Occurrence 1010 E. St. | Reporting District | | | | | |
| <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%;">Name of Person</td> <td style="width:50%;">Bus. Phone</td> </tr> <tr> <td style="height: 20px;">[REDACTED]</td> <td style="height: 20px;">[REDACTED]</td> </tr> </table> | | | Name of Person | Bus. Phone | [REDACTED] | [REDACTED] | |
| Name of Person | Bus. Phone | | | | | | |
| [REDACTED] | [REDACTED] | | | | | | |
| Persons Arrested | Face - Sex - Age | Filed with | Charge | Date | M.T.A. | Date | Court Div. |
| STANKIEWITZ, Gary Dewayne | | Yes | PC 245 (4 counts) PC 664/187 PC 69, 211 | | | | |
| <input type="checkbox"/> Closed | <input type="checkbox"/> Closed | <input type="checkbox"/> Immediately identified charge to | | <input type="checkbox"/> Unknown | <input type="checkbox"/> Continued | | |
| XXXXXX | XXXXXX | | | | | | |

(*) Below investigation, suspect and police. (X) When above and/or addresses listed in crime report have not been telephoned, give reason. (S) If so or otherwise recovered to state of general recovery, for property returned, destruction and value so it appears on original copies to investigators.

VEHICLE INVOLVED: 1972 Ford LTD black vinyl/blue, CL [REDACTED], registered to [REDACTED].

Reporting officer contacted the above [REDACTED] in regards to a possible bullet hole located below the door handle of the right rear door of the above listed vehicle. R/O observed an approximate 3/4" stilated shaped hole located below the door handle with no evidence of an exit hole on the interior of the door.

[REDACTED] stated his vehicle was parked in the 900 Blk. China Alley on the evening of 11-5-75. He stated the exact location was on the east side of the alley partially on the dirt parking lot facing in a northwesterly direction, approximately 1/3 block south of Tulare St.

Previous investigation by reporting officer reveals that the above listed vehicle would have been parked in the path of flight of bullets shot by the officers in pursuit of suspect Stankewitz.

| | | | | |
|--|-----------------------------|----------------|-----------|----------------|
| <small>If additional copies of this report are desired, use Commission Form 10-11-11</small> | NO. COPIES | TIME | RE | TOTAL VALUE \$ |
| | | 1:55 PM | Re | |
| Supervisor S. P. Boos, Captain | Officer Wood #176 | | | |
| Reporting Sgt. | <i>MM</i> | | | |

FOLLOW-UP REPORT

SUPERIOR COURT OF CALIFORNIA, COUNTY OF FRESNO

1100 1/2nd West

P.O. Box 1628

Fresno, California 93717

For Court Use Only

Plaintiff

People

Defendant

*Gary McHargne
Jewell*

CLK 2001 00 008 70 R03 74

CASE NUMBER

29421

RECEIPT FOR *.25 Casino spent Cart.*

Received from ~~H.L. Masini~~ Clerk, County of Fresno, State of California, the following:

*I am holding .25 Casino spent
Cart in above entitled matter.*

Feb 4 1976

(Type or Print Name)

Received by

David J. Starks

By *David J. Starks - Dept of Superior Ct.*
Signature

Please sign and return original to:

H.L. Masini, Fresno County Clerk, P.O. Box 1628, Fresno, California 93717

*The word "plaintiff" includes petitioner and "defendant" includes respondent.

RECEIPT

WEAPON DISPOSITION

CASE NO: 75-41415

OCCURRED ON: 11-5-75

WEAPON: .25 Cal Auto 1 1/2 -2" Barrell, No S/N (partial weapon) not complete

OWNER: _____

PERSON REQUESTING: None

DATE TELETYPE SENT: AFS None CII _____

AFS SHOWS REGISTERED OWNER AS: _____

CII SHOWS: NO FELONY CONVICTION

FOLLOW-UP MADE

FELONY CONVICTION

SYNOPSIS OF CASE:

On 11-5-75, Gary STANKWITZ fired a 25 Cal pistol at F.P.D. Officers. On 11-7-75 Gary Stankwitz was arrested at [REDACTED]. On 11-13-75 the above weapon was found by a citizen and turned into the F.P.D. The weapon was found in the 300 blk of N. Calaveras. This case has gone through the courts and is no longer needed as evidence.

COURT ORDER DESTROY

COURT ORDER RELEASE TO: _____

WRIT OR OTHER COURT ORDER TO: _____

OTHER ORDER: _____ Destroy as per P.C. 12028

FROM: DETROIT J. Drogalski

E. T. Mockalis
Capt. E. T. Mockalis

DATE: 9-5-78

DATE APPROVED: 9-6-78

**FREMONT POLICE DEPARTMENT
FOLLOW-UP REPORT
DO NOT COPY**

1. TYPE OF REPORT
 UNFOUNDED
 RECLASSIFICATION
 ADDED INFO
 CLEARED
 RECOVERED PROPERTY
 MISSING PERSON LOCATED

2. CLEARANCE REQUESTED

 3. REPORT NO.
 75-41415

4. NEW CRIME CODE SECTION
 5. CODE
 6. NEW CRIME DEFINITION
 7. FBI NAME IF CRIME AGAINST BUSINESS

12. CLEARED BY ARREST
 ADULT BOOKED
 JUV BOOKED
 13. CLEARED BY CITATION
 ADULT CITED
 JUV CITED
 14. NO ARREST
 VICTIM REFUSED TO COOPERATE OR AID IN THE INVESTIGATION
 OFFENDER WAS NOT IDENTIFIED

15. CLEARED OTHER THAN ARREST - OFFENDER IDENTITY WAS DEFINITELY ESTABLISHED

16. VICTIM REFUSED TO PROSECUTE
 PROSECUTED BY ANOTHER AGENCY
 DA REFUSED TO PROSECUTE OR FILE
 OFFENDER CHARGED IN A DIFFERENT PPD CASE AND WILL NOT BE CHARGED IN THIS CASE
 JUVENILE OFFENDER COUNSELED AND FIELD RELEASED
 RESTITUTION MADE
 JUSTIFIABLE HOMICIDE

17. CLEARED BY EXCEPTIONAL MEANS NOT ALREADY LISTED - ALL OF THE FOLLOWING QUESTIONS MUST BE ANSWERED "YES"
 A. HAS THE INVESTIGATION DEFINITELY ESTABLISHED THE IDENTITY OF THE OFFENDER?
 B. IS THERE ENOUGH INFORMATION TO SUPPORT AN ARREST, CHARGE, AND TURNING OVER TO THE COURT FOR PROSECUTION?
 C. DO YOU KNOW THE EXACT LOCATION OF THE OFFENDER SO THAT YOU COULD TAKE HIM INTO CUSTODY NOW?
 D. IS THERE SOME REASON OUTSIDE THE POLICE CONTROL THAT STOPS YOU FROM ARRESTING, CHARGING, AND PROSECUTING THE OFFENDER?
 CHECKED BY RECORDS _____ INITIALED

OFFENDER INFORMATION

| 18. OFFENDER'S NAME (LAST, FIRST, MIDDLE) | 17. SEX | 18. RACE | 19. AGE | 20. DOB | 21. BOOKED CITED | 22. CHARGES | 23. PPD NO. |
|---|---------|----------|---------|---------|------------------|-------------|-------------|
| 18. LAST NAME, FIRST, MIDDLE | 17. SEX | 18. RACE | 19. AGE | 20. DOB | 21. BOOKED CITED | 22. CHARGES | 23. PPD NO. |
| 18. LAST NAME, FIRST, MIDDLE | 17. SEX | 18. RACE | 19. AGE | 20. DOB | 21. BOOKED CITED | 22. CHARGES | 23. PPD NO. |
| 18. LAST NAME, FIRST, MIDDLE | 17. SEX | 18. RACE | 19. AGE | 20. DOB | 21. BOOKED CITED | 22. CHARGES | 23. PPD NO. |

24. CIRCLE BOX NO. OF PROP. TYPE WITH SERIAL #

| STOLEN/REC. PROPERTY | | | | | | | | | | ITEMIZE ON PROPERTY PAGE ON BACK SIDE | |
|----------------------|----------------|--------------|------------------|----------------|-----------|------------------|-----------------|-----------|-----------|---------------------------------------|-----------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| CASH NOTES | JEWELRY METALS | CLOTHES FURS | OFFICE EQUIPMENT | TYRADIO CAMERA | FIREARMS | HOUSE HOLT GOODS | LICENSURE GOODS | LIVESTOCK | MISC. | | |
| STOLEN | STOLEN | STOLEN | STOLEN | STOLEN | STOLEN | STOLEN | STOLEN | STOLEN | STOLEN | STOLEN | STOLEN |
| RECOVERED | RECOVERED | RECOVERED | RECOVERED | RECOVERED | RECOVERED | RECOVERED | RECOVERED | RECOVERED | RECOVERED | RECOVERED | RECOVERED |

25. LIST RELATED REPORTS CLEARED NARRATIVE OK? GIVE CONCISE STATEMENT OF ADDED INFORMATION

Weapon: 25 cal. Auto pistol 1 1/2" - 2" bal. No. SW (original weapon)
 Not complete

This case has gone through the courts and is no longer needed as evidence. We are unable to check weapon with ARS due to no serial number on the part of the weapon we have in property. Weapon will be destroyed as per policies.

26. REPORTING / ASSISTING OFFICERS
 27. BADGES
 28. DIV.
 29. APPROVED BY
 30. DATE
 31. TIME

32. FOLLOW UP OFFICERS
 33. DATE ASSIGNED
 34. BADGES
 35. DIV.

FOLLOW UP REPORT PAGE 1 OF 1

FRESNO POLICE DEPARTMENT

Q. 271

PROPERTY/EVIDENCE REPORT

DATE 11-13-75

CASE NO. 75-41415

VICTIMS NAME GARRISON, JAMES, D.

OFFICER J. VALDEZ # 516

OTHER NAMES _____

| Article | BIN NO. | Date Out | Taken Out By | Returned | Remarks |
|--|---------|----------------------|----------------------|----------|---|
| 1 (1) 25 CAL. SEMI-AUTO PISTOL. BIR METAL WITH CHROME BARREL. WITH SLIP FOR JAM. | 149 | | | | OK TO DESTROY DATE <u>9-6-78</u> BY <u>[Signature]</u> |
| 2. | | Date: <u>9-27-78</u> | By: <u>B. Garcia</u> | | Destroyed Authority PC12028 |
| 3. | | | | | |
| 4. | | | | | |
| 5. | | | | | |
| 6. | | | | | |
| 7. | | | | | |
| 8. | | | | | |
| 9. | | | | | |
| 10. | | | | | |
| SUPERVISOR | | OFFICER RECEIVING | | | |

*Case closed
9-27-78
[Signature]*

FRESNO POLICE DEPARTMENT

Q-261

PROPERTY/EVIDENCE REPORT

DATE 11-5-75

CASE NO. 75-41415

VICTIMS NAME OFFICER; GARRISON, James
OFFICER; MENDOZA, Richard

OFFICER H.N. Hansen

OTHER NAMES _____

| Article | BIN NO. | Date Out | Taken Out By | Returned | Remarks |
|-----------------------------------|------------|---------------|--------------------|--------------|---------|
| 1. (1) .25 Cal Auto Shell Casing. | <i>244</i> | <i>2/4/76</i> | <i>[Signature]</i> | <i>count</i> | |
| 2. | | | | | |
| 3. | | | | | |
| 4. | | | | | |
| 5. | | | | | |
| 6. | | | | | |
| 7. | | | | | |
| 8. | | | | | |
| 9. | | | | | |
| 10. | | | | | |

SUPERVISOR _____

OFFICER RECEIVING _____

1 J. TONY SERRA, SBN 32639
2 CURTIS L. BRIGGS, SBN 284190
3 3330 Geary Blvd, 3rd Floor East
4 San Francisco, CA 94118
5 Tel 415-986-5591
6 Fax 415-421-1331

7 Attorneys for Defendant
8 DOUGLAS R. STANKEWITZ

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA

10 IN AND FOR THE COUNTY OF FRESNO

11 DOUGLAS R. STANKEWITZ,

12 Petitioner,

13 On Habeas Corpus.

Case No. 21CRWR685993

DECLARATION OF ROGER CLARK
IN SUPPORT OF PETITIONER'S
REPLY TO INFORMAL RESPONSE

Related Appeal Pending – LWOP
SENTENCE
NO. F079560

(Fresno Superior Court Case
#CF78227015)

14
15
16
17 **DECLARATION OF ROGER CLARK**

18
19 I, Roger Clark, declare under penalty of perjury the following, except as to those items
20 below which I indicate to be based on information and belief. If called to testify, I would testify
21 as follows:

- 22 1. I have been retained as a police practices expert in the above-entitled case.
- 23 2. My Qualifications To Review This Case: My opinions are based in part on my training,
24 professional experience and education. I am a twenty-seven-year veteran of the Los Angeles
25 County Sheriff's Department (LASD). I was hired on December 1, 1965, and I retired from active
26 service on March 31, 1993. My career included six years at the rank of Deputy Sheriff, six years
27 as a Sergeant, and fifteen years as a Lieutenant. I retired holding a California Peace Officer

1 Standards and Training (POST) Advanced Certificate, and I am a graduate of the POST
2 Command College (class #5, 1988). The POST Command College was a Masters level two-year
3 course of study requiring a thesis, in Police Administration, with the diploma awarded by the
4 California Department of Justice (and not the California University system). During the course of
5 my service with the department, I had a wide range of duties. Those duties included an 18 month
6 assignment as a staff jail deputy and two years as an Administrator/Lieutenant in the same jail
7 facility (Men's Central Jail). I also served on the department as a patrol officer, field supervisor,
8 jail watch commander and administrator, station watch commander, and commanding officer of
9 investigative units. I was a field training officer while assigned as a patrol deputy, and I trained
10 new officers in POST and department approved patrol procedures, field investigations,
11 apprehension techniques, and emergency procedures. I was a Station Detective and, as such,
12 reviewed and assessed cases passed on to me by the patrol officers. Those cases included possible
13 complaints relating to both misdemeanor and felony crimes. They frequently required follow up
14 investigations and interviews before the exact nature of the case could be determined. As a field
15 officer and detective, I was trained in interview and interrogation methods and subsequently
16 trained other officers. Among other assignments as a Sergeant, I supervised field officers and
17 station detectives as they took complaints and conducted preliminary investigations regarding
18 criminal and administrative matters. As a Sergeant and as a Lieutenant, I served on the training
19 staff of the Los Angeles County Sheriff's Department's Patrol School which taught the POST
20 accepted patrol tactics, and investigation and apprehension methods. As a Watch Commander and
21 as a Lieutenant, I responded to, investigated, and reported on the use of force and officer-involved
22 shootings. I was also assigned by my Department to sit as a member of Departmental review
23 committees regarding the reasonable or unreasonable use of force and tactics. As stated above,
24 during my career I was assigned to the Los Angeles County Men's Central Jail (MCJ) for a period
25 of 18 months as a line officer. Upon my subsequent promotion to Lieutenant, I returned to the
26 same facility approximately 10 years later. During that time, I was assigned as a Jail Watch
27 Commander, and as the Facility Training and Logistics Administrator. At the time of my
28 assignment, the MCJ held a daily population in excess of 7,000 inmates, including a hospital,

1 which was serviced by a staff of more than 900 sworn and civilian personnel. During my
2 assignment as the Administrative Lieutenant of the Department's Reserve Forces Bureau, I
3 worked closely with the State of California Peace Officer Standards and Training in revamping
4 our Reserve Academy to bring it into state compliance. This process gave me an expertise in the
5 POST Basic curriculum. I also supervised the training of cadets at our Reserve Training
6 Academy. They were taught proper investigation, interview, and apprehension procedures.
7 Among other topics, I lectured the Reserve Academy on the POST syllabus: "The Legal and
8 Moral Use of Force and Firearms." During the 1984 Olympics held in Los Angeles, I was
9 assigned and served as the Department's Intelligence Officer at the Los Angeles Olympics
10 Emergency Operations Center. During the last five and one half years of my career, I commanded
11 a specialized unit known as the North Regional Surveillance and Apprehension Team
12 (N.O.R.S.A.T.), which was created to investigate, locate, observe and arrest major (career)
13 criminals. I held this position until my retirement from the Department on March 31, 1993.
14 Criminals investigated and arrested by N.O.R.S.A.T. included suspects involved with homicide,
15 robbery, kidnaping, extortion, burglary, major narcotics violations and police corruption. The
16 majority of our cases were homicide cases, including the murder of police officers. Arrests
17 frequently occurred in dynamic circumstances including crimes in progress. My unit also
18 conducted major narcotics investigations including undercover narcotics buys, buy busts, and
19 reverse stings. We frequently deployed at the request of investigative units, such as Narcotics,
20 which provided the initial investigative leads for our operations. These narcotics cases usually
21 involved multiple kilogram quantities of drugs and amounts of money ranging from one hundred
22 thousand to more than one million dollars. Approximately 80% of cases assigned to N.O.R.S.A.T.
23 were active Homicide investigations. In that regard, the unit processed, under my command and
24 supervision, various aspects (depending on the complexity of the cases involved) of
25 approximately 1,000 Homicides ranging from deaths of police officers to serial homicide
26 suspects. Additionally, the majority of the over 1900 cases for which I have been retained as a
27 consultant (since 1993) have involved injuries or deaths connected with some aspect of force
28 during either apprehension or while in police custody. During the first three months of my

1 command of N.O.R.S.A.T., the unit had three justifiable shooting incidents. From that time, and
2 over the next five years of my command, N.O.R.S.A.T. established a remarkable record of more
3 than two thousand arrests of career criminals without a single shot fired – either by my officers or
4 by the suspects whom we arrested. Many of these suspects were armed and considered to be very
5 dangerous. Some were apprehended during the course of their crimes and were very prone to use
6 firearms to escape apprehension. This record of excellence was accomplished through the use of
7 proper tactics, management and supervision of personnel, training in correct apprehension
8 methods, and adherence to the moral and ethical standards endorsed by California POST and my
9 Department. These methods and principles are also embraced by every state training commission
10 of which I am aware, as well as the national standards established by the U.S. Department of
11 Justice. As a result of my position and record as the commanding officer of N.O.R.S.A.T., I was
12 assigned to author Field Operations Directive 89-3, “Tactical Operations Involving Detective
13 Personnel.” This order remained in force 20 years (until September 30, 2009), and included the
14 basic standards and considerations with which investigative officers must comply in the event of a
15 tactical deployment such as the dynamic entry into a building for the purpose of an arrest and/or
16 seizure of evidence. Since my retirement, I have testified as an expert on use of force, jail
17 procedures and jail administration, investigations, police procedures, police tactics, investigative
18 procedures, shooting scene reconstruction, and police administration in Arizona State Courts,
19 California State Courts, Washington State Courts and Federal Courts in Arizona, California,
20 Texas, Utah, Washington, New Mexico, New York and Wisconsin. I have testified before the Los
21 Angeles Police Department Board of Rights and the Los Angeles County Civil Service
22 Commission. I have testified before the Harris County (Texas) Grand Jury and the Cleveland
23 Grand Jury. I have also submitted written opinions in matters before Alaska, Delaware, Idaho,
24 Montana, North Carolina, New York, Oregon, Kentucky, and Wyoming Federal and State Courts.
25 I was selected (January 20, 2007) to present on the topic of: “Police Experts” at the National
26 Police Accountability Project held at Loyola Law School, Los Angeles, California. I was selected
27 (September 23, 2010) to present on the topic of: “Using POST Modules to Establish Police

1 Officer' Standard of Care" at the National Police Accountability Project, National Lawyers Guild
2 Convention, in New Orleans, Louisiana. I was selected (March 30, 2012) to present to the Kern
3 County Public Defenders in Bakersfield, California, on the topics of "Ethics, Police
4 Investigations, the California POST Curriculum, and the M26 and X26 Taser weapons." On
5 August 7, 2013 I was invited and presented to the Texas Civil Rights Project (TCRP) 2013
6 Annual Legal Summit in Austin, Texas on the topic: "Ethically Working with Experts from the
7 Prospective of a Police Expert." On October 15, 2015 I was the invited presenter at a Community
8 Forum in Victorville, California on the topics of Police Procedures, Community Policing, Use of
9 Force, and features of the M26, X26 and X2 Taser weapons. I was selected (January 24, 2020) to
10 present on the topic of: "Use of force litigation under California's negligence standard and the
11 impact of AB 392" at the National Police Accountability Project held at Loyola Law, Los
12 Angeles, California. On February 18, 2020, and on March 10, 2021, I lectured (at request) at the
13 University of California - Irvine, School of Law, Civil Rights Litigation Clinic. I have worked on
14 several projects with the Paso Del Norte (El Paso, Texas) Civil Rights Project and the Texas Civil
15 Rights Project (Austin, Texas). As a result of my expert testimony in *Border Network, et al. v.*
16 *Otero County, et al.*, Case No. 07-cv-01045 (D.N.M. 2008), a federal court issued a temporary
17 injunction to stop the illegal and widespread immigration raids in Chaparral, New Mexico,
18 implemented pursuant to Operation Stonegarden. The case resulted in the adoption of a model
19 policy for inquiring into a person's immigration status, which has been adopted nationwide and
20 has also been presented to the United States Senate, the Secretary of Homeland Security, and
21 other government officials seeking to reform immigration enforcement. I have been recognized,
22 and my expert report was quoted by the USDC in *Burns v. City of Redwood City*, 737
23 F.Supp.2d.1047. I have been recognized, and my expert report was quoted by, the United States
24 Court of Appeals for the Ninth Circuit as an expert in Police Administration and Use of Force in
25 *Blankenhorn v. City of Orange, et al.*, 485 F.3d 463, 485 (9th Cir. 2007). The Ninth Circuit also
26 drew from my expert report in a second published case involving Police Detective Investigations.
27 *Torres, et al. v. City of Los Angeles, et al.*, 540 F.3d 1031, 1042-43 (9th Cir. 2008). The Torres
28 case was appealed to the U.S. Supreme Court and returned for trial. I provided the expert opinion

1 in *Chavies Hoskin v. City of Milwaukee, et al.* (E.D. Wis Case No. 13-cv-0920), regarding field
2 strip and cavity searches, hiring, training, discipline and supervision, and which resulted in
3 significant policy changes within the MPD. My opinions supported argument in the Ninth Circuit
4 case: *A. D., a Minor; J. E., a Minor; Sue Casey, Plaintiffs-Appellees, v. State of California*
5 *Highway Patrol, Defendant, and Stephen Markgraf.*, No. 09-16460, D.C. No. 3:07-cv-05483-SI
6 (9th Circuit, Published Opinion). My opinions supported argument in the Ninth Circuit case:
7 *Chaudhry v. City of Los Angeles*, 751 F.3d 1096, 1102 (9th Cir. 2014). The Ninth Circuit also
8 drew from my expert reports regarding credible threats justifying the use of force, *Hayes v.*
9 *County of San Diego*, 658 F.3d 867 (9th Cir. 2011), and *Young v. County of Los Angeles*, 655
10 F.3d 1156 (9th Cir. 2011). The Ninth Circuit also drew from my expert reports regarding Jail
11 Administration and Administrative Responsibilities, *Starr v. Baca*, 652 F.3d 1202 (9th Cir. 2011).
12 The Ninth Circuit also drew from my expert reports regarding an officer's violation of the 14th
13 Amendment if an officer kills a suspect when acting with the purpose to harm, unrelated to a
14 legitimate law enforcement objective, in *AD v. California Highway Patrol*, 712 F. 3d 446 (9th
15 Cir. 2013). The Fifth Circuit drew from my expert report regarding search and seizure,
16 investigations and no-knock requirements in *Bishop et al. v. Arcuri et al.*, 674 F.3d 456 (5th Cir.
17 2012). The Ninth Circuit also drew from my expert report regarding the use of impact weapons
18 (PepperBall) on civilians in *Nelson v. City of Davis*, 685 F.3d 867 (9th Cir. 2012). I was the
19 expert in the Ninth Circuit opinion regarding the allegations proffered by police officers and their
20 use/display of firearms against civilians in *Green v. City and County of San Francisco*, 751 F. 3d
21 1039 (9th Cir. 2014). Most recently, I was the expert in an important Ninth Circuit opinion
22 regarding the allegations proffered by police officers and their use of lethal force against unarmed
23 persons in *Jennifer Cruz, et al., v. City of Anaheim, et al.*, 765 F.3d 1076 (9th Cir. 2014). I was
24 the expert at trial in the Ninth Circuit opinion regarding the order of evidence at trial in *Estate of*
25 *Manuel Diaz, v. City of Anaheim, et al.*, No. 14-55644. My opinion is quoted in the Ninth Circuit
26 opinion regarding the use of lethal force in *A.K.H. a minor, et al, v. City of Tustin, et al.*, No. 14-
27 55184. My opinions supported argument in the Ninth Circuit case: *Estate of Angel Lopez, et al.,*
28 *v. Kristopher Michael Walb*, No. 14-57007 (not for publication) wherein the Ninth Circuit

1 Affirmed the Denial of Summary Judgement by the District Court. My opinions supported
2 argument in the Ninth Circuit case: Estate of Shakina Ortega, et al., v. City of San Diego, et al.
3 No. 14-56824 (not for publication) wherein the Ninth Circuit Affirmed the Denial of Summary
4 Judgement by the District Court. My opinions supported argument in the Ninth Circuit case: Jerry
5 Newmaker, et al., v. City of Fortuna, et al. No. 14-15098 (for publication). My opinions supported
6 argument in the Ninth Circuit Case: Tonya E. Shirar, v. Miguel Guerrero, et al. regarding use of
7 lethal force and "suicide by cop," No. 15-55029 (not for publication). My opinions supported
8 argument in the Ninth Circuit Case Angel Mendez; Jennifer Lynn Garcia, v County of Los
9 Angeles, et al., Nos. 13-56686, and 13-57072 (for publication) and which was settled before the
10 Supreme Court, No. 16-369, regarding the use of lethal force and searches. My opinions
11 supported argument in the Ninth Circuit case: Chien Van Bui, et al, v City and County of San
12 Francisco, et al, No. 14-16585 (not for publication), regarding the use of lethal force. My opinions
13 supported argument in the Sixth Circuit opinion, Case No. 16-5322, Carey Woodcock v. City of
14 Bowling Green, et al, Originating Case No. 1:13-cv-00124 regarding the use of lethal force. My
15 opinions supported argument in the Ninth Circuit opinion, Case No. No. 14-17388 (for
16 publication), Johnathan Jones, et al v. Las Vegas Metropolitan Police Department, et al,
17 Originating Case No. 2:12-cv-01636- regarding the use of lethal force and Taser weapons. My
18 opinions supported argument in the Ninth Circuit opinion, Case No. 16- 15606 (for publication),
19 Christian Longoria, et al v. Pinal County, et al, Originating Case No. 2:15-cv-00043, PHX SRB,
20 regarding the use of lethal force after a vehicle pursuit. My opinions supported argument in the
21 Ninth Circuit case: S. B. v. County of San Diego, 864 F.3rd 1010 (9th Cir. 2017), (for
22 publication) regarding issues of qualified immunity. My opinions supported argument in the
23 Tenth Circuit case: Russell Tenorio v. Brian Pitzer, Case No. 2012-CV-01295 (U.S. Supreme
24 Court No. 15-795) regarding issues of qualified immunity and use of deadly force. I participated
25 as a retained expert in the USDC Fifth District case, Stephen McCollum et al., v. Texas
26 Department of Criminal Justice, et al., Case No.3:12-CV-02037 regarding in-custody
27 hyperthermia deaths. My opinions supported argument (and I was cited by name) in the Ninth
28 Circuit opinion, Case No. 17-55116 (for publication), Susan Mellen, et al v. Marcella Winn, et al,

1 D.C. Case No. 2:15-cv-03006, GW AJW, regarding Detective Investigations and Qualified
2 Immunity. My opinions supported argument in the Ninth Circuit Case Richard Vos; Jenelle
3 Bernacchi, v City of Newport Beach, et al., Nos. 16-56791 (for publication) and which was
4 settled by the Supreme Court, No. 16-56791, regarding the use of lethal force and mental illness.
5 My opinions (and quoted by name) supported argument in the Ninth Circuit Case S.R. Nehad, et
6 al. v. Browder, et al., No. 18-55035 (for publication) regarding the use of lethal force and custom
7 and practice. My opinions supported argument in the Ninth Circuit opinion, Case No. 17-55930
8 (not for publication), Estate of Kevin Brown, et al. v. Michael Lambert, et al., D.C. No. 3:15-cv-
9 01583-DMS-WVG, regarding Detective Investigations and Qualified Immunity. My opinions
10 supported argument in the Ninth Circuit opinion, Case No. 15-56339 (for publication), Shane
11 Horton, by his Guardian Ad, Litem Yvonne Horton, v. City of Santa Maria; Santa Maria Police
12 Department; Andrew Brice, D.C. Case No. 2:14-cv-06135- SJO-PJW, and Jonathan Michael
13 Castro v. County of Los Angeles, et al, D.C. Case No. CV 10-5425 DSF (JEMx), 833 F.3d 1060
14 (9th Cir. 2016) (en banc), regarding in-custody suicidal prisoners and qualified immunity. My
15 opinions supported argument in the Ninth Circuit opinion, Case No. 17-56270 (not for
16 publication), James Soler v. County of San Diego, et al., D.C. No. 3:14-cv-02470-MMA-RBB,
17 regarding required verification of persons taken into custody pursuant to a warrant of arrest. My
18 opinions supported argument in the Ninth Circuit opinion, Case No. 18-17404 (for publication)
19 Tan Lam, v. City of Los Banos, et al. D.C. No. 2:15-cv-00531-MCE-KJN, regarding the use of
20 lethal force. My opinions supported argument (and I was cited by name) in the Ninth Circuit
21 opinion, Case No. 19-56035 (for publication), Tiffany Tabares, et al v. City of Huntington Beach,
22 et al, D.C. Case No. 8:18-cv-00821, JLS-JDE, regarding use of force and subjects suffering
23 mental illness. I was retained as consultant regarding the October 15, 2019 Law Enforcement
24 Activity Related Death (including positional asphyxia) of Mr. Angel ZapataHernandez by San
25 Diego Metropolitan Transit System (MTS) Code Compliance Officers. My consultations included
26 recommendations and resulted in significant changes in policy and training by the MTS. I was a
27 retained expert in the Temporary Restraining Order restricting the use of kinetic weapons during
28 demonstrations issued April 19, 2021 in Black Lives Matter v. City of Los Angeles, et al, Case

1 No.: CV 20-5027 CBM (Asx). My opinions supported argument in the Ninth Circuit opinion,
2 Case No. 20-16351 (not for publication), Terrance Amons, et al., v. Dillon Tindall et al. D.C. No.
3 4:19-cv-00301 KAW regarding use of lethal force. The California Court of Appeal (Second
4 Appellate District) drew in part from my expert report regarding search warrant service, Macias v.
5 County of Los Angeles, 144 Cal. App.4th 313, 50 Cal. Rptr.3d 364 (2006). The California
6 Supreme Court drew in part from my expert opinion regarding police tactics and the use of deadly
7 force, Hayes et al. v. County of San Diego et al., 57 Cal.4th 622 (2013). I was quoted by the
8 California Appellate Court (Second Appellate District, Division Three) in B.B., a Minor, etc., et
9 al., v. County of Los Angeles, et al., Case No. B264946 Super. Ct. Nos. TC027341, TC027438,
10 BC505918 regarding positional asphyxia issues. On February 10, 1989, I was personally
11 commended at the Los Angeles County Hall of Administration by United States Attorney
12 General, the Honorable Edwin Meese III, for my work to establish California Penal Code Section
13 311.11 (forbidding the Possession of Child Pornography). On February 22, 1993 (at the time of
14 my retirement), Mr. Meese presented a second personal commendation for the success of this
15 critical five-year effort to bring this law into effect. California Penal Code Section 311.11 is
16 required training for all Law Enforcement Officers in California and taught extensively in the
17 POST Basic Learning Domain #9: "Crimes Against Children," pages 1-18 to pages 1-21. On
18 December 7, 2015 I was requested by the Cleveland District Attorney to present my opinions to
19 the Cleveland Grand Jury regarding the November 22, 2014 shooting death of Tamir Rice by City
20 of Cleveland police officers. In March, 2016 I was requested by the Delaware Attorney General to
21 review and provide my opinions regarding the shooting death of Jeremy McDole. The AG report
22 was published May 12, 2016. I provided a written Opinion for New Mexico AG regarding the
23 shooting Death of Teresa Anaya that included requested training opinions. I have also consulted
24 with, and provided written opinions at the request of the U.S. Attorney (New York), the Santa
25 Clara County District Attorney, and the San Francisco District Attorney. On June 16, 2021, I was
26 selected by the Los Angeles County District Attorney as a member of FACCT - an independent
27 team assigned to re-examine fatal use of force incidents by law enforcement officers and
28 recommend further action when appropriate. I have been found competent by both Federal and

1 State Courts to render opinions as to responsibilities as occurred in this case. A number of my
2 cases have involved law enforcement officers as civil plaintiffs and as criminal defendants. Since
3 my retirement, I have become an expert in the features and the use of TASER International's
4 products, including the Model M26, Model X26 and Model X2 ECDs. I own each, along with the
5 download software. I have reviewed all the TASER training materials and am familiar with the
6 risks and tactics associated with these potentially lethal devices. I have qualified as an expert on
7 TASER products and testified both in deposition and before juries on their usage. Two published
8 examples are Lee v. Nashville, 596 F. Supp. 2d 1101, 1121-22 (M.D. Tenn. 2009), and Heston v.
9 City of Salinas, 2007 U.S. Dist. LEXIS 98433, *25-*26 (E.D. Cal. 2007). My most recent Federal
10 acceptance/certifications as an expert in the general use and deployment of the TASER weapon
11 (including Taser International product warnings/bulletins sent to every agency using the Taser
12 weapon) occurred in Los Angeles, California on November 7, 2017 in William Mears, et al., v.
13 City of Los Angeles, et al, USDC Case No.: CV 15-08441 JAK (AJWx) and on February 22,
14 2018 in Maria Hernandez; A.J., Jr., et al, v. City of Los Angeles, et al, USDC Case No. 2:16-c-
15 02689 AB (JEMx), and on May 3, 2018 in Heleine Tchayou, et al. v. City of Los Angeles, et al.,
16 Case No. 16-cv-06073-TJH-MRW, and on November 1, 2018 in Alma Rosa Godinez, v. San
17 Diego County, et al. Case No. 3:16-cv00236 BAS-NLS. There are many others. Attached as
18 Exhibit 1 is a statement listing my law enforcement qualifications and experience; Exhibit 2 is a
19 listing of matters in which I have testified in the last four years as an expert. I reserve the right to
20 modify my opinions to the extent additional information is provided.

21 3. This case involves the murder of Ms. Theresa Graybeal (Ms. Graybeal) who was allegedly
22 kidnapped in Modesto, California and shot to death in the City of Fresno on February 8, 1978.
23 The homicide was investigated under Case File No. 78-5819. The investigation eventually
24 connected five suspects to the crime:

- 25 - Douglas Stankewitz (age 19)
- 26 - Billy Brown (age 14)
- 27 - Marlin Lewis (age 22)
- 28 - Tina Topping (age 19)

1 - Christina Menchaca (age 25)

2 4. As a result of the statements given during intense interrogation, Billy Brown provided
3 specific details regarding the homicide. His statements and trial testimony categorically
4 implicated Mr. Stankewitz as the sole person who shot Ms. Graybeal. Consequently, Mr.
5 Stankewitz was convicted and sentenced to death. Mr. Stankewitz was re-tried in 1983 and once
6 again convicted and sentenced to death.

7 5. It is uncontested (and a key factor in any evaluation of this case) that Billy Brown's
8 testimony during both trials was the key factor resulting in Mr. Stankewitz' conviction (and death
9 sentence). At both trials, Billy Brown gave specific details regarding how Mr. Stankewitz shot
10 Ms. Graybeal. In my opinion, Billy Brown's account does not match the obvious physical facts.
11 Additionally, it must be noted that Billy Brown recanted his testimony in 1993. In 2012, Mr.
12 Stankewitz' penalty phase was reversed. On May 3, 2019, Mr. Stankewitz was re-sentenced to
13 life without the possibility of parole. I have been retained *pro bono* to give opinions regarding the
14 police practices in this case.

15 6. Respondent's Informal Response. I have reviewed the Respondent's Informal Response,
16 filed with this court on 9-1-2021, including Exhibit A: Fresno County District Attorney's Office
17 Report #78DA000001 – Supplemental – 1 Report [Report], Exhibit B: 4 photos of a holster clip
18 and firearm and Exhibit C: 1 photo of holster showing the holster clip.

19 In reviewing Exhibits A, B & C, I have observed that the Report was prepared by Fresno
20 DA Investigator Danielle Isaac #Z004 (dated Aug 20, 2021) and signed off on by Supervisor
21 Clark Crapo (dated Aug 23, 2021). The Report states that Deputy District Attorney Amythest
22 Freeman, Exhibits Clerk Juan Menses and court deputy Yoshida participated in viewing the
23 evidence and making observations about the holster, gun and CLETS report regarding the gun in
24 evidence. Accordingly, by their inspecting this evidence and preparing this Report, they are now
25 all witnesses in this case.

26 Given that the Stankewitz case was a death penalty case and he is now serving LWOP, the
27 procedure used by DA Investigator to inspect the gun and holster was unreliable because it was
28 not performed according to standards. The inspection would by necessity have been performed by

1 a qualified lab under a scientific magnification; this would have been especially so at the point
2 and time that the investigator was put on notice that their interpretation of the evidence of the date
3 conflicted with defense counsel's. Such a lab has the capability of documenting and
4 photographing all the etchings on the holster clip. The observations of Isaac, Freeman and
5 Yoshida using their naked eyes reveal nothing accurate about the evidence. The insufficiency of
6 the procedure and Report is glaring and indicates an unwillingness (and possibly an intention) to
7 avoid a full analysis of the holster.

8 The Report does not mention the 1973 date that I observed when I viewed the holster on
9 March 21, 2019. The existence of the 1973 date is confirmed by the first three photos contained in
10 Response Exhibit B, each of which show a 1973 date. As a DA Investigator, Ms. Isaac would
11 know how to verify evidence. However, in my opinion, she did not follow the procedures
12 provided in Basic POST, taught at the police academy.

13 Any officer who knowingly files a false report will be guilty of a crime. (Penal Code
14 Section 118.1)"

15 The applicable Basic POST sections state:

16 (POST Learning Domain #18: "Investigative Report Writing," page 1-4.)

17 "All reports are to be true, unbiased, and unprejudiced. These are easy words to say, but
18 sometimes hard to live by. It is not always easy to know or find out the truth. Clearly it is the
19 peace officer's moral obligation to seek the truth, lying is wrong. Truth and public trust cannot be
20 separated." (POST Learning Domain #18: "Investigative Report Writing," pages 1-5. Emphasis
21 Added.)

22 "When writing a report, the minimum requirements to accomplish your job ethically and preserve
23 the integrity of the criminal justice system [emphasis added] are:

24 "Never falsify any portion of your report or modify any aspect of the report away from the factual
25 truth.

26 "Objectively document every fact (or piece of evidence) known to you that could prove or
27 disprove the event you are reporting. If you are not sure, include the fact or piece of evidence
28 anyway and qualify it as possible evidence or investigative information. (POST Learning

1 Domain #1: Chapter 2 - "Professionalism and Ethics in Policing."

2 In my opinion, this Report is a false report because it excludes the exculpatory information
3 of the 1973 date and badge number on the holster.

4 The Report also refers to the CLETS hit of a handgun and Investigator Isaac's
5 interpretation of the report. In reviewing her interpretation of the CLETS report, she parsed her
6 words, which implies an awareness of how fragile her conclusions are. I reviewed the CLETS
7 report interpreted by Ms. Isaac, in a previous declaration, wherein I stated that the CLETS report
8 in part explains that the gun in evidence was a throwaway (See Petition Exhibit 1b: page 5, para
9 10).

10 11. Police Reports re: Gun – night of the murder. I have reviewed the police reports prepared
11 by the Fresno Police Department regarding the arrest of the suspects on the night of the murder
12 (Habeas Exhibits 1r, 1s, 1t, 1u, 1v, 1w, 1z and 1aa). None of those reports state that a gun was
13 recovered from Mr. Stankewitz. In fact, Exhibit 1w, a report by the arresting FPD officers
14 Callahan and Rodriguez states that "All suspects were then searched for weapons . . ." (Habeas
15 Exhibit 1w, p. 98, paragraph 1). Several reports, Petition Exhibits 1r, 1v and 1w, state that a gun
16 was either observed or recovered from under the left rear seat of the vehicle where suspect Marlin
17 Lewis was seated. There is no physical evidence that ties the weapon to Mr. Stankewitz: no
18 fingerprints, no GSR results. However, there are reports written after the arrests which conflict
19 with the night of the arrest reports which state that Petitioner had a gun. One report, Petition
20 Exhibit 1s, dated 2/10-1978, states that the gun was 'in possession of Douglas Stankewitz'. A
21 second report dated 4-12-1978, signed by DDA Ardaiz, states 'one .25 cal auto taken from
22 suspect'. (Petition Exhibit 1u)

22 12. Holster – night of the murder. The holster does not contain an etching by the Fresno Police
23 Department with a date of either 2-8-1978 or 2-9-1978. The initial arrests and investigation
24 occurred late evening on February 8 and into the early morning of February 9. So, either of those
25 dates could appear. According to proper police procedure, the officer who recovered the gun from
26 the car would have etched his initials and the date on the holster (and the gun?). This tends to
27 show that the holster in evidence was not recovered by the Fresno PD on the night of the murder.

1 13. Evidence Tampering. It is known that physical evidence is neutral, takes no sides and tells
2 the truth. The actions by the DA's office demonstrate that they continue to attempt to obscure any
3 truthful evaluation of the evidence in this case. This is confirmed by the DA Investigator Mike
4 Garcia's admission in his report dated 7-20-2017, page 2, paragraph 5, wherein he stated that the
5 shell casings in evidence were tampered with and mislabeled. (Habeas Exhibit 7h) This tampering
6 was done in an attempt to conceal the fact that the gun in the Meras crimes, in which Mr.
7 Stankewitz was not involved, was a different caliber than the gun used in the Graybeal murder.
8 The prosecution theory that the same gun was used in the Meras crimes and the Graybeal murder
9 was used to make it appear that Mr. Stankewitz was involved in both sets of crimes. The
10 implications of the tampering are that it casts doubt on how all physical evidence in this case,
11 including exculpatory evidence, was handled: it was handled casually and carelessly.

12 14. Gun in Court Evidence – serial number. When I inspected the physical evidence on March
13 21, 2019, including the alleged murder weapon, the serial number on the gun in evidence was
14 clearly visible. The police reports which state 'serial number removed' (Petition Exhibits 1f, 1o,
15 1p, 1q, 1r, 1t) must refer to a different gun.

16 15. Physical evidence points to a different shooter than Mr. Stankewitz. I continue to believe
17 that the trajectory of the fatal shot demonstrates that the victim, Ms. Graybeal was not shot by Mr.
18 Stankewitz but instead by a shorter person. This is probably reflected by the lack of truthfulness
19 of the testimony by the witness Billy Brown, which he later recanted. The autopsy report shows
20 that the victim was 160 cm tall. The police reports state that Mr. Stankewitz was 6'1" tall. The
21 April 27, 1978 DA Investigator Spradling report (Petition Exhibit 2v) confirms that Billy Brown
22 did not witness the shooting because his reenactment of the shooting does not match the location
23 of the entry wound on the victim. No police report indicates that the car was inspected for bullet
24 fragments, GSR or blood. In my opinion, standard police procedure dictates that this testing
25 should have been done. Because the car was returned to the victim's family on February 10, 1978,
26 before Mr. Stankewitz was appointed counsel, the defense never had an opportunity to inspect or
27 test the car. Accordingly, in my opinion, these circumstances make it possible that victim was
28 shot in the car. As I have stated in my previous declarations, the physical evidence does not match

1 the prosecution's theory of the case nor the testimony of the prosecution witnesses.

2

3 There are many things about this case which do not pass the smell test.

4

5 I declare under penalty of perjury that the foregoing is true and correct to the best of my
6 knowledge. Executed in Santee, California on October 8, 2021.

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ROGER CLARK

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Fresno County District Attorney Bureau of Investigation

Law Enforcement Services Manual

LAW ENFORCEMENT CODE OF ETHICS

As a law enforcement officer, my fundamental duty is to serve the community; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation and the peaceful against violence or disorder; and to respect the constitutional rights of all to liberty, equality and justice.

I will keep my private life unsullied as an example to all and will behave in a manner that does not bring discredit to me or to my agency. I will maintain courageous calm in the face of danger, scorn or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed both in my personal and official life, I will be exemplary in obeying the law and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, political beliefs, aspirations, animosities or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of police service. I will never engage in acts of corruption or bribery, nor will I condone such acts by other police officers. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.

I know that I alone am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence.

I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession . . . law enforcement.

Brady Material Disclosure

612.1 PURPOSE AND SCOPE

This policy establishes guidelines for identifying and releasing potentially exculpatory or impeachment information (so-called "*Brady* information") to a prosecuting attorney.

612.1.1 DEFINITIONS

Definitions related to this policy include:

Brady information -Information known or possessed by the Fresno County District Attorney Bureau of Investigation that is both favorable and material to the current prosecution or defense of a criminal defendant.

612.2 POLICY

The Fresno County District Attorney Bureau of Investigation will conduct fair and impartial criminal investigations and will provide the prosecution with both incriminating and exculpatory evidence, as well as information that may adversely affect the credibility of a witness. In addition to reporting all evidence of guilt, the Fresno County District Attorney Bureau of Investigation will assist the prosecution by complying with its obligation to disclose information that is both favorable and material to the defense. The Department will identify and disclose to the prosecution potentially exculpatory information, as provided in this policy.

612.3 DISCLOSURE OF INVESTIGATIVE INFORMATION

Investigators must include in their investigative reports adequate investigative information and reference to all material evidence and facts that are reasonably believed to be either incriminating or exculpatory to any individual in the case. If an investigator learns of potentially incriminating or exculpatory information any time after submission of a case, the investigator or the handling investigator must prepare and submit a supplemental report documenting such information as soon as practicable. Supplemental reports shall be promptly processed and transmitted to the prosecutor's office.

If information is believed to be privileged or confidential (e.g., confidential informant or protected personnel files), the investigator should discuss the matter with a supervisor and/or prosecutor to determine the appropriate manner in which to proceed.

Evidence or facts are considered material if there is a reasonable probability that they would affect the outcome of a criminal proceeding or trial. Determining whether evidence or facts are material often requires legal or even judicial review. If an investigator is unsure whether evidence or facts are material, the investigator should address the issue with a supervisor.

Supervisors who are uncertain about whether evidence or facts are material should address the issue in a written memo to an appropriate prosecutor. A copy of the memo should be retained in the Department case file.

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CLERK COUNTY SHERIFF'S DEPARTMENT
LABORATORY EVIDENCE MANAGEMENT

73

PLEASE TYPE OR PRINT

VICTIM NAME: *John Doe*
OFFENSE: *...*

DATE SUBMITTED: *...*
CASE NO. *75-41415*

| ITEM NO. | DESCRIBE EACH ITEM OF EVIDENCE TO BE EXAMINED |
|-----------|---|
| <i>11</i> | <i>25 CAL G&W S&W CARTRIDGE RECEIVED TO 41415 PC 245 B / PC 217 OFFICE GARDEN + ...</i> |
| | |
| | |
| | |

TYPE OF TESTS, ANALYSIS, OR EXAMINATION REQUESTED

Compare to T-704 25 cal G&W in case 78-1809 for match.

Please return case to Det Lee upon completion of exam.

INVESTIGATING OFFICER: *J. Lee*
AGENCY: *ISD*

FOR LABORATORY USE ONLY

EXAMINATION RESULTS: *The cartridge case from F.P.D. case #75-41415 was probably not fired from the Titan pistol. The firing pin impressions do not agree. Due to the condition of the cartridge case other marks commonly used for elimination are obliterated.*

2-11-78
EXAMINER'S SIGNATURE: *Ally...*

In re Stankewitz, Fresno Case No. 21CRWR685993: Exhibit 19f to Petitioner's Reply: Table of Motions and Rulings Filed in People v. Stankewitz, Fresno Case No. CF78227015

| Pleading Filed | Date Filed | Date Response Due from the People | Response Filed by People | Date of Court Action or Ruling |
|---|-------------------|--|---------------------------------|--|
| Defense Motion For A New Trial As To Guilt Pursuant To The 5 th , 6 th , 8 th & 14 th Amendments To The US Const and Penal Code Section 1181; and Motion To Dismiss Under Trombetta And Brady | 3/16/17 | 3/17/17 4/14/17 People given until 5/26/17 to respond | 5/26/17 | 6/23/2017 Motion for New Trial Denied; 6/26/2017 Habeas Relief Denied |
| Defense Motion to Dismiss – Brady and Trombetta – oral argument – 8/11/17 | | Peop Request continuance to file written response to the Defendant's Reply to Opposition to Motion for a New Trial, and Application for Habeas Corpus Relief | 9/13/17 | 12/20/2017 Motion to Dismiss Denied |
| Defense Motion to Dismiss For: 1. Outrageous Government Conduct 2. Violation of Due Process Court's Supervising Power 3. Penal Code 1385 | 9/1/17 | 9/11/17 | No response | 12/20/2017 Motion to Dismiss Denied without hearing |
| Defense Supplemental Exhibit filed to Mtn To Dismiss | 9/29/17 | | N/A | 12/20/2017 Motion to Dismiss Denied without hearing |
| Defense Second Supplemental Exhibit To Defendant's Motion To Dismiss For 1. Outrageous Government Conduct. 2. Violation of Due Process Court's Supervising Power. | 11/15/17 | | N/A | 12/20/2017 Motion to Dismiss Denied without hearing |

| | | | | |
|---|----------|---|---|--|
| 3. Penal Code 1385 | | | | |
| Defense Mtn for Reconsideration | 5/24/18 | 6/4/18 | No response | 6/22/2018 Motion for Reconsideration Denied |
| Defense Req to Continue Hearing on Mtn for Reconsideration | 5/25/18 | | No response | |
| Hearing – Mtn for Reconsideration | 6/22/18 | | People submit verbally on prior Objections (no written Response) | 6/22/2018 Motion for Reconsideration Denied |
| Defense Mtn to Dismiss Trombetta Brady #2 | 11/28/18 | | N/A | No hearing or ruling |
| Defense Trombetta Brady Amended Mtn to Dismiss | 12/6/18 | 12/17/18 | N/A | No hearing or ruling |
| People Motion: Continuance to file response on amended motion to dismiss (Defense objects) | 1/4/19 | Peop request more time – Court granted to 2/15/19 to respond (70 day extension) | No response | No hearing or ruling |
| People Notice Requesting the Court to Resentence the Defendant to Life Without the Possibility of Parole | 4/19/19 | | N/A | 5/3/2019 Request Granted |
| Defense Motion to Continue: Hearing for Motion to Dismiss for Failure to Preserve or Destruction of Evidence; Motion to Compel; The People’s Motion to Resentence Mr. Stankewitz to Life Without the Possibility of Parole; Briggs – medical excuse | 4/24/19 | | No response | 4/26/2019 Motion Denied without hearing |
| Defense Motion to Continue Sentencing – To file Sentencing Memo | 4/30/19 | | No response | 5/1/2019 Motion Denied without hearing |

| | | | | |
|---|----------|---------|-------------|--|
| Defense Mtn for DNA testing | 5/1/19 | 5/11/19 | No response | 10/24/19 Motion Denied without prejudice without hearing |
| Defense Motion to Continue Hearing on Trombetta Motion To Dismiss - Oral | 5/3/19 | | N/A | 5/3/19 Motion to Continue Denied |
| Defense Writ of Mandate to 5 th Dist COA - Mtn for DNA Testing | 9/10/19 | | N/A | N/A |
| Defense Amended Motion for DNA Testing | 11/27/19 | 12/7/19 | No response | 5/11/2020 Motion Granted |
| Defense Mtn for Cond Exam | 6/25/20 | | 6/22/20 | 8/31/2020 Motion Denied without hearing |

In re Stankewitz, Fresno Case No. 21CRWR685993: Exhibit 19g to Petitioner’s Reply: Chart of Motions and Rulings Filed in In Re Douglas R. Stankewitz, Fresno Case No. 21CRWR685993

| Pleading | Date Filed | Response by District Attorney | Court Ruling and Date | Reason/Notes |
|--|-------------------|--------------------------------------|--|---|
| Petition for Writ of Habeas Corpus | 01/28/2021 | | Order: Order Finding Petition For Writ Of Habeas Corpus Is Unverified And Granting Leave To File Amended Petition (2/23/21) | Lack of wet signature |
| Application for Permission to File Declaration of Maureen Bodo Under Seal | 3/8/21 | No response | Order: Order Denying Petitioner's Application To File Declaration Of Maureen Bodo Under Seal Without Prejudice (3/25/21) | Request for under seal filing not properly prepared |
| Amended Emergency Petition for Writ of Habeas Corpus - COVID19 | 3/8/21 | | Order: Request For Informal Response (6/2/21) | Attorney General given 45 days to respond |
| Document: Amended Application for Permission to File Declaration of Maureen Bodo Under Seal, Public Redacted Materials from Conditionally Sealed Record; Unredacted Declaration of Maureen Bodo Lodged Conditionally Under Seal with Research Attorney | 4/15/21 | No response | Order: Order Granting Petitioner's Amended Ex Parte Application To File Unredacted Declaration Of Maureen Bodo Under Seal (5/4/21) | |
| Notice and Request for Ruling on Emergency Petition for Writ of Habeas Corpus | 5/28/21 | | Order: Denying Petitioner's request for ruling on | |

| | | | | |
|---|---------|-------------|--|---|
| | | | emergency petition (6/10/21) | |
| Letter from Attorney General Declining to file informal response, defers to Fresno County District Attorney's Office | 6/17/21 | | | N/A |
| People's Request for Extension of Time to File Respondent's Informal Response to The Petition for Writ of Habeas Corpus; Declaration in Support of the Request (Fresno District Atty) | 6/28/21 | | Order: Order Granting Deputy District Attorney's Request For Extension Of Time To File Informal Response (6/30/21) | DA given 45 more days to respond (90 days total); Petitioner given 45 days to Reply |
| Motion for Conditional Examination to Preserve Evidence | 6/30/21 | No response | Order: Order Denying Petitioner's Motion For Conditional Examination To Preserve Evidence (8/9/21) | Decided without hearing: Habeas proceeding not yet started |
| Petitioner's Request to Deny Any Further Requests for Continuance by the Fresno District Attorney and Request for an Expedited Process | 6/30/21 | No response | Order: Order Denying Petitioner's Request To Deny Any Further Requests For Continuance By The Fresno District Attorney And Request For An Expedited Process (8/9/21) | |
| Petitioner's Renewed Objection to Any Further Requests for | 8/11/21 | | Order: Order Denying Petitioner's | |

| | | | | |
|--|---------|--------|---|-----------------------------------|
| Continuance by the Fresno District Attorney and Request for an Expedited Process | | | Renewed Objection To Any Further Requests For Continuance By The Fresno District Attorney And Request For Expedited Process (8/27/21) | |
| Formal Request for a Hearing Date and/or Briefing Schedule for Previously Filed Motion for Conditional Exam to Preserve Evidence | 8/11/21 | | Order Denying Request For Hearing For Conditional Exam To Preserve Evidence (8/27/21) | Habeas proceeding not yet started |
| Informal Response to Petition for Writ of Habeas Corpus (Fresno District Atty) | 9/1/21 | 9/1/21 | | |