













## DECLARATION OF ALEXANDRA COCK

I, Alexandra Cock, declare and state as follows:

1. I am an attorney, duly licensed to practice law in the State of Washington. All of the facts contained in this declaration are known to me personally and if called as a witness, I could and would testify thereto.
2. On December 16, 2015, I reviewed the Fresno Superior Court case docket for case #CF22701505, which started with 3/13/1978. On or about the same date, I reviewed the existing case file.
3. Starting in 2016, when J. Tony Serra and Curtis L. Briggs began representing Mr. Stankewitz, I have assisted them as paralegal.
4. From early 2017 – present, I have done the following:
  - a. Read 3,961 pages provided in discovery in 2012, including Fresno Police Department and Fresno County Sheriff's Department police reports. Prepared a list of all evidence referred to in the police reports. Read and reviewed the discovery materials provided to the defense in August, 2017 and described in the Discovery Receipt prepared by the District Attorney's Homicide Unit.
  - b. Arranged for the defense to view and was present to view the evidence in the possession of Fresno County Sheriff's Department and Fresno Superior Court on August 24, 2017, and May 25, 2018.
  - c. Arranged for and viewed evidence in the possession of Fresno County Sheriff's Department and Fresno Superior Court with defense experts on March 21, 2019.
  - d. Starting in May, 2019 – present, assisted with researching and preparing the Petition for Writ of Habeas Corpus in the above referenced case. During this time, I extensively reviewed the files and records provided by previous defense counsel of approximately 52 bankers boxes.
  - e. Prepared the Table of Missing Evidence attached as an exhibit to the Petition. In addition to reviewing the police reports described above, my preparation included reviewing all of the property record cards viewed at the

Fresno County Sheriff's Department. On information and belief, the Chart of Missing Evidence lists all evidence that is known to be lost in this case.

- f. Prepared the list of second trial testimony where Billy Brown refers to his first trial testimony.
  - g. On December 7, 2019, prepared and submitted a California Public Records Act request to the Fresno County Sheriff's Department, which is attached hereto. I received a response on December 16, 2019, stating that they would need at least 10 days to respond. I received an additional response on January 27, 2020, stating that they were still researching my request. These three documents are attached as Exhibit A hereto. To date, I have never received any documents in response to my request.
  - h. On December 7, 2019, prepared and submitted a California Public Records Act request to the Fresno Police Department, which is attached hereto. On June 1, 2020, I received a response stating that they were unable to locate any responsive records for the years 1973 – 1987. These two documents are attached as Exhibit B hereto.
  - i. On May 6, 2020, I prepared and submitted a request for jury questionnaires for individuals summoned to jury duty in Petitioner's second trial to the Superior Court of Fresno. I received a response dated 5-15-2020 stating that the Fresno court has no records responsive to my request.
  - j. Transcribed the March, 2020 voicemail from Det. Thomas Lean III, Retired, left for Jonah Lamb, defense investigator.
5. Regarding specific items of evidence:
- a. There are no documents provided in discovery that state that the vehicle involved in the crimes was searched at the time of the arrests.
  - b. The photos taken by R. Smith, Criminologist, are listed on the Court's First Trial Exhibit Record as Exhibits 46A through 46F, however, they are no longer contained in either the court evidence nor the FCSD evidence.
  - c. There are no documents provided in discovery that discuss whether Jesus Meras received anything of value for his interview or whether he had ever been arrested or convicted of a crime.
  - d. The reports discovered to the defense do not document that a search was conducted at the Meras crime scene for a gun or other evidence. There are no reports discovered to the defense which indicate that the police did a follow up investigation regarding the Meras crimes, including interviewing witnesses at the bar in Rolinda. The codefendants' police statements do not confirm that the Meras crimes occurred. There are no records of search



warrants issued nor any search conducted of Christina's Menchaca's residence at the Olympic Hotel, for a gun or other evidence of the Meras crimes.

- e. No police or district attorney reports indicate that Billy Brown's parents were present for any of his interviews.
- f. I have listened to the Billy Brown police interview taped on 2-11-78. Throughout Brown's February 11, 1978 interview, someone can be heard writing.
- g. Billy Brown's Motion and Order of Immunity are not contained in either the Fresno Superior Court file nor the Clerk's Transcripts for either the first or second trial.
- h. No records of weekend meetings of Billy Brown with DDA Ardaiz have been discovered to the defense.
- i. The Superior court records show that Fresno Municipal Court case #F32495 was transferred to Fresno Superior Court on 3-3-1978. I searched the Fresno Superior court file for the Douglas Stankewitz case. No copy of said Order for Stankewitz Blood Sample signed by Judge Armando Rodriguez can be found. I reviewed Clerk's Transcript for 1978 trial, Volumes I & II, and the Clerk's Transcript for 1983 trial, Volumes I & II – no Order was found.
- j. The only report which documents the storage of Stankewitz's blood sample is FCSD Request for Evidence Examination #271, dated 2-10-78. There are no other reports which document the storage of the February 9, 1978 blood sample. The sample is not found in either court evidence or FSO evidence. The piece from Petitioner's t-shirt documented in the same FCSD Request for Evidence Examination #271 is not in evidence.
- k. I have searched the case files referred to above and have not found any documentation that either of Stankewitz's trial counsel attempted to seek an independent examination of Petitioner's blood sample.
- l. This are no Property Record Card showing that Teena Topping's blood was drawn. No court order for Topping's blood draw can be found.
- m. There are no reports to indicate that the police or prosecution did any testing of clothing, prior to the second trial.
- n. Deputy District Attorney James Ardaiz's name appears on at least 15 FPD and FCSD investigation reports.
- o. There is no spent bullet in either the court evidence or the FSO evidence.

p. A review of the police case files supplied by DDA Pebet in 2017, for both the Graybeal homicide and Meras crimes shows that they only contain 222 pages and 5 pages, respectively.

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

September 18, 2020  
San Rafael, CA

  
\_\_\_\_\_  
Alexandra Cock

December 7, 2019

Fresno County Sheriff's Office  
P.O. Box 1788  
Fresno, CA 93717

Re: Access to Public Records

TO WHOM IT MAY CONCERN:

This letter is to request access to records in your possession for the purpose of inspection and copying pursuant to the California Public Records Act (Government Code Section 6250 et seq.).

The information I seek to inspect is as follows:

1. any and all training manuals or instructions; policies; protocol; memoranda; bulletins; notices; or procedures, however described, regarding departmental processing, storage, retention of evidence in effect from 1972 - present, including any information related to whether officers mark or initial evidence, by law enforcement agents in the course of their employment.
2. any and all training manuals or instructions; policies; protocol; memoranda; bulletins; notices; or procedures, however described, regarding procedures for arrest and interrogation of suspects in effect from 1972 - present by law enforcement agents in the course of their employment.
3. any and all training manuals or instructions; policies; protocol; memoranda; bulletins; notices; or procedures, however described, regarding procedures for homicide investigations. in effect from 1972 - present by law enforcement agents in the course of their employment.
4. any and all policies on recorded interviews. in effect from 1972 - present by law enforcement agents in the course of their employment.
5. any and all policies on witness statements. in effect from 1972 - present by law enforcement agents in the course of their employment.

This request reasonably describes identifiable records or information produced therefrom, and I believe that no express provisions of law exempt the records from disclosure. Pursuant to Government Code Section 6253(b), I ask that you make the record(s) "promptly available," for inspection and copying, based on my payment of "fees covering direct costs of duplication, or statutory fee, if applicable." Accordingly, I hereby authorize up to \$50 for reasonable fees and kindly request that you mail the documents to my law offices at 2171 Francisco Blvd. E, Suite D, San Rafael, CA 94901 (or notify me as to any costs so I may arrange for payment or viewing and copying).

EXHIBIT A

Fresno County Sheriff's Office  
Public Records Act Request  
12-7-2019  
Page 2

If a portion of the information I have requested is exempt from disclosure by express provisions of law, Government Code Section 6253(a) additionally requires segregation and deletion of that material in order that the remainder of the information may be released. If you determine that an express provision of law exists to exempt from disclosure all or a portion of the material I have requested, Government Code Section 6253(c) requires signed notification to me citing the legal authorities upon which you rely and of the reasons for the determination, not later than 10 days from your receipt of this request.

Government Code Section 6253(d) prohibits the use of the 10-day period, or any provisions of the Public Records Act "to delay access for purposes of inspecting public records."

To expedite compliance, I am sending a copy of this request to the office of your legal adviser.

If I can provide any clarification that will help expedite your attention to my request, please contact me at 415-457-8936 or [Alexandraatty@wealthplusinc.com](mailto:Alexandraatty@wealthplusinc.com).

Thank you for your time.

Very truly yours,



Alexandra Cock

cc: Daniel C. Cederborg  
Fresno County Counsel  
2220 Tulare St. Fifth Floor  
Fresno, CA 93721

Alexandra Cock  
Attorney  
Washington Bar #11775  
2171 Francisco Blvd. E., Suite D  
San Rafael, CA 94901  
(415) 457-8936



December 16, 2019

Alexandra Cock  
Attorney-Washington Bar #11775  
Wealth Plus Inc.  
2171 Francisco Blvd. E., Suite D  
San Rafael, CA 94901

Email: Alexandraatty@wealthplusinc.com

RE: FSO PRA 19-153

Dear Alexandra Cock,

The Fresno County Sheriff's Office is in receipt of your Public Records Act Request pursuant to California Public Records Act California Government Code 6250, now internally identified as FSO PRA 19-153, for the information listed below:

1. Any and all training manuals or instructions; policies; protocol; memoranda; bulletins; notices; or procedures, however described, regarding departmental processing, storage, retention of evidence in effect from 1972 – present, including any information related to whether officers mark or initial evidence, by law enforcement agents in the course of their employment.
2. Any and all training manuals or instructions; policies; protocol; memoranda; bulletins; notices; or procedures, however described, regarding procedures for arrest and interrogation of suspects in effect from 1972 – present by law enforcement agents in the course of their employment.
3. Any and all training manuals or instructions; policies; protocol; memoranda; bulletins; notices; or procedures, however described, regarding procedures for homicide investigations. [sic] in effect from 1972 – present by law enforcement agents in the course of their employment.
4. Any and all policies on recorded interviews. [sic] in effect from 1972 – present by law enforcement agents in the course of their employment.
5. Any and all policies on witness statements. [sic] in effect from 1972 – present by law enforcement agents in the course of their employment.

Please be advised SB 978 requires all agencies to conspicuously post all of their current standards, policies, practices, operating procedures and their education and training materials on their website. This information will be located on our webpage at [www.fresnosheriff.org](http://www.fresnosheriff.org) after January 1, 2020.

As your request is very broad and the information you are requesting is voluminous, be advised your request will require some time to process, which will exceed 10 days. If there is something you are looking for specifically, please advise us of that information so we can narrow our search and expedite your request.

*Dedicated to Protect & Serve*

Sincerely,



Lieutenant Frances Devins  
Records Unit Commander  
Fresno County Sheriff's Office  
(559) 600-8617 Office  
(559) 488-1899 Fax  
[frances.devins@fresnosheriff.org](mailto:frances.devins@fresnosheriff.org)

**From:** [Devins, Frances](#)  
**To:** ["alexandra cock"](#)  
**Subject:** RE: Request for Information-FSO PRA 19-153  
**Date:** Monday, January 27, 2020 2:18:11 PM

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Dear. Ms. Cock,

We are still researching/reviewing your request as it is a voluminous request and we are searching various locations within the agency to see what we have.

As soon as we have collected the information, we will process it and be in contact with you regarding the cost.

For reference, our current policy is online and available on our website.

Thank you,

Lt. Frances Devins  
Records Unit Commander  
ICS Team Commander  
Fresno County Sheriff's Office  
(559) 600-8617 Office  
(559) 488-1899 FAX  
[Frances.Devins@fresnosheriff.org](mailto:Frances.Devins@fresnosheriff.org)

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**From:** alexandra cock <[alexandraatty@wealthplusinc.com](mailto:alexandraatty@wealthplusinc.com)>  
**Sent:** Monday, January 13, 2020 7:50 PM  
**To:** Devins, Frances <[Frances.Devins@fresnosheriff.org](mailto:Frances.Devins@fresnosheriff.org)>  
**Subject:** RE: Request for Information-FSO PRA 19-153

**\*\* EXTERNAL EMAIL \*\* Use caution opening attachments or clicking on links from unknown senders. \*\***

Dear Lt. Devins,

I am following up regarding your email and letter dated 12-16-2019. Can you please tell me when you will complete processing my request?

Thanks

Alexandra

Alexandra Cock, Attorney  
2171 Francisco Blvd. E, Suite D  
San Rafael, CA 94901  
(415) 457-8936

CONFIDENTIALITY NOTICE: Privileged/Confidential information may be contained in this message. If you are not the addressee indicated in this message (or responsible for delivery of the message to such person), you may not copy or deliver the message to anyone. In such case, you should destroy this message and kindly notify the sender by reply email.

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**From:** Devins, Frances <[Frances.Devins@fresnosheriff.org](mailto:Frances.Devins@fresnosheriff.org)>

**Sent:** Monday, December 16, 2019 4:59 PM

**To:** 'alexandraatty@wealthplusinc.com' <[alexandraatty@wealthplusinc.com](mailto:alexandraatty@wealthplusinc.com)>

**Subject:** Request for Information-FSO PRA 19-153

Dear Alexandra Cock,

The Fresno County Sheriff's Office is in receipt of your Public Records Act Request pursuant to California Public Records Act California Government Code 6250, now internally identified as FSO PRA 19-153, for the information listed below:

1. Any and all training manuals or instructions; policies; protocol; memoranda; bulletins; notices; or procedures, however described, regarding departmental processing, storage, retention of evidence in effect from 1972 – present, including any information related to whether officers mark or initial evidence, by law enforcement agents in the course of their employment.
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3. Any and all training manuals or instructions; policies; protocol; memoranda; bulletins; notices; or procedures, however described, regarding procedures for homicide investigations. [sic] in effect from 1972 – present by law enforcement agents in the course of their employment.
4. Any and all policies on recorded interviews. [sic] in effect from 1972 – present by law enforcement agents in the course of their employment.
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As your request is very broad and the information you are requesting is voluminous, be advised your request will require some time to process, which will exceed 10 days.

If there is something you are looking for specifically, please advise us of that information so we can narrow our search and expedite your request.

A paper copy of this acknowledgement letter will be sent via USPS mail.



Thank you,

Lt. Frances Devins

Records Unit Commander

ICS Team Commander

Fresno County Sheriff's Office

(559) 600-8030 Office

(559) 488-1899 FAX

[Frances.Devins@fresnosheriff.org](mailto:Frances.Devins@fresnosheriff.org)

December 7, 2019

Fresno Police Department  
2323 Mariposa  
Fresno, CA 93721

Re: Access to Public Records

TO WHOM IT MAY CONCERN:

This letter is to request access to records in your possession for the purpose of inspection and copying pursuant to the California Public Records Act (Government Code Section 6250 *et seq.*).

The information I seek to inspect is as follows: any and all training manuals or instructions; policies; protocol; memoranda; bulletins; notices; or procedures, however described, regarding the following:

1. departmental processing, storage, retention of evidence in effect, including any information related to whether officers mark or initial evidence, from 1972 – present;
2. departmental policies on recorded interviews in effect from 1972 – present;
3. departmental policies on witness statements in effect from 1972 – present;
4. departmental procedures for arrest and interrogation of suspects in effect from 1972 – present; and
5. departmental procedures for homicide investigations in effect from 1972 – present;

by law enforcement agents in the course of their employment.

Also, a copy of the police file for Case #75-41415.

This request reasonably describes identifiable records or information produced therefrom, and I believe that no express provisions of law exempt the records from disclosure. Pursuant to Government Code Section 6253(b), I ask that you make the record(s) "promptly available," for inspection and copying, based on my payment of "fees covering direct costs of duplication, or statutory fee, if applicable."

Accordingly, I hereby authorize up to \$50 for reasonable fees and kindly request that you mail the documents to my law offices at 2171 Francisco Blvd. E, Suite D, San Rafael, CA 94901 (or notify me as to any costs so I may arrange for payment

Fresno County Sheriff's Office  
Public Records Act Request  
12-7-2019  
Page 2

or viewing and copying).

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Government Code Section 6253(d) prohibits the use of the 10-day period, or any provisions of the Public Records Act "to delay access for purposes of inspecting public records."

To expedite compliance, I am sending a copy of this request to the office of your legal adviser.

If I can provide any clarification that will help expedite your attention to my request, please contact me at 415-457-8936 or [Alexandraatty@wealthplusinc.com](mailto:Alexandraatty@wealthplusinc.com).

Thank you for your time.

Very truly yours,



Alexandra Cock

cc: Douglas T. Sloan  
Fresno City Attorney  
2220 Tulare St.  
Fresno, CA 93721

Alexandra Cock  
Attorney  
Washington Bar #11775  
2171 Francisco Blvd. E., Suite D  
San Rafael, CA 94901  
(415) 457-8936

**From:** [Kathleen Abdulla](#)  
**To:** [alexandra cock](#)  
**Cc:** [Francine Kanne](#); [Romi Morgan](#)  
**Subject:** RE: PRA Response to Alexandra Cock - FPD Policies and Procedures  
**Date:** Monday, June 1, 2020 9:21:20 AM

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Ms. Cock,

The City was unable to locate responsive records for the years 1973-1987, or for 1989-2002. The City located and produced responsive records for the years 1988, and 2003-present. The City has no additional records to produce.

Thank you.

Kathleen Abdulla  
Paralegal  
Fresno City Attorney's Office  
2600 Fresno Street  
Fresno, CA 93721-3602  
(559) 621-7525  
[Kathleen.Abdulla@fresno.gov](mailto:Kathleen.Abdulla@fresno.gov)

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**From:** alexandra cock <[alexandraatty@wealthplusinc.com](mailto:alexandraatty@wealthplusinc.com)>  
**Sent:** Saturday, May 30, 2020 12:36 PM  
**To:** Kimberly Hernandez <[Kimberly.Hernandez@fresno.gov](mailto:Kimberly.Hernandez@fresno.gov)>  
**Cc:** Francine Kanne <[Francine.Kanne@fresno.gov](mailto:Francine.Kanne@fresno.gov)>; Romi Morgan <[Romi.Morgan@fresno.gov](mailto:Romi.Morgan@fresno.gov)>; Jennifer Davis <[Jennifer.Davis@fresno.gov](mailto:Jennifer.Davis@fresno.gov)>; Ricardo Farfan <[Ricardo.Farfan@fresno.gov](mailto:Ricardo.Farfan@fresno.gov)>; Kathleen Abdulla <[Kathleen.Abdulla@fresno.gov](mailto:Kathleen.Abdulla@fresno.gov)>  
**Subject:** RE: PRA Response to Alexandra Cock - FPD Policies and Procedures

**External Email: Use caution with links and attachments**

Hi Kimberly,

I notice that the documents that you sent are from 1988. As I requested, will you be sending the procedures from 1973 – 1988?

Thanks

Alexandra

Alexandra Cock, Attorney  
2171 Francisco Blvd. E, Suite D  
San Rafael, CA 94901  
(415) 457-8936

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you are not the addressee indicated in this message(or responsible for delivery of the message to such person), you may not copy or deliver the message to anyone. In such case, you should destroy this message and kindly notify the sender by reply email.

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**From:** Kimberly Hernandez <[Kimberly.Hernandez@fresno.gov](mailto:Kimberly.Hernandez@fresno.gov)>  
**Sent:** Thursday, April 02, 2020 4:37 PM  
**To:** [alexandraatty@wealthplusinc.com](mailto:alexandraatty@wealthplusinc.com)  
**Cc:** Francine Kanne <[Francine.Kanne@fresno.gov](mailto:Francine.Kanne@fresno.gov)>; Romi Morgan <[Romi.Morgan@fresno.gov](mailto:Romi.Morgan@fresno.gov)>; Jennifer Davis <[Jennifer.Davis@fresno.gov](mailto:Jennifer.Davis@fresno.gov)>; Ricardo Farfan <[Ricardo.Farfan@fresno.gov](mailto:Ricardo.Farfan@fresno.gov)>; Kathleen Abdulla <[Kathleen.Abdulla@fresno.gov](mailto:Kathleen.Abdulla@fresno.gov)>  
**Subject:** PRA Response to Alexandra Cock - FPD Policies and Procedures

Please see attached response and exhibits.

Here is a link to Exhibit "A":

<http://m3.fresno.gov/upload/files/43741529/122802A.pdf>

Here is a link to Exhibit "B":

<http://m3.fresno.gov/upload/files/113345865/122772B.pdf>

**NOTE: The above link will be valid for 72 hours. If you are unable to access the documents by following the link, please notify the office**

Thank you,

Kimberly Hernandez  
Executive Assistant  
Fresno City Attorney's Office  
(559) 621-7500  
[Kimberly.Hernandez@fresno.gov](mailto:Kimberly.Hernandez@fresno.gov)

This e-mail message is intended only for the named addressee(s) and may contain privileged and confidential information that is protected pursuant the attorney-client privilege and the attorney work-product doctrine. Any dissemination, distribution or copying is strictly prohibited. If you received this e-mail message in error, please destroy the message, and notify the sender immediately by replying to this e-mail or by calling Kimberly Hernandez at the number provided above. Thank you.



DECLARATION-OF BILLY BROWN

I, Billy Brown, declare as follow:

1. On February 7, 1978, I was returning to Fresno from Sacramento in a car with the following passengers: Doug Stankewitz, Marian Stankewitz, Roger Stankewitz, Jerry Calzaldo [sic], Teena Topping, and Marlin Lewis.

2. We were questioned by Manteca police officers when we stopped in Manteca at a convenience store to buy motor oil. We were all taken to the police station and questioned about who owned the car. The officers released us but kept the car.

3. During our questioning, the police took a gun from Marian Stankewitz but returned it to her when we left the station. I only saw the gun that one time, when it was returned to Marian Stankewitz.

4. After spending the night at the Manteca bus station waiting for a bus, Doug Stankewitz, Teena Topping, Marlin Lewis and I decided to hitch-hike to Fresno. We were able to get a ride to Modesto, but we could not get a ride after that. At that point, we decided to get car.

5. I stood near a telephone booth which was at the front of the K-MART store. While I stood by the telephone booth, the victim [Teresa Greybeal] came out of the K-Mart. Next, I heard a horn honking and Teena Topping yelling to me to get into the car.

6. As I got into the back seat of the car, I saw

Marlin Lewis, who was also in the back seat, with his arm around the victim's throat and a knife in his hand to the victim's throat. The victim was seated in the middle of the front seat. Doug Stankewitz was seated in the front passenger seat and I did not see him with a gun. Teena Topping was the driver of the car.

7. We drove to Fresno to the Chinatown area. At some point, we picked up Christina Menchaca at a bar. We then went to 10th and Vine Streets in Fresno to pick up drugs. After Christina got out of the car and went to a house nearby, Doug Stankewitz, Marlin Lewis and I got out of the car. As I was just getting out of the car, Teena Topping called me back into the car where she was still behind the wheel. When I slid into the front seat onto the console, I heard a gun shot. I looked to the right and saw Doug Stankewitz and Marlin Lewis coming toward the car. Teresa Greybeal was already on the ground.

7. I did not at any time see Doug Stankewitz holding a gun. I did not see who pulled the trigger.

8. When everybody was in the car, Marlin Lewis said "could we have dropped her or could we have dropped her." I never heard Doug say anything about "dropping her." Rather, it was Lewis who said that. Doug Stankewitz said "let's go." At that point, we left the area.

9. After they dropped me off at my house, I told my mother about the shooting and she called the police.

10. I was told by the district attorney, James



Ardaiz, that ~~if~~ I did not testify, they would charge me with homicide. I was "pressured up the ass." Three to four weeks before the trial, I was "schooled" by the district attorney regarding my testimony.

11. I remember going to Ardaiz's office on weekends so that he could go over my testimony. I was always being taken out of juvenile hall by Ardaiz or one of the detectives to go over my testimony. If I did not say what they wanted, they would threaten me with homicide charges.

12. The district attorney promised me a new identity and they said they were going to move me out of Fresno with my mother. My mother was aware of these promises.

13. Prior to me testifying, Detective Jim Spralding [sic] gave me a mickey of Thunderbird wine to relax my nerves. Ardaiz knew that he gave me the wine because he told me to go brush my teeth because I smelled of alcohol.

14. I was usually "buzzed" on the stand.

16. At one point, I testified to a fact the way I thought it was, but the district attorney pulled me off the stand and told me "no this is the way it happened." I went back and testified to that fact.

17. The district attorney said I would be in contempt of court and my immunity would be lifted if I did not attend the second trial.

18. I was not approached by Hugh Goodwin, Doug

Stankewitz's attorney. He never interviewed me.

I have given this four page statement of my own free will, without promise of reward or threat of coercion of any kind. It was read to me and I had the opportunity to revise it. I swear under penalty of perjury that this Declaration is entirely true.

Executed this 20 day of sept 1993, at  
Fresno, CA.

Bill Brown

Billy Brown

I Received

This document



**Stankewitz Habeas - List of trial transcript testimony during the second trial guilt phase where Billy Brown refers to his testimony from the first trial.**

**List of trial transcript testimony during the second trial guilt phase where Billy Brown refers to his testimony from the first trial:**

Questioners:

DDA Warren Robinson (Robinson)  
Defense Attorney Hugh Goodwin (Goodwin)  
Witness: Billy Brown (Brown)

Second Trial Guilt Phase (Questioner – Witness):

(T2 Vol. II RT 365, line 12) Robinson – Brown  
(T2 Vol. II RT 383, line 2) Robinson – Brown  
(T2 Vol. II RT 391, line 12) Robinson – Brown  
(T2 Vol. II RT 413, line 23) Robinson – Brown  
(T2 Vol. II RT 418, line 3) Robinson – Brown  
(T2 Vol. II RT 423, line 13) Robinson – Brown  
(T2 Vol. II RT 499, line 23) Goodwin - Brown  
(T2 Vol. II RT 504, line 11) Goodwin – Brown  
(T2 Vol. II RT 505, line 4) Goodwin – Brown  
(T2 Vol. II RT 514, line 5) Goodwin – Brown  
(T2 Vol. II RT 517, line 4) Goodwin – Brown  
(T2 Vol. II RT 521, line 24) Goodwin – Brown  
(T2 Vol. II RT 527, line 19) Goodwin – Brown  
(T2 Vol. II RT 529, line 1) Goodwin – Brown  
(T2 Vol. II RT 532, line 7 and line 12) Goodwin – Brown  
(T2 Vol. II RT 533, line 9) Goodwin – Brown  
(T2 Vol. II RT 535, line 22) Goodwin – Brown

(T2 Vol. II RT 540, line 3, line 11 and line 23) Goodwin – Brown

(T2 Vol. II RT 542, line 1) Goodwin – Brown

(T2 Vol. II RT 543, line 3) Goodwin – Brown

(T2 Vol. II RT 554, line 16) Goodwin – Brown

(T2 Vol. II RT 555, line 3) Goodwin – Brown

(T2 Vol. II RT 556, line 6) Goodwin – Brown

(T2 Vol. II RT 557, line 13) Robinson – Brown

(T2 Vol. III RT 582, line 1) Goodwin – Brown



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IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA **FILMED**  
IN AND FOR THE COUNTY OF FRESNO **MAY 5 1978**  
DEPARTMENT NUMBER SIX  
BEFORE THE HONORABLE SIMON MAROOTIAN, JUDGE

-o0o-

THE PEOPLE OF THE STATE )  
OF CALIFORNIA, )  
 )  
Plaintiff, ) CASE NO. 228638-9  
 )  
vs ) CHANGE OF PLEA  
 )  
FRANK DELNO RICHARDSON, )  
 )  
Defendant. )

REPORTER'S TRANSCRIPT - THURSDAY, APRIL 27, 1978

APPEARANCES OF COUNSEL:

FOR THE PEOPLE: WILLIAM A. SMITH  
District Attorney  
County of Fresno  
By: JAMES ARDAIZ  
Deputy District Attorney

FOR THE DEFENDANT: GENE GOMES  
Attorney at Law  
Helm Building  
Fresno, California 93721

MAY 5 - 1978

FRANK DELNO RICHARDSON, Clerk

*Camilla T. Brucato*  
CAMILIA T. BRUCATO, OFFICIAL REPORTER, CSR #3454  
Fresno, California

5051

**ORIGINAL**

1 THURSDAY

APRIL 28, 1978

2

3

THE COURT: Frank Delno Richardson, case number  
4 228638-9.

5

MR. GOMES: Yes, Your Honor, the defendant is  
6 present in court with counsel, Gene Gomes.

7

THE COURT: Are you appointed counsel?

8

MR. GOMES: Your Honor, I was appointed in  
9 the Muni Court, yes, sir.

10

THE COURT: All right, Mr. Richardson, this  
11 is your first appearance in court on this case. You are  
12 entitled to a speedy and public trial before a judge or  
13 a jury.

14

You are entitled to be represented by  
15 an attorney at all stages of the proceedings, and if you  
16 are unable to afford a private counsel, this court will  
17 reappoint Mr. Gene Gomes to represent you.

18

Apparently, the Public Defender has declared  
19 a conflict; is that right, Mr. Gomes?

20

MR. GOMES: That's correct, Your Honor.

21

THE COURT: All right, do you have any funds with  
22 which to employ a private attorney?

23

DEFENDANT RICHARDSON: No, sir.

24

THE COURT: Are you requesting that counsel  
25 be appointed for you?

26

DEFENDANT RICHARDSON: Yes.



1 THE COURT: All right. I'm going to appoint  
2 Mr. Gomes now.

3 Mr. Gomes, you have a copy of the  
4 Information now?

5 MR. GOMES: No, Your Honor. We have received  
6 one though.

7 His name is correctly set forth. We would  
8 waive a reading of the Information, as well as advisement  
9 of his statutory and constitutional rights, and we are  
10 ready to enter a plea to the Information.

11 THE COURT: You are going to enter a plea of  
12 guilty at this time?

13 MR. GOMES: That's correct, Your Honor.

14 THE COURT: To both counts, there is a  
15 violation of 11352a in Count One, a misdemeanor, and  
16 242/243 in Count Two.

17 MR. GOMES: That's correct, Your Honor.

18 THE COURT: All right. I believe you, both  
19 counsel, have spoken to me.

20 Mr. James Ardaiz is here, Deputy District  
21 Attorney, representing the People.

22 And I believe there is some condition of  
23 the plea; is that right?

24 MR. GOMES: Your Honor, perhaps I should state  
25 it. It's not actually a condition of the plea.

26 It is a condition which the District Attorney

1 has reached an agreement with the defendant and myself,  
2 which by putting it on the record and in the presence  
3 of the court, what our intention is to make binding on  
4 all parties.

5                   However, I don't think it should be that  
6 we should involve the court in it under 1192.5.

7                   The condition will be that Mr. Richardson  
8 is pleading guilty as charged, that his sentence in the  
9 matter will be continued for a matter of two months,  
10 three months.

11                   MR. ARDAIZ: Two months.

12                   MR. GOMES: Two months.

13                   THE COURT: All right.

14                   MR. GOMES: That Mr. Richardson will be released  
15 on his own recognizance during that time, to be reached  
16 through me at anytime by the District Attorney's Office,  
17 and we will make all appointments with the Prosecutor  
18 and with the parole agent that he has, if necessary; that  
19 the parole held in violation pending will be lifted, so  
20 that that won't hold him in custody; and that is the  
21 intention of all parties that he testify, if called in  
22 another case that's pending in this court.

23                   I don't think it is necessary to identify  
24 the case on the record since all parties here are aware  
25 of it.

26                   THE COURT: All right.

1           MR. GOMES: And the condition represented to  
2 the defendant by the District Attorney is that if he  
3 testifies when called, or in the event his testimony is  
4 not needed, but he is through no fault of his own, he is  
5 not used, if he is ready and willing to testify, he will  
6 be -- he will make a motion at that time which will be  
7 unopposed by the District Attorney to withdraw his plea,  
8 and the District Attorney will dismiss all charges against  
9 him.

10                         Does that correctly set it out?

11           MR. ARDAIZ: To that extent.

12           THE COURT: Anything else?

13           MR. ARDAIZ: I think it should be further made  
14 clear that there be a position of the People that if  
15 the defendant does not testify and, of course, there's  
16 no restrictions upon his testimony, simply that he  
17 testify truthfully, but if he does not testify that it  
18 will be the position of the People that his plea should  
19 stand as a plea to the charge with no conditions or  
20 reservations, with respect to sentencing.

21           THE COURT: Mr. Richardson, do you understand  
22 all this?

23           DEFENDANT RICHARDSON: Yes, I do.

24           THE COURT: With these conditions, is it your  
25 request that the court allow you to plead guilty to  
26 the two charges against you?

1 DEFENDANT RICHARDSON: Yes.

2 THE COURT: All right. Before I do accept the  
3 plea, I want to advise you that the first charge against  
4 you is Violation of 11352a of the Health and Safety  
5 Code, which is a felony, and it alleges that on or about  
6 March 24, 1978, you did sell and furnish a controlled  
7 substance, to wit heroin.

8 Do you understand that charge?

9 DEFENDANT RICHARDSON: Yes.

10 THE COURT: All right, for that charge, you  
11 can be sentenced to state prison for as long as five  
12 years, with a year on parole, which can be extended to  
13 a year and a half.

14 Do you understand that?

15 DEFENDANT RICHARDSON: Yes.

16 THE COURT: Possible consequence?

17 DEFENDANT RICHARDSON: Yes.

18 THE COURT: The second charge is a misdemeanor,  
19 but because you are charged with a felony, that misdemeanor  
20 can also be handled by this court, otherwise normally,  
21 it would be handled by the Municipal Court.

22 That charges you with unlawfully using  
23 force and violence upon a peace officer, then and there  
24 engaged in the performance of his duties as a police  
25 officer, and it alleges, it is a Violation of 242/243 of  
26 the Penal Code, but is alleged to be a misdemeanor. I

1 believe I was advised that the Municipal Court held it  
2 to be a misdemeanor.

3 MR. ARDAIZ: Correct, Your Honor.

4 THE COURT: All right. Now, to that charge,  
5 I believe that the maximum penalty is \$1,000 fine or  
6 six months in jail; is that right?

7 MR. ARDAIZ: No, Your Honor. I believe the  
8 maximum penalty is one year in custody.

9 MR. GOMES: That's correct, Your Honor, because  
10 he was -- originally, it was a felony, so the maximum is  
11 one year.

12 THE COURT: Okay. I have to proceed, I will  
13 then advise you that you could get one year in the custody  
14 of the Sheriff of the County of Fresno on that charge.

15 Do you understand that possible consequence?

16 DEFENDANT RICHARDSON: Yes, sir.

17 THE COURT: All right. I think in view, let's  
18 see, is it possible the defendant may be addicted, so  
19 I should advise him about the possible CRC commitment?

20 MR. ARDAIZ: I think the court should advise  
21 him as if it was.

22 MR. GOMES: Yes, Your Honor. You probably should,  
23 because of the nature.

24 THE COURT: Okay, it is also possible that  
25 for these charges you could be, if it is found that you  
26 are addicted to heroin or in imminent danger of addiction,

1 you can be committed to the California Rehabilitation  
2 Center. They can keep you for ten years, and it is their  
3 practice to keep you for seven years in their jurisdiction.  
4 That doesn't mean that you spend that long in their  
5 custody, but they can keep you any part of that time  
6 in their custody. It's their practice to keep you from  
7 six months to a year and a half, and first, then, put  
8 you out on parole. Then, to be discharged, you have to  
9 be completely free of heroin for two years, or on a  
10 methadone program for three years, otherwise they can  
11 take you back for parole violation.

12 That is a possible consequence of this  
13 plea also.

14 Do you understand?

15 DEFENDANT RICHARDSON: Yes.

16 THE COURT: All right. Now, in order for me  
17 to accept a plea of guilty, you have to waive certain  
18 valuable rights that you have.

19 First of all, I advise you as to your right  
20 to a jury trial. You will have to give up that right,  
21 and you will have to give up your right to a court trial.

22 Have you ever been through a jury trial?

23 DEFENDANT RICHARDSON: Yes.

24 THE COURT: All right. So you know that 12  
25 people have to decide that you are guilty beyond a  
26 reasonable doubt, and unanimously, and you have to give

1 up that right.

2 Do you now give up your right to a jury  
3 trial?

4 DEFENDANT RICHARDSON: Yes, I do.

5 THE COURT: To both of these charges?

6 DEFENDANT RICHARDSON: Yes.

7 THE COURT: You also have to give up another  
8 important right, that is the right to be confronted by  
9 witnesses, in other words, have witnesses appear in court  
10 with you there, and testify in front of you, and have  
11 your attorney cross-examine them.

12 Do you understand that right?

13 DEFENDANT RICHARDSON: Yes, sir.

14 THE COURT: Do you now waive or give up that  
15 right?

16 DEFENDANT RICHARDSON: I do.

17 THE COURT: You also have a right to present  
18 evidence in your behalf and to have subpoenas issued  
19 to compel the attendance of witnesses who will testify  
20 in your own behalf.

21 You have to give up that right also; do  
22 you understand that right?

23 DEFENDANT RICHARDSON: Yes.

24 THE COURT: Do you waive the right?

25 DEFENDANT RICHARDSON: Yeah, I do.

26 THE COURT: You also have a right to the privilege

1 against self-incrimination. That is called a privilege,  
2 but that is actually a constitutional right that says  
3 that nobody can be compelled to testify or make any  
4 statement during the trial. If you choose not to testify,  
5 the District Attorney cannot comment on that and the jury  
6 cannot use that as any evidence of guilt.

7 Now, if you plead guilty, you will have  
8 to give up your privilege against self-incrimination two  
9 ways really, because first, your plea of guilty is an  
10 incriminatory plea; you incriminate yourself when you  
11 plead guilty.

12 Secondly, I'm going to ask you what it is  
13 that makes you guilty of these charges, because I can't  
14 accept a plea from an innocent person. So, I have to  
15 be convinced that you are guilty of these charges.

16 Do you understand that?

17 DEFENDANT RICHARDSON: (Affirmative nod).

18 THE COURT: Do you understand the privilege?

19 DEFENDANT RICHARDSON: Yes.

20 THE COURT: All right. Now, you have to waive  
21 it if you plead guilty. Do you now waive it?

22 DEFENDANT RICHARDSON: Yes, I do.

23 THE COURT: Now, is anyone making any kind of  
24 threats against you to get you to plead guilty?

25 DEFENDANT RICHARDSON: No.

26 THE COURT: Anybody making any promises other



1 than the conditions that you have stated?

2 DEFENDANT RICHARDSON: No, other than the  
3 conditions.

4 THE COURT: All right. Do you waive formal  
5 arraignment on these charges?

6 DEFENDANT RICHARDSON: Yes, Your Honor.

7 MR. GOMES: Yes, Your Honor, we do.

8 THE COURT: Mr. Gomes, you have been advising  
9 him throughout these proceedings, and you think it is  
10 to his best interest to plead under the conditions stated,  
11 is that right?

12 MR. GOMES: I do.

13 THE COURT: To the charge, Count One, Violation  
14 of 11352a of the Health and Safety Code, how do you plead,  
15 guilty or not guilty?

16 DEFENDANT RICHARDSON: Guilty.

17 THE COURT: To the charge in Count Two, Violation  
18 of 242/243 of the Penal Code, a misdemeanor, how do you  
19 plead, guilty or not guilty?

20 DEFENDANT RICHARDSON: Guilty.

21 THE COURT: What did you do that makes you  
22 guilty of the first count, sale; just briefly tell me  
23 what you did?

24 DEFENDANT RICHARDSON: Well, I delivered to  
25 an undercover officer.

26 THE COURT: What did you deliver?

1           DEFENDANT RICHARDSON: Two bindles of what I  
2 suppose was heroin.

3           THE COURT: Was it heroin in fact, was it  
4 tested?

5           DEFENDANT RICHARDSON: Yes.

6           THE COURT: Was there a police report that  
7 it was heroin?

8           MR. ARDAIZ: Yes, Your Honor.

9           THE COURT: You believed it was heroin; is that  
10 right?

11          DEFENDANT RICHARDSON: (Affirmative nod of the  
12 head).

13          THE COURT: Yes or no?

14          DEFENDANT RICHARDSON: Yes.

15          THE COURT: Did you get any money for it?

16          DEFENDANT RICHARDSON: Did I, personally?

17          THE COURT: Did he pay you some money for it?

18          DEFENDANT RICHARDSON: No.

19          THE COURT: Was somebody paid some money for it?

20          DEFENDANT RICHARDSON: Yes.

21          THE COURT: And you delivered, because of that  
22 money paid; is that right?

23          DEFENDANT RICHARDSON: Yes.

24          THE COURT: Did you do this in Fresno County?

25          DEFENDANT RICHARDSON: Yes.

26          THE COURT: Did you know he was an undercover

1 operator when you did it?

2 DEFENDANT RICHARDSON: No.

3 THE COURT: You found out afterwards?

4 MR. GOMES: Found out later, yes, Your Honor.

5 DEFENDANT RICHARDSON: Yes.

6 THE COURT: All right. In Count Two, what did  
7 you do that makes you guilty of that charge of force and  
8 violence on a peace officer, which is a misdemeanor?

9 DEFENDANT RICHARDSON: I knocked the substance  
10 out of his hand when we were in the police station.

11 THE COURT: Was that while you were being  
12 arrested?

13 DEFENDANT RICHARDSON: No, while I was being  
14 booked and questioned.

15 THE COURT: At the Fresno County Jail?

16 DEFENDANT RICHARDSON: Yes.

17 THE COURT: Did he have the heroin in his hands,  
18 and you knocked it out; is that what you did?

19 DEFENDANT RICHARDSON: Yes.

20 THE COURT: You did that against his will; is  
21 that right?

22 DEFENDANT RICHARDSON: Yes.

23 THE COURT: All right. I think I'm satisfied  
24 with the factual statement.

25 Do you want to ask any questions, Mr. Ardaiz,  
26 I think the element of the offense are stated.

1 MR. ARDAIZ: Yes, Your Honor.

2 THE COURT: Okay, I'm going to accept the plea  
3 and refer the defendant to the Probation Officer.

4 MR. GOMES: Yes, please.

5 THE COURT: For a report and recommendation.

6 You waive time to be sentenced; you have  
7 a right to be sentenced within 28 days, Mr. Gomes, you  
8 waive the time and agree that he'll be sentenced after  
9 that time?

10 MR. GOMES: Yes, we do.

11 THE COURT: What day would you suggest, Mr.  
12 Ardaiz?

13 MR. ARDAIZ: I would suggest the end of June.

14 THE COURT: June 30th, a Friday?

15 MR. ARDAIZ: Yes, Your Honor, that should be  
16 all right.

17 THE COURT: Is this agreeable with you, Mr.  
18 Gomes?

19 MR. GOMES: Yes.

20 THE COURT: Mr. Richardson, do you give up  
21 your right to be sentenced within 28 days and agree you  
22 will be sentenced on June 30th?

23 DEFENDANT RICHARDSON: Yes, I do.

24 THE COURT: All right. The Probation Officer's  
25 report will have to be filed by the 21st. Is that okay,  
26 Mr. Ardaiz?

1 MR. ARDAIZ: Yes, Your Honor.

2 THE COURT: All right. The matter is referred  
3 to the Probation Officer for a report and recommendation  
4 to be filed on the 21st of June. The date of sentencing  
5 is June 30th, 9:30 in this court, or the Criminal  
6 Department of this court in the event I'm not here.

7 Are you going to make a request that the  
8 defendant be released?

9 MR. ARDAIZ: Yes, Your Honor, but there's one  
10 thing I neglected to bring up, and it just occurred to  
11 me that the defendant had a Morrissey hearing on Monday,  
12 May 1st, on this case, and it will be necessary for him  
13 to appear at that hearing.

14 THE COURT: Okay.

15 MR. ARDAIZ: And I want to make that clear.

16 THE COURT: I can order him to appear as a  
17 condition of the O.R., if you are going to O.R. him?

18 MR. ARDAIZ: I think that's a reasonable  
19 condition.

20 THE COURT: Where is the Morrissey hearing?

21 MR. ARDAIZ: Normally, it's in the -- under  
22 present circumstances, it would be at the jail. I will  
23 make the appropriate arrangements.

24 THE COURT: Are you on CRC parole or state prison?

25 DEFENDANT RICHARDSON: State.

26 THE COURT: Department of Corrections?

1           DEFENDANT RICHARDSON: (Affirmative nod).

2           THE COURT: When is your Morrisey hearing?

3           DEFENDANT RICHARDSON: Monday.

4           THE COURT: Monday, you are ordered to appear  
5 at their office and to stay in contact with your parole  
6 agent Monday, May 1st.

7                     All right, what is your request on O.R.  
8 now?

9           MR. ARDAIZ: My request is, Your Honor, is that  
10 the defendant be released on this charge on his own  
11 recognizance, conditionally of course upon him making  
12 all appearances as previously noted by Defense counsel.

13           THE COURT: Our Bailiff is going to have to  
14 prepare an O.R. release.

15                     Do you want to prepare the release or  
16 you can supervise its preparation.

17                     Mr. Richardson, at the request of the  
18 District Attorney I'm going to allow you to be released  
19 on these charges on your own recognizance, on condition  
20 that you make all appearances as stated here; that you  
21 report to the Probation Officer immediately so that he  
22 can start his Probation Officer's report; that you appear  
23 here for sentencing on June 30th, at 9:30, and that you  
24 appear at the Parole Office for your Morrisey hearing  
25 on May 1st; and that you stay in contact with your attorney  
26 at all times, so that he can reach you by telephone

1 immediately, if he wants to.

2 Now, remember the conditions are, number  
3 one, that you report to the Probation Officer and follow  
4 his instructions; number two, stay in contact with your  
5 attorney at all times so he can reach you by telephone  
6 immediately; and number four, the Morrissey hearing  
7 on May 1st; and number five, make all appearances in this  
8 court as ordered, and the next special appearances on  
9 June 30th, 9:30.

10 Now, I want to remind you of something else,  
11 if you don't make any appearances when you are supposed  
12 to, you are on O.R. release, and you can be charged with  
13 another felony.

14 Do you understand that?

15 DEFENDANT RICHARDSON: Yes.

16 THE COURT: Okay, sign the O.R. agreement and  
17 that's it.

18 Is there any other matters to come before  
19 the court?

20 MR. ARDAIZ: No, Your Honor. I'm going to be  
21 calling State parole.

22 THE COURT: The Sheriff is ordered to release  
23 the defendant on these charges.

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APR 27 1978

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APR 26 1978

SUPERIOR COURT OF CALIFORNIA, COUNTY OF FRESNO

FRESNO COUNTY CLERK

*Anthony Chacon*  
CLERK

THE PEOPLE OF THE STATE  
OF CALIFORNIA,

Vs.

FRANK DELNO RICHARDSON

Defendant(s).

CASE NUMBERS:

Superior Court

Municipal Court

District Attorney

~~228638~~ #9

F-33289

78-2236

INFORMATION

COUNT ONE

The District Attorney of the County of Fresno hereby accuses  
FRANK DELNO RICHARDSON of committing the following crime at and in  
the County of Fresno, State of California:

VIOLATION OF SECTION 11352(a) OF THE HEALTH AND SAFETY  
CODE, a felony. The said defendant, on or about March 24, 1978,  
did sell and furnish a controlled substance, to wit: Heroin.

COUNT TWO

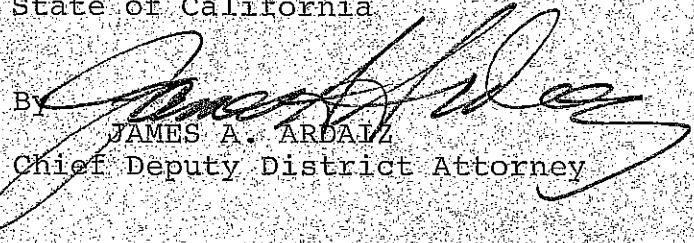
And the said FRANK DELNO RICHARDSON is further accused  
by the District Attorney of the County of Fresno by this Second  
Count of this Information of committing the following crime at  
and in the County of Fresno, State of California:

VIOLATION OF SECTIONS 242/243 OF THE PENAL CODE, a misdemeanor,  
pursuant to Penal Code Section 17(b) 4. The said defendant,  
on or about March 24, 1978, did willfully and unlawfully use  
force and violence upon the person of G. Quisenberry, a peace  
officer, then and there engaged in the performance of his duties

1 and the said defendant then and there knowing and reasonably  
2 should have known that said peace officer was then and there  
3 engaged in the performance of his duties.

4 And all of the acts of the said FRANK DELNO RICHARDSON  
5 described in the First and Second Counts of this Information  
6 constitute different offenses of the same class of crimes and  
7 offenses and/or were connected together in their commission.

8  
9 WILLIAM A. SMITH  
10 District Attorney for  
11 the County of Fresno,  
12 State of California

13 BY   
14 JAMES A. ARDATZ  
15 Chief Deputy District Attorney

FILED

APR 26 1978

FRESNO COUNTY CLERK  
TONY CHACON

SUPERIOR COURT OF CALIFORNIA, COUNTY OF FRESNO

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THE PEOPLE OF THE STATE  
OF CALIFORNIA,

Vs.

FRANK DELNO RICHARDSON

Defendant(s).

CASE NUMBERS:

Superior Court

Municipal Court

District Attorney

~~228638-3~~

F-33289

78-2236

INFORMATION

COUNT ONE

The District Attorney of the County of Fresno hereby accuses  
FRANK DELNO RICHARDSON of committing the following crime at and in  
the County of Fresno, State of California:

VIOLETION OF SECTION 11352(a) OF THE HEALTH AND SAFETY  
CODE, a felony. The said defendant, on or about March 24, 1978,  
did sell and furnish a controlled substance, to wit: Heroin.

COUNT TWO

And the said FRANK DELNO RICHARDSON is further accused  
by the District Attorney of the County of Fresno by this Second  
Count of this Information of committing the following crime at  
and in the County of Fresno, State of California:

VIOLETION OF SECTIONS 242/243 OF THE PENAL CODE, a misdemeanor  
pursuant to Penal Code Section 17(b) 4. The said defendant,  
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force and violence upon the person of G. Quisenberry, a peace  
officer, then and there engaged in the performance of his duties

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and the said defendant then and there knowing and reasonably should have known that said peace officer was then and there engaged in the performance of his duties.

And all of the acts of the said FRANK DELNO RICHARDSON described in the First and Second Counts of this Information constitute different offenses of the same class of crimes and offenses and/or were connected together in their commission.

WILLIAM A. SMITH  
District Attorney for  
the County of Fresno,  
State of California

By JAMES A. ARDAIZ  
Chief Deputy District Attorney

It appearing to me that the offense(s) in the within complaint mentioned, to-wit:

Violation of section 11352(a) of the Health and Safety Code

Count 2 - PC 242/243 declared a mist

has ~~(has)~~ been committed; and that there is sufficient cause to believe the within-named defendant(s), to-wit:

Francis Dolan Richardson

**FILED**

APR 27 1978

guilty thereof, I ORDER that he be held to answer to the same. (872 PC)

APR 26 1978

OR

AFTER WAIVER OF PRELIMINARY HEARING (860)

FRESNO COUNTY CLERK

Tony Mason  
DEPUTY

The defendant(s), to-wit:

having appeared in person and with counsel, and having waived a preliminary examination, with the District Attorney of Fresno County and the Magistrate having consented thereto, I HEREBY ORDER that the within named defendant(s) be held to answer to the offense(s) of

OR

CERTIFICATION AFTER GUILTY PLEA TO FELONY (859a PC)

The defendant(s), to-wit:

having appeared in person and with counsel enter a plea of guilty to the following felony offense(s) with agreement by the People:

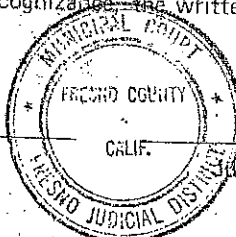
Defendant(s) is ~~(are)~~ cited to appear in the Superior Court, in and for the County of Fresno, State of California, on Thursday the 27<sup>th</sup> day of April, 1978 at 9:30 A.M., in Department No. 7

IT IS FURTHER ORDERED that the defendant(s) be:

- ( ) Committed to the Sheriff of the County of Fresno, State of California, said offense(s) not being bailable. (873 PC).
- (  ) Admitted to bail in the sum of \$ 15000<sup>00</sup>, and is ~~(are)~~ committed to the custody of the Sheriff of Fresno County, State of California until he give(s) said bail. (875-PC).
- ( ) Released on bail heretofore posted in the amount of \$ \_\_\_\_\_
- ( ) Released on \_\_\_\_\_ own recognizance, the written promise(s) to appear having been filed pursuant to Section 1318.4 PC.

Dated:

April 26, 1978



[Signature]  
Judge of County of Fresno, State of California

Counsel Appearing:

Rep. De. James Ordiz  
Atty. Steve James

for people of the State of Calif.  
for defendant Richardson

228638-3

IN THE MUNICIPAL COURT OF THE FRESNO JUDICIAL DISTRICT  
OF THE COUNTY OF FRESNO, STATE OF CALIFORNIA

THE PEOPLE OF THE STATE OF CALIFORNIA, )  
Plaintiff, )  
vs. )  
FRANK DELNO RICHARDSON )  
and JOE FRANCIS POLAND, )  
Defendant(s). )

COMPLAINT - CRIMINAL

Case No. 0000299 F 33289  
D.A. No. 78-2236

Personally appeared before me on March 28 19 78  
R. MAGILL of FRESNO COUNTY SHERIFF'S OFFICE  
in the County of Fresno, who first being duly sworn, complains and accuses  
FRANK DELNO RICHARDSON  
and JOE FRANCIS POLAND

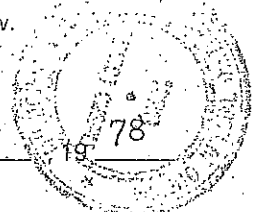
of committing the following crime(s) at and in the said County of Fresno, State of California:

COUNT ONE  
VIOLATION OF SECTION 11352(a) OF THE HEALTH AND SAFETY CODE, a  
felony. The said defendants, FRANK DELNO RICHARDSON and JOE FRANCIS  
POLAND, on or about March 24, 1978, did willfully and unlawfully  
sell and furnish a controlled substance, to wit: Heroin.

COUNT TWO  
VIOLATION OF SECTION 242/243 OF THE PENAL CODE, a felony. The  
said defendant, FRANK DELNO RICHARDSON, on or about March 24, 1978,  
did willfully and unlawfully use force and violence upon the person  
of G. QUISENBERRY, a peace officer, then and there engaged in the  
performance of his duties and the said defendant then and there  
knowing and reasonably should have known that said peace officer  
was then and there engaged in the performance of his duties.

All of which is contrary to the form, force, and effect of the Statute in such case made and provided, and against the peace and dignity of the people of the State of California.  
Said complainant therefore prays that a warrant may be issued for the arrest of the said defendant(s), and that the defendant(s) may be dealt with according to law.

Subscribed and sworn to before me on  
March 28



R. Magill  
Complainant

Attest: EVERETT H. LONGSTAFF, Clerk Petition for Writ of Habeas Corpus - EXHIBIT MANUEL O. RODRIGUEZ  
Page 2226  
Deputy Judge of the Municipal Court

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF FRESNO**

**FILMED**

|                          |                   |                                    |                                     |
|--------------------------|-------------------|------------------------------------|-------------------------------------|
| Date:<br>Aug. 23, 1978   | Dept. No.:<br>SIX | Court met at:<br>8:45 o'clock A.M. | Hon.:<br>SIMON MAROOTIAN<br>Judge   |
| Balliff:<br>J. FERNANDEZ |                   | Reporter:<br>C. BRUCATO            | Deputy Clerk:<br>PATRICIA R. STARKS |

|  |  |
|--|--|
| Plaintiff:<br><br>THE PEOPLE OF THE STATE OF CALIFORNIA,<br><br><input type="checkbox"/> Not appearing | Counsel:<br><br>James Ardaiz, Deputy District Attorney<br><br><input type="checkbox"/> Not appearing<br><input type="checkbox"/> Pro Per |
|--|--|

|   |   |
|---|---|
| Defendant:<br><br>FRANK DELNO RICHARDSON,<br><br><input type="checkbox"/> Not appearing | Counsel:<br><br>Gene Gomes, Attorney at Law<br><br><input type="checkbox"/> Not appearing<br><input type="checkbox"/> Pro Per |
|---|---|

|  |                          |
|--|--------------------------|
| Nature of Proceedings:<br>CRIMINAL HEARING | CASE NUMBER:<br>228638-9 |
|--|--------------------------|

The District Attorney by his deputy, James Ardaiz and the defendant with his counsel, Gene Gomes, Attorney at Law come into open Court, said matter having been put on calendar on the Court own motion; Jeff Dobbs, Deputy Probation Officer present in Court.

The Court advises the defendant of his legal and statutory rights re sentencing within 28 days; the defendant orally and in open Court states he understands and waives said rights.

The Court fixes the time for sentencing as October 16, 1978 at 9:30 o'clock A.M., Department 10; the defendant is ordered to appear in the Probation Office any time he is contacted to do so for a report and recommendation to be made.

The Defendant is allowed to remain at liberty on his own recognizance.

\*The word "plaintiff" includes cross-complainant and petitioner and "defendant" includes cross-defendant and respondent.



SUPERIOR COURT OF CALIFORNIA, COUNTY OF FRESNO  
1100 VAN NESS AVENUE  
P.O. BOX 1628  
FRESNO, CALIFORNIA 93717

For Court Use Only:

**FILED**

AUG 30 1978

FRESNO COUNTY CLERK

By: JOE JONES DEPUTY

**FILMED**

AUG 31 1978

Plaintiff: THE PEOPLE OF THE STATE OF CALIFORNIA,

Defendant: Frank O. Richardson

RECEIPT FOR CRIMINAL RECORDS

CASE NUMBER: 2A 8638-3

1. Date received: 5/5/78 (See footnote \* below)

2. Received (Document and number of copies):

- a.  Reporter's transcript of preliminary proceedings: \_\_\_\_\_
- b.  Reporter's transcript of grand jury proceedings: \_\_\_\_\_
- c.  Reporter's transcript of other proceedings (Specify: \_\_\_\_\_)
- d.  Other (Specify: \_\_\_\_\_)

3. Receipt of a copy of the above mentioned document is hereby acknowledged:

Date: 5-8-78 District Attorney, By [Signature]

Date: 5-10-78 Public Defender, By \_\_\_\_\_

Attorney for (Name): \_\_\_\_\_

Date: \_\_\_\_\_ By \_\_\_\_\_

Attorney for (Name): \_\_\_\_\_

Date: \_\_\_\_\_ By \_\_\_\_\_

Attorney for (Name): \_\_\_\_\_

Date: \_\_\_\_\_ By \_\_\_\_\_

Attorney for (Name): \_\_\_\_\_

Date: \_\_\_\_\_ By \_\_\_\_\_

Attorney for (Name): \_\_\_\_\_

\*The total number of documents, the original and all copies, must be entered in Item No. 2 above. Each person receiving a copy of the document must sign the receipt portion at Item No. 3 and indicate representation when required. The original of the document must be filed and retained in the case file.

FILMED  
DEC 6 1978

|   |   |   |
|---|---|---|
| NAME AND ADDRESS OF ATTORNEY:<br><b>GENE M. GOMES, 053619</b><br><b>GOMES, GOMES, FISKE &amp; BERMAN</b><br><b>Suite 400, Helm Building</b><br><b>Fresno, California 93721</b><br>ATTORNEY FOR: <b>Defendant FRANK DELNO RICHARDSON</b> | TELEPHONE NO.:<br><b>(209) 264-6548</b> | For Court Use Only:<br><br><b>FILED</b><br><br><b>DEC 5 1978</b><br><br><b>FRESNO COUNTY CLERK</b><br><i>R. Seipen</i><br><b>DEPUTY</b><br><b>CLK 3012.00 E08-70 R02-75</b> |
| <b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF FRESNO</b><br><b>1100 Van Ness Avenue, P.O. Box 1628</b><br><b>Fresno, California 93717</b>  |   |   |
| <b>PLAINTIFF:</b><br><b>THE PEOPLE OF THE STATE OF CALIFORNIA</b>   |   |   |
| <b>DEFENDANT:</b><br><b>FRANK DELNO RICHARDSON</b>  |   |   |
| <b>APPLICATION AND ORDER FOR PAYMENT OF ATTORNEY'S FEES</b>   |   | Case Number:<br><b>228638-3</b>   |

1. I am an attorney at law duly admitted to practice in the State of California. I have not received compensation in this matter and according to my information and belief the person I represented has not had since the date of my appointment and does not now have any money or property with which to pay my fees or expenses which are claimed in this application. I hereby make application for payment of fees as follows (See footnote \* below before completing):
  - a. Appointed to represent (Name): **FRANK DELNO RICHARDSON**
  - b. Appointed on (Date): **4-27-78**
  - c. Legal services terminated on or about (Date): **10-16-78**
  - d. Attorney's fees claimed (Amount): **\$ 1,000.00**
  - e. Expense fees claimed (Amount): **\$ -0-**
  - f. Total Amount claimed: **\$ 1,000.00**
  - g. Legal services performed (Specify):

See Attachment.

h. Expenses paid out for (Specify): **None.**

I declare under penalty of perjury that the foregoing is true and correct and that this declaration is executed on (Date): **11-9-78**, at (Place): **Fresno**, California.

**GENE M. GOMES**  
(Type or print name)

*Gene M. Gomes*  
(Signature of applicant)

(Continued on reverse side)

\*Submit the original of this application and one copy. Declarations under penalty of perjury signed in California may be used in place of affidavits (CCP 2015.5). Affidavits required when signed outside California.

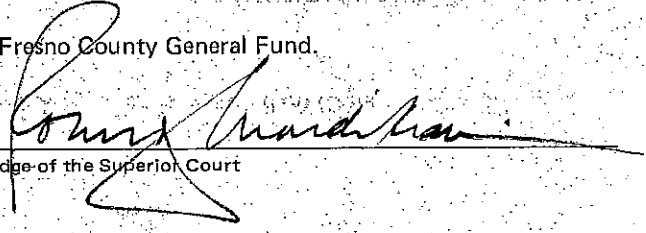
ORDER

2. The foregoing application has been considered and the court finds the following fees to be reasonable:

- a. Attorney's fees (Amount): \$ 1000.00
- b. Expense fees (Amount): \$
- c. Total fees (Amount): \$ 1000.00

3. It is ordered that the total fees shown above in item 2c be paid out of the Fresno County General Fund.

Dated: Dec 4, 1978

  
\_\_\_\_\_  
Judge of the Superior Court

PEOPLE vs. FRANK DELNO RICHARDSON  
Case No. 228638-3

---

Application and Order for Payment of Attorney's Fees (Continued)

g. Legal services performed (Specify):

I was appointed to represent the defendant in Superior Court for purposes of entering a plea of guilty and staying sentencing under a bargain with the District Attorney's Office to insure the defendant's cooperation as a material witness in the Stankewitz case. Pursuant to the bargain, I remained involved actively with both the defendant's case as well as the Stankewitz case and the case of the defendant's co-defendant. This required approximately 50 hours, during a period of six months, including eight (8) court appearances, approximately 50 telephone calls, both at home and at my office, and 15 consultations, both in my office, at the Courthouse and/or jail. The charges against the defendant were ultimately dismissed under the bargain.

I respectfully invite the Court to contact Chief Deputy District Attorney James Ardaiz who can substantiate the efforts on my part, to some degree.

Respectfully submitted,

GENE M. GOMES

GMG:tu

FILMED

FILED

APR 26 1978



FRESNO COUNTY CLERK

By Simon Marootian DEPUTY

SIMON MAROOTIAN

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IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF FRESNO

THE PEOPLE OF THE STATE OF CALIFORNIA,  
Plaintiff,  
vs.  
FRANK RICHARDSON  
Defendant.

No. 228638-3 Dept. 6

AGREEMENT ON RELEASE  
(Sec. 1318.4 P.C.)

In consideration of being released on my own  
recognizance, I hereby agree as follows:

a. I will appear in this Court at all times and  
places ordered by the Court, or any other Court before whom  
the charge against me shall hereafter be pending.

b. I hereby waive extradition, if, after failure to  
appear in accordance with paragraph "a" above, I should be  
apprehended outside of the State of California.

c. I agree that any Court of competent jurisdiction  
may revoke the order of release and return me to custody, or  
require that I give bail or other assurance of my appearance  
before the Court as required by the Court.

Dated 4-27-78

Frank D. Richardson  
Defendant

2939 W. Barton  
Address

251-1526  
Telephone

5016

COUNTY OF FRESNO  
FRESNO, CALIFORNIA

\* MUST MEET CONDITIONS ON RELEASE

1. MUST REPORT TO PROBATION OFFICE
2. STAY IN CONSTANT CONTACT W/ ATTORNEY
4. MAKE ALL APPEARANCES AS ORDERED.
5. APPEAR AT MORRIS HEARING ON MAY, 1ST

4/27/78 - *Mark Delano Ricci Nelson*

**ARRAIGNMENT:**

Delivered information

*J. Jones* appointed counsel

Read-waived reading of information: X

Advised-waived statement of rights: X

Plea: *Guilty to Cts 1 & 2*

Priors:

Trial set for

R.P.O. set for 6/30/78 @ 9:30 AM #6

Bond set at

~~Remanded~~

*OR* referred to P.O. next due: 6/21/78. *Deft.* w/ *family* at *Peos* request. *Deft.* released *O.R.* + ordered to appear for Monday Aug. 3/1/78. *Deft.* to report to P.O. stay in contact w/ *att.*, *mark* all appearances as ordered.

7/30/78 - Contd. to 7/6/78 @ 9:30 AM. *OR* #10.

7/6/78 - *defense* requests cont. *deft.* w/ *family*.  
contd. to 8/17/78 @ 9:30 AM for RPO + Judgment. *OR* #10.

Aug. 23, 1978 - *Prim* *Arg.* - RPO - July 10-16-78 @ 9:30 A.M. #10.  
*Deft.* to appear at P.O. as direct by Counsel for P.O. ROR (C)

10/16

SUPERIOR COURT OF CALIFORNIA, COUNTY OF FRESNO **FILED**

10/16/78 10 9:30 A.M. HON: R. Mardikian OCT 20 1978

DATE: 10/16/78 DEPT. NO. 10 COURT MET AT: 9:30 A.M. HON: R. Mardikian JUDGE  
BAILIFF R. Peylouret REPORTER C. Osborne DEPUTY CLERK P. Starks

PEOPLE OF THE STATE OF CALIFORNIA  
vs.  
Frank Delano Richardson DEFENDANT  
COUNSEL FOR PEOPLE G. Borre  
DEPUTY/ASSISTANT DISTRICT ATTORNEY R. Berman  
COUNSEL FOR DEFENDANT

ARRAIGNMENT ACTION NUMBER 228638-9  
 CERTIFICATION UNDER SECTION 859A P.C.  R. P. O. & JUDGMENT  
 REVOCATION/MODIFICATION PROBATION

FELONY TO WIT: 11352a H&S 1, 242/243 PC 2 MISD.  
 MISDEMEANOR

PEOPLE REPRESENTED AS ABOVE, AND DEFENDANT PRESENT WITH COUNSEL.

DEFENDANT NOT APPEARING AS ORDERED.  
 COPY OF INFORMATION IS PROVIDED TO DEFENDANT/COUNSEL FOR DEFENDANT.  
 COURT APPOINTS PUBLIC DEFENDER \_\_\_\_\_ TO REPRESENT DEFENDANT.  
 COURT INFORMS DEFENDANT OF LEGAL RIGHTS.  
 COURT IS ADVISED BY COUNSEL AND DEFENDANT THAT DEFENDANT HAS BEEN FULLY ADVISED OF LEGAL RIGHTS AND WAIVES FURTHER STATEMENT THEREOF BY COURT.  
 DEFENDANT STATES TRUE NAME AS SHOWN, \_\_\_\_\_  
 DEFENDANT STATES TRUE NAME \_\_\_\_\_  
 READING OF INFORMATION IS WAIVED.  
 INFORMATION IS READ.  
 DEFENDANT IS ARRAIGNED.  
 DEFENDANT MOVES TO SET ASIDE INFORMATION UNDER SECTION 995 P.C.  
 DEFENDANT WITHDRAWS PLEA OF \_\_\_\_\_  
 DEFENDANT PLEADS GUILTY AS CHARGED IN COUNT(S) \_\_\_\_\_  
 DEFENDANT PLEADS NOT GUILTY AS TO COUNT(S) \_\_\_\_\_  
 DEFENDANT PLEADS GUILTY OF THE LESSER INCLUDED OFFENSE OF \_\_\_\_\_  
 DEFENDANT PLEADS NOT GUILTY AND NOT GUILTY BY REASON OF INSANITY.  
 PEOPLE MOVE TO DISMISS COUNT(S) \_\_\_\_\_ AND THE MOTION IS BY COURT GRANTED/TAKEN UNDER ADVISEMENT.  
 DEFENDANT ADMITS PRIOR CONVICTIONS OF FELONY \_\_\_\_\_  
 DEFENDANT DENIES PRIOR CONVICTIONS OF FELONY \_\_\_\_\_  
 COURT FIXES DEGREE OF THE OFFENSE AS \_\_\_\_\_  
 PROCEEDINGS ARE/HAVE BEEN HERETOFORE ADJOURNED FOR THE PURPOSE OF DETERMINING WHETHER OR NOT DEFENDANT IS:  
 COURT APPOINTS DRs. \_\_\_\_\_ TO EXAMINE THE DEFENDANT AND REPORT WHETHER OR NOT DEFENDANT \_\_\_\_\_  
 MEDICAL REPORTS TO BE FILED BY \_\_\_\_\_

THE MATTER IS SUBMITTED ON THE SEPARATE WRITTEN MEDICAL REPORTS OF THE DOCTORS HERETOFORE APPOINTED AND THE COURT FINDS SAID PERSON IS/IS NOT \_\_\_\_\_  
 MEDICAL REPORTS ARE RECEIVED INTO EVIDENCE AND MARKED AS \_\_\_\_\_ EXHIBITS  
 CRIMINAL PROCEEDINGS REINSTATED.  
 DEFENDANT WAIVES STATUTORY TIME FOR \_\_\_\_\_  
 REFERRED TO PROBATION OFFICER FOR PRE-SENTENCE INVESTIGATION AND REPORT. RETURNABLE \_\_\_\_\_ 19\_\_\_\_  
 DEFENDANT NOT ACCEPTED BY CALIFORNIA YOUTH AUTHORITY.

\_\_\_\_\_ REPORT/CHRONO MEMO OF THE PROBATION OFFICER IS RECEIVED AND CONSIDERED.  
 DEFENDANT IS ARRAIGNED/WAIVES ARRAIGNMENT FOR PRONOUNCEMENT OF JUDGMENT.  
 DEFENDANT STATES THERE IS NO LEGAL CAUSE WHY JUDGMENT SHOULD NOT BE PRONOUNCED.

IT IS ORDERED:  
 PROBATION IS DENIED/REVOKED/REINSTATED.  
 PROBATION IS MODIFIED

DEFENDANT IS SENTENCED TO STATE PRISON FOR THE TERM PRESCRIBED BY LAW.  
 DEFENDANT IS COMMITTED TO THE CALIFORNIA YOUTH AUTHORITY FOR THE TERM PRESCRIBED BY LAW.  
 DEFENDANT IS COMMITTED TO \_\_\_\_\_  
 EXECUTION OF SENTENCE IS STAYED.  
 SENTENCES SHALL BE SERVED IN RESPECT TO ONE ANOTHER AS FOLLOWS: \_\_\_\_\_  
 AND IN RESPECT TO ANY PRIOR INCOMPLETED SENTENCE(S) AS FOLLOWS: \_\_\_\_\_  
 CRIMINAL PROCEEDINGS ARE ADJOURNED AND DEFENDANT IS REFERRED FOR ACCEPTANCE FOR A 90-DAY PERIOD OF DIAGNOSTIC EVALUATION AND REPORT, PURSUANT TO SECTION 1203.03 P.C.  
 BENCH WARRANT ISSUED FOR ARREST OF DEFENDANT.  
 BENCH WARRANT ISSUED \_\_\_\_\_ IS RECALLED.

TRIAL CONFIRMATION IS SET FOR \_\_\_\_\_  
 CASE IS SET FOR TRIAL ON \_\_\_\_\_  
 HEARING ON 995 MOTION IS SET FOR \_\_\_\_\_  
 HEARING ON DOCTORS' REPORTS IS SET FOR \_\_\_\_\_  
 R. P. O. & JUDGMENT IS SET FOR \_\_\_\_\_  
 DEFENDANT IS REMANDED BACK TO \_\_\_\_\_ FOR FURTHER HEARING ON \_\_\_\_\_  
 DEFENDANT IS REMANDED TO THE CUSTODY OF THE SHERIFF.  
 DEFENDANT IS PERMITTED TO REMAIN AT LIBERTY \_\_\_\_\_ ON OWN RECOGNIZANCE \_\_\_\_\_ ON BAIL HERETOFORE POSTED.  
 BAIL IS FIXED IN THE AMOUNT OF \$ \_\_\_\_\_ PLUS 25% PENALTY ASSESSMENT OF ANY BOND POSTED.  
 BAIL BOND No. \_\_\_\_\_ IN THE AMOUNT OF \$ \_\_\_\_\_ IS FORFEITED/EXONERATED.

THE SHERIFF OF FRESNO COUNTY IS HEREBY ORDERED TO DELIVER THE DEFENDANT TO \_\_\_\_\_  
CALIFORNIA MEDICAL FACILITY AT VACAVILLE, CALIFORNIA  
CALIFORNIA INSTITUTION FOR WOMEN AT FRONTERA, CALIFORNIA  
A PLACE AND TIME AS DIRECTED BY THE CALIFORNIA YOUTH AUTHORITY.  
**Peoples motion to dismiss is granted by the Court.**

5028



SUPERIOR COURT OF CALIFORNIA, COUNTY OF FRESNO

DATE 7/6/78 DEPT. NO. 10 COURT MET AT 9:30 A.M. HON: R. Mardikian JUDGE  
R. Peylauret BAILLIFF J. Wesley REPORTER A. Kahl DEPUTY CLERK FILMED

PEOPLE OF THE STATE OF CALIFORNIA vs. Frank Delano Richardson DEFENDANT  
COUNSEL FOR PEOPLE G. Borre DEPUTY/ASSISTANT DISTRICT ATTORNEY G. Gomez COUNSEL FOR DEFENDANT

JUL 10 1978

ARRAIGNMENT ACTION NUMBER 228638-9  
CERTIFICATION UNDER SECTION 859A P.C. [X] R. P. O. & JUDGMENT  
[ ] REVOCATION/MODIFICATION PROBATION.

[X] FELONY TO WIT: 11352a H&S 1, 242/243 PC 2 MISD.  
[ ] MISDEMEANOR

PEOPLE REPRESENTED AS ABOVE, AND DEFENDANT PRESENT WITH COUNSEL.

DEFENDANT NOT APPEARING AS ORDERED.  
COPY OF INFORMATION IS PROVIDED TO DEFENDANT/COUNSEL FOR DEFENDANT.  
COURT APPOINTS PUBLIC DEFENDER \_\_\_\_\_ TO REPRESENT DEFENDANT.  
COURT INFORMS DEFENDANT OF LEGAL RIGHTS.  
COURT IS ADVISED BY COUNSEL AND DEFENDANT THAT DEFENDANT HAS BEEN FULLY ADVISED OF LEGAL RIGHTS AND WAIVES FURTHER STATEMENT THEREOF BY COURT.  
DEFENDANT STATES TRUE NAME AS SHOWN.  
DEFENDANT STATES TRUE NAME \_\_\_\_\_  
READING OF INFORMATION IS WAIVED.  
INFORMATION IS READ.  
DEFENDANT IS ARRAIGNED.  
DEFENDANT MOVES TO SET ASIDE INFORMATION UNDER SECTION 995 P.C.  
DEFENDANT WITHDRAWS PLEA OF \_\_\_\_\_  
DEFENDANT PLEADS GUILTY AS CHARGED IN COUNT(S) \_\_\_\_\_  
DEFENDANT PLEADS NOT GUILTY AS TO COUNT(S) \_\_\_\_\_  
DEFENDANT PLEADS GUILTY OF THE LESSER INCLUDED OFFENSE OF \_\_\_\_\_  
DEFENDANT PLEADS NOT GUILTY AND NOT GUILTY BY REASON OF INSANITY.  
PEOPLE MOVE TO DISMISS COUNT(S) \_\_\_\_\_ AND THE MOTION IS BY COURT GRANTED/TAKEN UNDER ADVISEMENT.  
DEFENDANT ADMITS PRIOR CONVICTIONS OF FELONY \_\_\_\_\_  
DEFENDANT DENIES PRIOR CONVICTIONS OF FELONY \_\_\_\_\_  
COURT FIXES DEGREE OF THE OFFENSE AS \_\_\_\_\_  
PROCEEDINGS ARE/HAVE BEEN HERETOFORE ADJOURNED FOR THE PURPOSE OF DETERMINING WHETHER OR NOT DEFENDANT IS:  
COURT APPOINTS DRs. \_\_\_\_\_ TO EXAMINE THE DEFENDANT AND REPORT WHETHER OR NOT DEFENDANT \_\_\_\_\_  
MEDICAL REPORTS TO BE FILED BY \_\_\_\_\_

THE MATTER IS SUBMITTED ON THE SEPARATE WRITTEN MEDICAL REPORTS OF THE DOCTORS HERETOFORE APPOINTED AND THE COURT FINDS SAID PERSON IS/IS NOT \_\_\_\_\_  
MEDICAL REPORTS ARE RECEIVED INTO EVIDENCE AND MARKED AS \_\_\_\_\_ EXHIBITS  
CRIMINAL PROCEEDINGS REINSTATED.  
[X] DEFENDANT WAIVES ~~PROBATION~~ TIME ~~BOX~~  
REFERRED TO PROBATION OFFICER FOR PRE-SENTENCE INVESTIGATION AND REPORT. RETURNABLE: \_\_\_\_\_ 19\_\_\_\_  
DEFENDANT NOT ACCEPTED BY CALIFORNIA YOUTH AUTHORITY.

REPORT/CHRONO MEMO OF THE PROBATION OFFICER IS RECEIVED AND CONSIDERED.  
DEFENDANT IS ARRAIGNED/WAIVES ARRAIGNMENT FOR PRONOUNCEMENT OF JUDGMENT.  
DEFENDANT STATES THERE IS NO LEGAL CAUSE WHY JUDGMENT SHOULD NOT BE PRONOUNCED.

IT IS ORDERED:  
PROBATION IS DENIED/REVOKED/REINSTATED.  
PROBATION IS MODIFIED.

DEFENDANT IS SENTENCED TO STATE PRISON FOR THE TERM PRESCRIBED BY LAW.  
DEFENDANT IS COMMITTED TO THE CALIFORNIA YOUTH AUTHORITY FOR THE TERM PRESCRIBED BY LAW.  
DEFENDANT IS COMMITTED TO \_\_\_\_\_

EXECUTION OF SENTENCE IS STAYED.  
SENTENCES SHALL BE SERVED IN RESPECT TO ONE ANOTHER AS FOLLOWS: \_\_\_\_\_  
AND IN RESPECT TO ANY PRIOR INCOMPLETED SENTENCE(S) AS FOLLOWS: \_\_\_\_\_  
CRIMINAL PROCEEDINGS ARE ADJOURNED AND DEFENDANT IS REFERRED FOR ACCEPTANCE FOR A 90-DAY PERIOD OF DIAGNOSTIC EVALUATION AND REPORT, PURSUANT TO SECTION 1203.03 P.C.  
BENCH WARRANT ISSUED FOR ARREST OF DEFENDANT.  
BENCH WARRANT ISSUED \_\_\_\_\_ IS RECALLED.

TRIAL CONFIRMATION IS SET FOR \_\_\_\_\_ HEARING ON 995 MOTION IS SET FOR \_\_\_\_\_  
CASE IS SET FOR TRIAL ON \_\_\_\_\_ HEARING ON DOCTORS' REPORTS IS SET FOR \_\_\_\_\_  
R. P. O. & JUDGMENT IS SET FOR \_\_\_\_\_  
DEFENDANT IS REMANDED BACK TO \_\_\_\_\_ FOR FURTHER HEARING ON \_\_\_\_\_

DEFENDANT IS REMANDED TO THE CUSTODY OF THE SHERIFF.  
[X] DEFENDANT IS PERMITTED TO REMAIN AT LIBERTY [X] ON OWN RECOGNIZANCE. \_\_\_\_\_ ON BAIL HERETOFORE POSTED.  
BAIL IS FIXED IN THE AMOUNT OF \$ \_\_\_\_\_ PLUS 25% PENALTY ASSESSMENT OF ANY BOND POSTED.  
BAIL BOND No. \_\_\_\_\_ IN THE AMOUNT OF \$ \_\_\_\_\_ IS FORFEITED/EXONERATED.

THE SHERIFF OF FRESNO COUNTY IS HEREBY ORDERED TO DELIVER THE DEFENDANT TO \_\_\_\_\_  
CALIFORNIA MEDICAL FACILITY AT VACAVILLE, CALIFORNIA.  
CALIFORNIA INSTITUTION FOR WOMEN AT FRONTERA, CALIFORNIA.  
A PLACE AND TIME AS DIRECTED BY THE CALIFORNIA YOUTH AUTHORITY.

xx Defense requests continuance, continued to 8/1/78 @ 9:30 A.M. for RPO.  
Page 2236

SUPERIOR COURT OF CALIFORNIA, COUNTY OF FRESNO

FILMED

DATE 7/3/78 DEPT. NO. 10 COURT MET AT 9:30 A.M. HON: R. Mardikian JUL 7 1978 JUDGE R. Peylauret J. Wesley R. Keith

PEOPLE OF THE STATE OF CALIFORNIA vs. Frank Delno Richardson DEFENDANT W. Robinson DEPUTY/ASSISTANT DISTRICT ATTORNEY G. Gomes V. Papadakis appearing COUNSEL FOR DEFENDANT

ARRAIGNMENT ACTION NUMBER 228638-3 CERTIFICATION UNDER SECTION 859A P.C. [X] R. P. O. & JUDGMENT REVOCATION/MODIFICATION PROBATION

FELONY TO WIT: 11352(a) H&S 1, 242/243 PC 2 MISD. MISDEMEANOR

PEOPLE REPRESENTED AS ABOVE, AND DEFENDANT PRESENT WITH COUNSEL.

DEFENDANT NOT APPEARING AS ORDERED. COPY OF INFORMATION IS PROVIDED TO DEFENDANT/COUNSEL FOR DEFENDANT. COURT APPOINTS PUBLIC DEFENDER TO REPRESENT DEFENDANT. COURT INFORMS DEFENDANT OF LEGAL RIGHTS. COURT IS ADVISED BY COUNSEL AND DEFENDANT THAT DEFENDANT HAS BEEN FULLY ADVISED OF LEGAL RIGHTS AND WAIVES FURTHER STATEMENT THEREOF BY COURT. DEFENDANT STATES TRUE NAME AS SHOWN. DEFENDANT STATES TRUE NAME READING OF INFORMATION IS WAIVED. INFORMATION IS READ. DEFENDANT IS ARRAIGNED. DEFENDANT MOVES TO SET ASIDE INFORMATION UNDER SECTION 995 P.C. DEFENDANT WITHDRAWS PLEA OF DEFENDANT PLEADS GUILTY AS CHARGED IN COUNT(S) DEFENDANT PLEADS NOT GUILTY AS TO COUNT(S) DEFENDANT PLEADS GUILTY OF THE LESSER INCLUDED OFFENSE OF DEFENDANT PLEADS NOT GUILTY AND NOT GUILTY BY REASON OF INSANITY. PEOPLE MOVE TO DISMISS COUNT(S) AND THE MOTION IS BY COURT GRANTED/TAKEN UNDER ADVISEMENT. DEFENDANT ADMITS PRIOR CONVICTIONS OF FELONY DEFENDANT DENIES PRIOR CONVICTIONS OF FELONY COURT FIXES DEGREE OF THE OFFENSE AS PROCEEDINGS ARE/HAVE BEEN HERETOFORE ADJOURNED FOR THE PURPOSE OF DETERMINING WHETHER OR NOT DEFENDANT IS: COURT APPOINTS DRs. TO EXAMINE THE DEFENDANT AND REPORT WHETHER OR NOT DEFENDANT MEDICAL REPORTS TO BE FILED BY

THE MATTER IS SUBMITTED ON THE SEPARATE WRITTEN MEDICAL REPORTS OF THE DOCTORS HERETOFORE APPOINTED AND THE COURT FINDS SAID PERSON IS/IS NOT MEDICAL REPORTS ARE RECEIVED INTO EVIDENCE AND MARKED AS EXHIBITS CRIMINAL PROCEEDINGS REINSTATED. DEFENDANT WAIVES STATUTORY TIME FOR REFERRED TO PROBATION OFFICER FOR PRE-SENTENCE INVESTIGATION AND REPORT. RETURNABLE 19 DEFENDANT NOT ACCEPTED BY CALIFORNIA YOUTH AUTHORITY. REPORT/CHRONO MEMO OF THE PROBATION OFFICER IS RECEIVED AND CONSIDERED. DEFENDANT IS ARRAIGNED/WAIVES ARRAIGNMENT FOR PRONOUNCEMENT OF JUDGMENT. DEFENDANT STATES THERE IS NO LEGAL CAUSE WHY JUDGMENT SHOULD NOT BE PRONOUNCED.

IT IS ORDERED: PROBATION IS DENIED/REVOKED/REINSTATED. PROBATION IS MODIFIED DEFENDANT IS SENTENCED TO STATE PRISON FOR THE TERM PRESCRIBED BY LAW. DEFENDANT IS COMMITTED TO THE CALIFORNIA YOUTH AUTHORITY FOR THE TERM PRESCRIBED BY LAW. DEFENDANT IS COMMITTED TO EXECUTION OF SENTENCE IS STAYED SENTENCES SHALL BE SERVED IN RESPECT TO ONE ANOTHER AS FOLLOWS: AND IN RESPECT TO ANY PRIOR INCOMPLETED SENTENCE(S) AS FOLLOWS: CRIMINAL PROCEEDINGS ARE ADJOURNED AND DEFENDANT IS REFERRED FOR ACCEPTANCE FOR A 90-DAY PERIOD OF DIAGNOSTIC EVALUATION AND REPORT, PURSUANT TO SECTION 1203.03 P.C. BENCH WARRANT ISSUED FOR ARREST OF DEFENDANT. BENCH WARRANT ISSUED IS RECALLED.

TRIAL CONFIRMATION IS SET FOR CASE IS SET FOR TRIAL ON DEFENDANT IS REMANDED BACK TO FOR FURTHER HEARING ON DEFENDANT IS REMANDED TO THE CUSTODY OF THE SHERIFF. DEFENDANT IS PERMITTED TO REMAIN AT LIBERTY ON OWN RECOGNIZANCE ON BAIL HERETOFORE POSTED. BAIL IS FIXED IN THE AMOUNT OF \$ PLUS 25% PENALTY ASSESSMENT OF ANY BOND POSTED. BAIL BOND No. IN THE AMOUNT OF \$ IS FORFEITED/EXONERATED.

THE SHERIFF OF FRESNO COUNTY IS HEREBY ORDERED TO DELIVER THE DEFENDANT TO CALIFORNIA MEDICAL FACILITY AT VACAVILLE, CALIFORNIA. CALIFORNIA INSTITUTION FOR WOMEN AT FRONTERA, CALIFORNIA. A PLACE AND TIME AS DIRECTED BY THE CALIFORNIA YOUTH AUTHORITY. X Continued to 7/6/78 @ 9:30 A.M. Petition for Writ of Habeas Corpus - EXHIBITS Page 2237 5020

SUPERIOR COURT OF CALIFORNIA, COUNTY OF FRESNO FILMED

6/30/78

10

9:30 A.M.

HON: R. Mardikian 7 1978

DATE DEPT. NO. COURT MET AT: JUDGE  
D. Morrell J. Wesley R. Keith  
SAILIFF REPORTER DEPUTY CLERK

PEOPLE OF THE STATE OF CALIFORNIA  
VS.

Frank Delno Richarson

DEFENDANT

COUNSEL FOR PEOPLE  
W. Robinson  
DEPUTY/ASSISTANT DISTRICT ATTORNEY  
G. Gomes

COUNSEL FOR DEFENDANT

[ ] ARRAIGNMENT ACTION NUMBER 228638-3  
[ ] CERTIFICATION UNDER SECTION 859A P.C. [x] R. P. O. & JUDGMENT  
[ ] [ ] REVOCATION/MODIFICATION PROBATION  
[x] FELONY TO WIT: 11352(a) H&S 1, 242/243 PC 2 MISD.  
[ ] MISDEMEANOR

PEOPLE REPRESENTED AS ABOVE, AND DEFENDANT PRESENT WITH COUNSEL.

DEFENDANT NOT APPEARING AS ORDERED.  
COPY OF INFORMATION IS PROVIDED TO DEFENDANT/COUNSEL FOR DEFENDANT.  
COURT APPOINTS PUBLIC DEFENDER \_\_\_\_\_ TO REPRESENT DEFENDANT.  
COURT INFORMS DEFENDANT OF LEGAL RIGHTS.  
COURT IS ADVISED BY COUNSEL AND DEFENDANT THAT DEFENDANT HAS BEEN FULLY ADVISED OF LEGAL RIGHTS AND WAIVES FURTHER STATEMENT THEREOF BY COURT.  
DEFENDANT STATES TRUE NAME AS SHOWN.  
DEFENDANT STATES TRUE NAME \_\_\_\_\_  
READING OF INFORMATION IS WAIVED.  
INFORMATION IS READ.  
DEFENDANT IS ARRAIGNED.  
DEFENDANT MOVES TO SET ASIDE INFORMATION UNDER SECTION 995 P.C.  
DEFENDANT WITHDRAWS PLEA OF \_\_\_\_\_  
DEFENDANT PLEADS GUILTY AS CHARGED IN COUNT(S) \_\_\_\_\_  
DEFENDANT PLEADS NOT GUILTY AS TO COUNT(S) \_\_\_\_\_  
DEFENDANT PLEADS GUILTY OF THE LESSER INCLUDED OFFENSE OF \_\_\_\_\_  
DEFENDANT PLEADS NOT GUILTY AND NOT GUILTY BY REASON OF INSANITY.  
PEOPLE MOVE TO DISMISS COUNT(S) \_\_\_\_\_ AND THE MOTION IS BY COURT GRANTED/TAKEN UNDER ADVISEMENT.  
DEFENDANT ADMITS PRIOR CONVICTIONS OF FELONY \_\_\_\_\_  
DEFENDANT DENIES PRIOR CONVICTIONS OF FELONY \_\_\_\_\_  
COURT FIXES DEGREE OF THE OFFENSE AS \_\_\_\_\_  
PROCEEDINGS ARE/HAVE BEEN HERETOFORE ADJOURNED FOR THE PURPOSE OF DETERMINING WHETHER OR NOT DEFENDANT IS:  
COURT APPOINTS DRs. \_\_\_\_\_ TO EXAMINE THE DEFENDANT AND REPORT WHETHER OR NOT DEFENDANT \_\_\_\_\_  
MEDICAL REPORTS TO BE FILED BY \_\_\_\_\_

THE MATTER IS SUBMITTED ON THE SEPARATE WRITTEN MEDICAL REPORTS OF THE DOCTORS HERETOFORE APPOINTED AND THE COURT FINDS SAID PERSON IS/IS NOT \_\_\_\_\_  
MEDICAL REPORTS ARE RECEIVED INTO EVIDENCE AND MARKED AS \_\_\_\_\_ EXHIBITS  
CRIMINAL PROCEEDINGS REINSTATED.  
DEFENDANT WAIVES STATUTORY TIME FOR \_\_\_\_\_  
REFERRED TO PROBATION OFFICER FOR PRE-SENTENCE INVESTIGATION AND REPORT. RETURNABLE \_\_\_\_\_ 19 \_\_\_\_\_  
DEFENDANT NOT ACCEPTED BY CALIFORNIA YOUTH AUTHORITY.  
REPORT/CHRONO MEMO \_\_\_\_\_ OF THE PROBATION OFFICER IS RECEIVED AND CONSIDERED.  
DEFENDANT IS ARRAIGNED/WAIVES ARRAIGNMENT FOR PRONOUNCEMENT OF JUDGMENT.  
DEFENDANT STATES THERE IS NO LEGAL CAUSE WHY JUDGMENT SHOULD NOT BE PRONOUNCED.

IT IS ORDERED:  
PROBATION IS DENIED/REVOKED/REINSTATED.  
PROBATION IS MODIFIED \_\_\_\_\_  
DEFENDANT IS SENTENCED TO STATE PRISON FOR THE TERM PRESCRIBED BY LAW.  
DEFENDANT IS COMMITTED TO THE CALIFORNIA YOUTH AUTHORITY FOR THE TERM PRESCRIBED BY LAW.  
DEFENDANT IS COMMITTED TO \_\_\_\_\_  
EXECUTION OF SENTENCE IS STAYED \_\_\_\_\_  
SENTENCES SHALL BE SERVED IN RESPECT TO ONE ANOTHER AS FOLLOWS: \_\_\_\_\_  
AND IN RESPECT TO ANY PRIOR INCOMPLETED SENTENCE(S) AS FOLLOWS: \_\_\_\_\_  
CRIMINAL PROCEEDINGS ARE ADJOURNED AND DEFENDANT IS REFERRED FOR ACCEPTANCE FOR A 90-DAY PERIOD OF DIAGNOSTIC EVALUATION AND REPORT, PURSUANT TO SECTION 1203.03 P.C. BENCH WARRANT ISSUED FOR ARREST OF DEFENDANT.  
BENCH WARRANT ISSUED \_\_\_\_\_ IS RECALLED.

TRIAL CONFIRMATION IS SET FOR \_\_\_\_\_ HEARING ON 995 MOTION IS SET FOR \_\_\_\_\_  
CASE IS SET FOR TRIAL ON \_\_\_\_\_ HEARING ON DOCTORS' REPORTS IS SET FOR \_\_\_\_\_  
R. P. O. & JUDGMENT IS SET FOR \_\_\_\_\_  
DEFENDANT IS REMANDED BACK TO \_\_\_\_\_ FOR FURTHER HEARING ON \_\_\_\_\_  
DEFENDANT IS REMANDED TO THE CUSTODY OF THE SHERIFF.  
DEFENDANT IS PERMITTED TO REMAIN AT LIBERTY \_\_\_\_\_ ON OWN RECOGNIZANCE \_\_\_\_\_ ON BAIL HERETOFORE POSTED.  
BAIL IS FIXED IN THE AMOUNT OF \$ \_\_\_\_\_ PLUS 25% PENALTY ASSESSMENT OF ANY BOND POSTED.  
BAIL BOND No. \_\_\_\_\_ IN THE AMOUNT OF \$ \_\_\_\_\_ IS FORFEITED/EXONERATED.  
THE SHERIFF OF FRESNO COUNTY IS HEREBY ORDERED TO DELIVER THE DEFENDANT TO  
CALIFORNIA MEDICAL FACILITY AT VACAVILLE, CALIFORNIA.  
CALIFORNIA INSTITUTION FOR WOMEN AT FRONTERA, CALIFORNIA.  
A PLACE AND TIME AS DIRECTED BY THE CALIFORNIA YOUTH AUTHORITY.  
At request of FO. Matter continued for 7/9/78 8:00 AM - EXHIBITS  
Page 2238

5157

PO

FILMED

April 27 1978 6 3:15 P.M. MAY 3 1978 Simon Marootian

DATE DEPT. NO. COURT MET AT: HON: JUDGE

R. Jarratt C. Brucato R. Dominguez DEPUTY CLERK

PEOPLE OF THE STATE OF CALIFORNIA vs. Frank Delno Richardson DEFENDANT G. Borre G. Gomez COUNSEL FOR DEFENDANT

ARRAIGNMENT ACTION NUMBER 228638-3 CERTIFICATION UNDER SECTION 859A P.C. FELONY TO WIT: 11352a H & S ct 1; 242/243 PC ct 2 misdemeanor MISDEMEANOR

PEOPLE REPRESENTED AS ABOVE, AND DEFENDANT PRESENT WITH COUNSEL.

DEFENDANT NOT APPEARING AS ORDERED. COPY OF INFORMATION IS PROVIDED TO DEFENDANT/COUNSEL FOR DEFENDANT. COURT APPOINTS PUBLIC DEFENDER TO REPRESENT DEFENDANT. COURT INFORMS DEFENDANT OF LEGAL RIGHTS. COURT IS ADVISED BY COUNSEL AND DEFENDANT THAT DEFENDANT HAS BEEN FULLY ADVISED OF LEGAL RIGHTS AND WAIVES FURTHER STATEMENT THEREOF BY COURT. DEFENDANT STATES TRUE NAME AS SHOWN. DEFENDANT STATES TRUE NAME. READING OF INFORMATION IS WAIVED. INFORMATION IS READ. DEFENDANT IS ARRAIGNED. DEFENDANT MOVES TO SET ASIDE INFORMATION UNDER SECTION 995 P.C. DEFENDANT WITHDRAWS PLEA OF DEFENDANT PLEADS GUILTY AS CHARGED IN COUNT(S) 1 & 2 DEFENDANT PLEADS NOT GUILTY AS TO COUNT(S) DEFENDANT PLEADS GUILTY OF THE LESSER INCLUDED OFFENSE OF DEFENDANT PLEADS NOT GUILTY AND NOT GUILTY BY REASON OF INSANITY. PEOPLE MOVE TO DISMISS COUNT(S) AND THE MOTION IS BY COURT GRANTED/TAKEN UNDER ADVISEMENT. DEFENDANT ADMITS PRIOR CONVICTIONS OF FELONY DEFENDANT DENIES PRIOR CONVICTIONS OF FELONY COURT FIXES DEGREE OF THE OFFENSE AS PROCEEDINGS ARE/HAVE BEEN HERETOFORE ADJOURNED FOR THE PURPOSE OF DETERMINING WHETHER OR NOT DEFENDANT IS: COURT APPOINTS DRs. TO EXAMINE THE DEFENDANT AND REPORT WHETHER OR NOT DEFENDANT MEDICAL REPORTS TO BE FILED BY

THE MATTER IS SUBMITTED ON THE SEPARATE WRITTEN MEDICAL REPORTS OF THE DOCTORS HERETOFORE APPOINTED AND THE COURT FINDS SAID PERSON IS/IS NOT MEDICAL REPORTS ARE RECEIVED INTO EVIDENCE AND MARKED AS EXHIBITS CRIMINAL PROCEEDINGS REINSTATED. DEFENDANT WAIVES TIME REFERRED TO PROBATION OFFICER FOR PRE-SENTENCE INVESTIGATION AND REPORT. RETURNABLE 19 DEFENDANT NOT ACCEPTED BY CALIFORNIA YOUTH AUTHORITY. REPORT/CHRONO MEMO OF THE PROBATION OFFICER IS RECEIVED AND CONSIDERED. DEFENDANT IS ARRAIGNED/WAIVES ARRAIGNMENT FOR PRONOUNCEMENT OF JUDGMENT. DEFENDANT STATES THERE IS NO LEGAL CAUSE WHY JUDGMENT SHOULD NOT BE PRONOUNCED.

IT IS ORDERED: Deft with time is released at Peoples request. Ordered to appear for Morris hearing. 5/1/78

DEFENDANT IS SENTENCED TO STATE PRISON FOR THE TERM PRESCRIBED BY LAW. DEFENDANT IS COMMITTED TO THE CALIFORNIA YOUTH AUTHORITY FOR THE TERM PRESCRIBED BY LAW. DEFENDANT IS COMMITTED TO EXECUTION OF SENTENCE IS STAYED SENTENCES SHALL BE SERVED IN RESPECT TO ONE ANOTHER AS FOLLOWS: AND IN RESPECT TO ANY PRIOR INCOMPLETED SENTENCE(S) AS FOLLOWS: CRIMINAL PROCEEDINGS ARE ADJOURNED AND DEFENDANT IS REFERRED FOR ACCEPTANCE FOR A 90-DAY PERIOD OF DIAGNOSTIC EVALUATION AND REPORT, PURSUANT TO SECTION 1203.03 P.C. BENCH WARRANT ISSUED FOR ARREST OF DEFENDANT. BENCH WARRANT ISSUED IS RECALLED.

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5025



*A*

1 EDWARD W. HUNT  
 2 DISTRICT ATTORNEY  
 3 WARREN P. ROBINSON - 62546  
 4 SENIOR DEPUTY DISTRICT ATTORNEY  
 5 Courthouse, Room 701  
 6 Fresno, California 93721  
 7 Telephone: (209) 488-3141  
 8 Attorney for Plaintiff

FILED

SEP 22 1983

FRESNO COUNTY CLERK

FILED  
OCT 4 - 1983

*A. Henderson*

7 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
 8 IN AND FOR THE COUNTY OF FRESNO

10 THE PEOPLE OF THE STATE OF )  
 11 CALIFORNIA, )  
 12 Plaintiff, )  
 13 vs. )  
 14 DOUGLAS STANKEWITZ, )  
 15 Defendant )

CASE NO. 227015-5

AFFIDAVIT FOR POSTPONEMENT OF TRIAL

16 I, Warren Robinson, declare under penalty of perjury as  
 17 follows:

18 I am the Deputy District Attorney assigned to the above-  
 19 entitled case.

20 Bill Brown has been subpoenaed by the People as a witness  
 21 in this case.

22 Bill Brown's testimony is relevant as he saw the defendant  
 23 shoot and kill the victim.

24 No other witness can testify to the defendant's shooting  
 25 the victim.

26 Bill Brown has informed me that he has been feeling ill  
 27 the past week. Bill Brown further informed me that he went to  
 28 Valley Medical Center in Fresno on September 12, 1983 and was

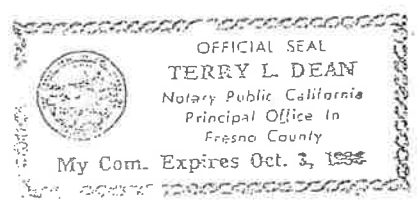
1 informed he has pneumonia and needs to be confined to bed for the  
2 next three or four days. *Admitted ?*

3 People v. Bracamonte 253 CA2d 980, which deals with grounds  
4 for the continuance, rather than the postponement of a trial,  
5 states that the illness of a witness constitutes good grounds for  
6 the continuance of a trial.

7 People v. Laurson 8 C3d 192 at 204 holds that the most im-  
8 portant factor in a judge's consideration of a motion for a con-  
9 tinuance in the midst of trial is whether substantial justice will  
10 be accomplished or defeated by a granting of the motion. Here ob-  
11 vious injustice would result if the motion were denied. Without  
12 Bill Brown's testimony, the People cannot prove the defendant's  
13 guilt.

14 Dated: September 13, 1983.

Respectfully submitted,  
EDWARD W. HUNT  
DISTRICT ATTORNEY



By Warren P. Robinson  
Warren P. Robinson  
Senior Deputy District Attorney

21 Subscribed and sworn to before me  
22 this 13th day of September, 1983.

23 Terry L. Dean  
24 NOTARY PUBLIC, In and for said  
25 County and State





COURTESY

October 20, 1993

VALLEY MEDICAL CENTER  
445 South Cedar Avenue  
Fresno, CA 93702

Attention: Rix Hathaway

Re: Records

Dear Mr. Hathaway:

Several months ago, I spoke to you regarding copies of files I needed, and you were kind enough to fulfill my request. Additionally, you were able to reduce my cost to \$.35 per page because these records were necessary in a federal court case [Stankewitz v. Vasquez] [Case No. CV-F-91-616-OWW-P] that I am currently working on. At this time, I am in need of two other medical files for this same case, and I would hope that I can get the same rate.

Name: Jane Flowers Henderson [Venable]  
DOB: 9/9/45 #47-87-50  
SSN: 546-62-3401

Name: Billy Brown  
SSN: 555-74-7774 #32-75-67  
DOB: 4/9/63

OCT 22 1993

Specifically, I am in need of any psychological, psychiatric, neurological, drug/alcohol rehabilitation reports and any information bearing upon Ms Henderson's and Mr. Brown's mental state. Additionally, I need the name of any prescribed medication, especially for the years 1977 through 1984. I do not need the entire file.

I have enclosed a signed authorization for release of these records. I appreciate your prompt attention and assistance in this matter. If the records exceeds \$150, please call me.

Thank you for your time and cooperation.

Very truly yours,

Mimi Kochuba  
Staff Investigator

\MK

415.788.2480  
FAX 415.788.2488  
P.O. BOX 470008  
SAN FRANCISCO  
CA 94147-0008

SMART  
10/26/93  
RRH  
SMART  
8/30/94  
(77-84)  
RRH  
29

# Smart Corporation Medical Record Copying

---

Dear Requestor:

The enclosed medical records were copied by Smart Corporation's Medical Correspondence Copy Service. We are under agreement with this medical facility to copy all authorized release of medical records. Smart will continue to copy your requests directed to this facility or, if you prefer, you may make arrangements for one of your own personnel or an independent copy service to copy the requested records. However, obtain prior permission and schedule an appointment with the department director in advance.

Should you have any questions regarding these records, please contact Smart Corporation's Area Office:

CRISTIN SPRADLIN  
SENIOR REPRESENTATIVE  
1576 N. COLLEGE  
FRESNO, CA 93728  
(209) 497-5362

These photocopies have been made from the medical facility's original medical records. The confidentiality of these records is protected by Federal and other law. These copies are intended exclusively for the requested purpose and cannot be recopied or redistributed for other purposes without the written informed consent of the person to whom it pertains.

The \_\_\_\_\_ information you requested is not enclosed because it was not present in the medical record ~~at this time~~ we received your request.

- The facility sent the medical record copies under separate cover to the designated location on the subpoena.
- The physician(s) requested that copies of medical records be sent in lieu of a completed physician's form. Consequently, you are receiving a bill from Smart Corporation instead of from the physician.
- These records were reproduced from microfilm; their quality cannot be guaranteed.
- Discharge summary is incomplete at this time. Contact the Medical Records Department directly within two weeks if still needed. Note: A discharge summary is not required if the stay is less than 48 hours.
- Your request for an itemized billing statement/x-ray films was forwarded to the appropriate department. It will be sent under separate cover from that department.

Other: AFTER RESEARCHING OUR RECORDS I  
CAN FIND NO RECORDS IN FILES FOR  
BILL BROWN (D.O.B 4-9-63) PRIOR TO  
1984 RUL R Hathaway

The enclosed original invoice is the only one you will receive; do not discard it. Please forward it immediately to the department responsible for remitting payment.

REQ21 (Rev. 3/94)



FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.  
78-1809

Fresno PD No. 78-5819

DATE 2-9-78

|   |                     |                    |           |          |
|---|---------------------|--------------------|-----------|----------|
| 70. CODE SECTION<br>187 PC  | 71. CRIME<br>Murder | 72. CLASSIFICATION |           |          |
| 73. VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS.)<br>GREYBEAL, Theresa |                     | 74. ADDRESS        | RESIDENCE | BUSINESS |
|   |                     | 75. PHONE          |           |          |

Q. Now, let's see. What's your last name, MARLIN?

A. LEWIS.

Q. LEWIS. Are you from Fresno, or where from?

A. Sacramento.

Q. You have a middle name?

A. EDWIN.

Q. EDWIN? Okay, how old are you?

A. 22.

Q. And your date of birth?

A. 8-8-55.

Q. What's your address?

A. 1410 F Street.

Q. F?

A. Apt. 2.

Q. Is there a phone in there?

A. Huh uh.

Q. Okay. Okay. MARLIN, my name is GARY SNOW, and I work for the police department here doing follow up work in regards to what happened last night, and, uh, uh, you were placed in custody, uh, for being in a vehicle that apparently was, uh, reported stolen and, uh, also the person that owned this vehicle is, uh, was found killed. I, uh, don't

|   |                   |                |                              |           |
|---|-------------------|----------------|------------------------------|-----------|
| REPORTING OFFICERS<br>Snow  | RECORDING OFFICER | TYPED BY<br>vk | DATE AND TIME<br>2-9-78 0900 | ROUTED BY |
| FURTHER ACTION <input type="checkbox"/> YES <input type="checkbox"/> NO<br>COPIES TO: <input checked="" type="checkbox"/> DETECTIVE <input type="checkbox"/> CII<br><input type="checkbox"/> JUVENILE <input type="checkbox"/> PATROL<br><input type="checkbox"/> DIST. ATTN. <input checked="" type="checkbox"/> CC FPD<br><input type="checkbox"/> S.O./P.D. <input type="checkbox"/> OTHER |                   | REVIEWED BY    |                              | DATE      |

FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.  
78-1809

FPD No. 78-5819

-2-

DATE \_\_\_\_\_

|   |                     |                    |           |                    |
|---|---------------------|--------------------|-----------|--------------------|
| 70. CODE SECTION<br>187 PC  | 71. CRIME<br>Murder | 72. CLASSIFICATION |           |                    |
| 73. VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS.)<br>GREYBEAL, Theresa |                     | 74. ADDRESS        | RESIDENCE | BUSINESS 75. PHONE |

know all the circumstances from it. I've got some, I've talked to couple of people involved in this thing, and, uh, and have a general idea what's going on. This is Det. BROWN too, he's working on the case. Yeah (unintelligible) having to go across the street. (Unintelligible) and, uh, I don't know, are you on any type of parole?

A. No.

Q. Probation, parole?

A. I may have gone on probation.

Q. Probation? Okay, out of Sacramento?

A. Yeah.

Q. Okay. What I'd like to do is talk to you and find out because we do have a serious charge involved here, uh, a murder charge, uh, uh, the joy riding or auto theft is not any where near serious as when you talk about a murder, and, uh, and that's the reason why I want to talk to you and some questions I want to ask you, and, uh, what I'm going to do first, we're required to do is advise you of your rights, you know, before we go into this thing. I don't, are your folks and everything from Sacramento? You have any people here?

A. I have some relatives here.

Q. Some relatives?

A. He came down from Sacramento.

|   |   |   |                              |           |
|---|---|---|------------------------------|-----------|
| REPORTING OFFICERS<br>Snow  | RECORDING OFFICER   | TYPED BY<br>vk  | DATE AND TIME<br>2-9-78 0920 | ROUTED BY |
| FURTHER ACTION<br><input type="checkbox"/> YES<br><input type="checkbox"/> NO | COPIES TO:<br><input type="checkbox"/> DETECTIVE<br><input type="checkbox"/> JUVENILE<br><input type="checkbox"/> DIST. ATTNY.<br><input type="checkbox"/> SO./P.D. | <input type="checkbox"/> CII<br><input type="checkbox"/> PATROL<br><input type="checkbox"/> OTHER | REVIEWED BY<br>82            |           |
|   |   |   | DATE                         |           |

FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.  
78-1809

FPD No. 78-5819

DATE \_\_\_\_\_

-3-

|   |                     |                    |           |          |
|---|---------------------|--------------------|-----------|----------|
| 70. CODE SECTION<br>187 PC  | 71. CRIME<br>Murder | 72. CLASSIFICATION |           |          |
| 73. VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS.)<br>GREYBEAL, Theresa |                     | 74. ADDRESS        | RESIDENCE | BUSINESS |
|   |                     | 75. PHONE          |           |          |

Q. Okay. Uh, we'll go on to some of this as far as relatives and what all in a minute. First, before, I'm going to read your rights to you off the card. Okay?

You have the right to remain silent. Anything you say can and will be used against you in a court of law. You have the right to talk to a lawyer and have him present with you while you are being questioned. And if you cannot afford to hire a lawyer, one will be appointed to represent you before any questioning, if you wish. You can decide at any time to exercise these rights and not answer any questions or make any statements.

A. Okay.

Q. Do you understand what I've read to you off this card?

A. Yeah.

Q. Okay. Having those rights in mind, do you want to go over and explain to us what happened here tonight?

A. All I know is that, uh, DAVID and them guys picked me up at the Seven Seas. They didn't tell me anything. (Unintelligible) Then I asked them to take me to Clovis. They said yeah, they had to make a couple of stops first. I said all right. So we got in the car and they asked me if I wanted to go drink some beer. I go all right. So we went out to Clovis, went to Pinedale toward Maroa, then came, came back to Fresno

|   |                   |                |                              |           |
|---|-------------------|----------------|------------------------------|-----------|
| REPORTING OFFICERS<br>SNOW  | RECORDING OFFICER | TYPED BY<br>vk | DATE AND TIME<br>2-9-78 0950 | ROUTED BY |
| FURTHER ACTION <input type="checkbox"/> YES <input type="checkbox"/> NO<br>COPIES TO: <input type="checkbox"/> DETECTIVE <input type="checkbox"/> G11<br><input type="checkbox"/> JUVENILE <input type="checkbox"/> PATROL<br><input type="checkbox"/> DIST. ATTNY. <input type="checkbox"/> OTHER<br><input type="checkbox"/> S.O./P.D. <input type="checkbox"/> OTHER |                   | REVIEWED BY    |                              | DATE      |

FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.

78-1809

FPD No. 78-5819

DATE \_\_\_\_\_

-4-

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|--|----------------------------|--------------------|-----------|----------|
| 70. CODE SECTION<br><b>187 PC</b>  | 71. CRIME<br><b>Murder</b> | 72. CLASSIFICATION |           |          |
| 73. VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS.)<br><b>GREYBEAL, Theresa</b> |                            | 74. ADDRESS        | RESIDENCE | BUSINESS |
|  |                            | 75. PHONE          |           |          |

downtown where they picked me up, where they picked us up.

Q. You were in the car there then?

A. (Unintelligible) Then he was going to show me his gun and then the cop was behind there so I put the gun under the seat (unintelligible).

Q. Why, because the cop come up? What kind of gun was it?

A. I don't know, it was a 24.

Q. Uh, let me go back a little bit. Where did you first get into this car at?

A. Seven Seas.

Q. Where's the Seven Seas at?

A. On Tulare...

Q. Tulare and E Street?

A. I guess so.

Q. What time was that?

A. I don't know, it was already night. It was about...

Q. How did you happen, how did you happen to get in the car?

A. CHRISTINE came and took me to the Seven Seas.

Q. CHRISTINE? This CHRISTINA MENCHACA, MENCHACHA? She came in the Seven Seas?

A. Yeah.

Q. Who were you with at that time?

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| REPORTING OFFICERS<br><b>Snow</b>                                       | RECORDING OFFICER   | TYPED BY<br><b>vk</b> | DATE AND TIME<br><b>2-9-78 1055</b> | ROUTED BY |
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83

FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.

78-1809

FPD No. 78-5819

-5-

DATE \_\_\_\_\_

|   |                     |                    |          |           |
|---|---------------------|--------------------|----------|-----------|
| 70. CODE SECTION<br>187 PC  | 71. CRIME<br>Murder | 72. CLASSIFICATION |          |           |
| 73. VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS.)<br>GREYBEAL, Theresa |                     | 74. ADDRESS        | BUSINESS | 75. PHONE |

A. I was by myself.

Q. What did CHRIS say to you?

A. I think she and her friend/<sup>who</sup>came in, I said yeah, she's my cousin, and then I looked out the window and I seen the car it was parked.

Q. What type car was it there?

A. That purple and white one.

Q. White over kind of a maroon or reddish color or purple?

A. It had a white vinyl top and purple bottom.

Q. Okay. Do you know what kind of make it was?

A. Huh uh.

Q. Okay. What did CHRIS tell you?

A. That if I knew TINA and I said yeah. She goes, then I seen TINA in the car and I smiled, you know, I was so happy.

Q. What's TINA'S name?

A. Uhm, TOPPING. (phonetic)

Q. Hmm?

A. TOPPING.

Q. TOPPING? Where was she at?

A. In the car, driver's seat.

Q. Who also was in the car?

A. Uh, DOUG.

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| REPORTING OFFICERS<br>Snow  | RECORDING OFFICER | TYPED BY<br>vk | DATE AND TIME<br>2-9-78 1314 | ROUTED BY |
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84



FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.

78-1809

FPD No. 78-5819

-6-

DATE \_\_\_\_\_

|   |                     |                    |           |                    |
|---|---------------------|--------------------|-----------|--------------------|
| 70. CODE SECTION<br>187 PC  | 71. CRIME<br>Murder | 72. CLASSIFICATION |           |                    |
| 73. VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS.)<br>GREYBEAL, Theresa |                     | 74. ADDRESS        | RESIDENCE | BUSINESS 75. PHONE |

Q. DOUG and who else?

A. That was it.

Q. DOUG, DOUG STANKEWITZ?

A. Yeah.

Q. (Unintelligible) happened to it, huh?

A. So you know I was smiling, you know, me and her were hugging each other.

Q. You and TINA?

(Unintelligible, both talking at the same time.)

A. She goes want to go riding around, I go yeah, so I took, me and TINA took the back seat.

Q. And who all was in the car? You and TINA and DOUG and who else?

A. That was it.

Q. Okay, where did you go? What happened to CHRIS?

A. She's with us.

Q. She's with you. The four of you? CHRIS, CHRIS, TINA, you and DOUG.

A. Yeah.


Q. Was there anybody else in the car?

A. No. Well, there was a little guy.

Q. You know what his name is?

A. No, I don't.

Q. Okay.

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| REPORTING OFFICERS<br>Snow  | REGORDING OFFICER | TYPED BY<br>vk   | DATE AND TIME<br>2-9-78 1335 | ROUTED BY |
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FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.

78-1809

FPD No. 78-5819

DATE \_\_\_\_\_

-7-

|   |                     |                    |           |          |
|---|---------------------|--------------------|-----------|----------|
| 70. CODE SECTION<br>187 PC  | 71. CRIME<br>Murder | 72. CLASSIFICATION |           |          |
| 73. VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS.)<br>GREYBEAL, Theresa |                     | 74. ADDRESS        | RESIDENCE | BUSINESS |
|   |                     | 75. PHONE          |           |          |

A. Cause I was just with him last night.

Q. You don't know his name? Where's he live?

A. Out in Pinedale.

Q. Okay. When after, after this, you got in the car, uh, where did you go to from there?

A. We took him home to Pinedale?

Q. Took who?

A. That little guy.

Q. Who was doing the driving?

A. Uhm, TINA was driving then, and we stopped at the liquor store, I think, on Tulare. We bought, let's see, two cans of beer and a coke and we just went riding around, driving around.

Q. Whose gun was this?

A. I guess it was DOUG'S, I don't know.

Q. Do you know where DOUG got it at?

A. No, and I don't know nothing about it.

Q. Where did you finally stop the car, right there across from the hotel?

A. Yeah, and CHRISTINE said, wait a moment, we changed drivers somewhere along the way and then CHRISTINE went up to the hotel and said she'd be right back. TINA was going to go wait and I guess there was a cop right up there and TINA had to come back to the car. CHRISTINE went up to the

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| REPORTING OFFICERS<br>Snow  | RECORDING OFFICER  | TYPED BY<br>vk  | DATE AND TIME<br>2-9-78 1400 | ROUTED BY |
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| Petition for Writ of Habeas Corpus - EXHIBITS                                 |  |   | DATE                         |           |

FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

FPD No. 78-5819

69. CASE NO.  
78-1809

-8-

DATE \_\_\_\_\_

|   |                     |                    |           |          |
|---|---------------------|--------------------|-----------|----------|
| 70. CODE SECTION<br>187 PC  | 71. CRIME<br>Murder | 72. CLASSIFICATION |           |          |
| 73. VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS.)<br>GREYBEAL, Theresa |                     | 74. ADDRESS        | RESIDENCE | BUSINESS |
|   |                     | 75. PHONE          |           |          |

hotel.

Q. Okay. The officers place you in custody, you and DOUG, while you were in the car there?

A. Yeah. Me, DOUG and TINA.

Q. Just before the officers come up there what did you do with the gun and the knife?

A. I was looking at it.

Q. Where was it?

A. DOUG told me why don't you hold it for me. I go all right.

Q. DOUG said to hold this for you?

A. Yeah. Then I was checking it over. About that time the cops came. I got nervous and I put it under the seat.

Q. Put it under the seat. All right, what was DOUG wearing at that time?

A. Levis.

Q. T-shirt or what?

A. I don't remember.

Q. All right. You remember when you got in that car earlier tonight, uh, a gal being in there with reddish hair?

A. Not that I know of.

Q. The gal would have been, she's a white gal, uh, she, uh, kind of noticeable because she would have had red hair, and there's not, you

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| REPORTING OFFICERS<br>Snow  | RECORDING OFFICER  | TYPED BY<br>vk    | DATE AND TIME<br>2-9-78 1442 | ROUTED BY |
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Petition for Writ of Habeas Corpus - EXHIBITS

FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.

78-1809

FPD No. 78-5819

DATE \_\_\_\_\_

-9-

|   |                     |                    |           |           |
|---|---------------------|--------------------|-----------|-----------|
| 70. CODE SECTION<br>187 PC  | 71. CRIME<br>Murder | 72. CLASSIFICATION |           |           |
| 73. VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS.)<br>GREYBEAL, Theresa |                     | 74. ADDRESS        | RESIDENCE | BUSINESS  |
|   |                     |                    |           | 75. PHONE |

know, that's kind of unusual.

A. (Unintelligible)

Q. What's the most serious thing you've ever been involved in?

A. Burglary.

Q. Just a burglary, but when?

A. Two years ago. I haven't been in trouble since.

Q. How long you've known this STANKEWITZ, DOUG?

A. About maybe couple years.

Q. Couple of years. I want to point out a couple of things to you, MARLIN, you know. Uh, I know just in my field at this time you're not being completely truthful with me. A lot that you're telling me here is true. Okay? Uh, listen to what I have to say here for a couple of minutes, okay? I don't, there's only one person that shot this gal tonight and, uh, we know who did the shooting. All right? And I don't know if the rest of the people knew that this shooting was going to go down, but they definitely were there when it happened and I want to explain to you, and I'm being completely truthful with you, is that we'll know exactly what happened. We know, uh, where the car was picked up at, we know who picked the car up and there's nothing wrong, I mean it's wrong, but it's nothing as serious of getting a ride. You need a ride to get a car. It happens every day and, uh, no more serious

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| REPORTING OFFICERS<br>Snow  | RECORDING OFFICER  | TYPED BY<br>vk  | DATE AND TIME<br>2-9-78 1455 | ROUTED BY |
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|   |  |   | DATE                         |           |

FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.

78-1809

FPD No. 78-5819

DATE

-10-

|   |                     |                    |           |          |
|---|---------------------|--------------------|-----------|----------|
| 70. CODE SECTION<br>187 PC  | 71. CRIME<br>Murder | 72. CLASSIFICATION |           |          |
| 73. VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS.)<br>GREYBEAL, Theresa |                     | 74. ADDRESS        | RESIDENCE | BUSINESS |
|   |                     | 75. PHONE          |           |          |

than a burglary that, you know, we run across day in and day out. The serious part comes when you have somebody killed and you're talking about a murder, and, uh, MARLIN, I don't, at least I don't know too much of your background, but in talking to you here in just a short time I don't think you're the type that, uh, would want to go here and blow somebody away, and I don't think that you're the one that pulled that trigger tonight, but I want to tell you something, we know exactly what happened and we've talked to different people involved. Okay? And I don't, like I told you, I don't feel that you're the one that pulled the trigger on this thing, and the person that pulled the trigger is going to have to answer to it. Uh, and I know that, uh, DOUG'S a friend of yours. Right now you're in one heck of a predicament. Uh, we got a girl that's dead right now, okay, and I'll tell you we've, you were in the car, the murder weapons there, it's right next to you. Okay? Somebody points a finger at you and says hey, MARLIN, pull the trigger, uh, I don't think you need that type of activity on you, and I don't think you're the one that pulled the trigger on this thing. I'll let you know that I'm, you know, I'm not, I'm not just trying to give you a bunch of malarky. Uh, we've talked to this young man that was with you at the time, this BILLY, and we've talked to TINA and we've talked to uh, uh, CHRIS that was in the car, and we know what happened. Okay? I

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| Petition for Writ of Habeas Corpus - EXHIBITS                                 |  |   | DATE                         |           |

FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.  
78-1809

FPD No. 78-5819

DATE \_\_\_\_\_

-11-

|   |                     |                    |           |           |
|---|---------------------|--------------------|-----------|-----------|
| 70. CODE SECTION<br>187 PC  | 71. CRIME<br>Murder | 72. CLASSIFICATION |           |           |
| 73. VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS.)<br>GREYBEAL, Theresa |                     | 74. ADDRESS        | RESIDENCE | BUSINESS  |
|   |                     |                    |           | 75. PHONE |

would hope, you know, I, I'm coming right out, I hope that you come right out and be truthful. If you're not the one who did the triggering tell us what happened. Did you know it was going to come down that way?

A. I didn't even know.

Q. Did you think he was going to do it to him, to her?

A. No, cause I didn't...

Q. You're not that kind of a guy, MARLIN.

A. I know, but it was, I just didn't know it was going to happen. It scared the shit out of me. I didn't even know what to do. Shoot her for what?

Q. Why, why did DOUG do it.

A. I don't know.

Q. Did you tell him to do it?

A. No. I could just see her laying there. She was a nice girl, too.

Q. I mean she didn't, did she do anything to DOUG to make him do it?

A. No.

Q. How many times did DOUG shoot her?

A. Just that once.

Q. What he say to her before he did it?

A. I don't know what the conversation was cause I'm, we were not, it was

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Petition for Writ of Habeas Corpus - EXHIBITS

FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.  
78-1809

FPD No. 78-5819

DATE \_\_\_\_\_

-12-

|   |                     |                    |           |          |
|---|---------------------|--------------------|-----------|----------|
| 70. CODE SECTION<br>187 PC  | 71. CRIME<br>Murder | 72. CLASSIFICATION |           |          |
| 73. VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS.)<br>GREYBEAL, Theresa |                     | 74. ADDRESS        | RESIDENCE | BUSINESS |
|   |                     | 75. PHONE          |           |          |

me, DOUG, that little guy. TINA and CHRIS they had some business, told us to wait at the corner for them. We had the door open and TINA got in the car. DOUG and the rest of them stepped in a puddle. I jumped over it. Just when I did the gun went off and I had to see what was going on right there. I've been going over in my mind.

Q. What did DOUG say after he shot her?

A. I wasn't even listening.

Q. I'll tell you what, why don't we start from the beginning as to how this thing started. I know you guys needed a ride, you know. It was raining outside and, uh, apparently you got stranded somehow and you hitch hiked. Didn't you hitch hike a ride to, to Modesto?

A. Yeah.

Q. Who all was there? Just you, BILLY and DOUG, and TINA? Was it just to get a ride, uh, uh...

A. That's all it was supposed to have been.

Q. All right. How did, how did it happen when, where did you see this gal at first of all?

A. At the K-Mart Plaza.

Q. In Modesto?

A. Yeah, I guess they even had her scoped up. You know me, personally, I wanted to hit her cold down and I didn't want DOUG and TINA and BILL

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| REPORTING OFFICERS<br>Snow   | RECORDING OFFICER | TYPED BY<br>vk | DATE AND TIME<br>2-9-78 1545 | ROUTED BY |
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Petition for Writ of Habeas Corpus - EXHIBITS

91

FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

FPD 78-5819

69. CASE NO.

78-1809

-13-

DATE \_\_\_\_\_

|   |           |                    |           |          |
|---|-----------|--------------------|-----------|----------|
| 70. CODE SECTION<br>187 PC  | 71. CRIME | 72. CLASSIFICATION |           |          |
| 73. VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS.)<br>GREYBEAL, Theresa |           | 74. ADDRESS        | RESIDENCE | BUSINESS |
|   |           | 75. PHONE          |           |          |

there.

Q. Uh huh, what happened when you got to K-Mart; what, what they, you guys just plan on getting somebody in his car there?

A. I guess so, cause...

Q. Tell me what happened, in your own words.

A. We was there by the K-Mart Plaza, by the phone booth. First, I called up my cousin Jeanette to see if she can come and get us, see that'd be about an hour. About that time K-Mart closed, and people were coming out, so I guess Doug and those guys already had her scoped out, only thing I didn't know it.

Q. Doug what?

A. Had the girl, had the girl scoped out.

Q. Scoped up the girl?

A. No, scoped out. You know. She already done, you know.

Q. Oh, he found a target he was going to get.

A. Yeah

Q. The female? And, what did he say?

A. He said, he told Tina to keep watch for that girl.

Q. He told who, Tina?

A. Yeah, Tina. When she comes out I'm going to follow her. I was looking around, and said what girl? Tina goes, right there at the counter, No. 6.

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Petition for Writ of Habeas Corpus - EXHIBITS



FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

FPD 78-5819

69. CASE NO.

78-1809

DATE \_\_\_\_\_

-14-

|   |           |                    |           |          |
|---|-----------|--------------------|-----------|----------|
| 70. CODE SECTION<br>187 PC  | 71. CRIME | 72. CLASSIFICATION |           |          |
| 73. VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS.)<br>GREYREAL, Theresa |           | 74. ADDRESS        | RESIDENCE | BUSINESS |
| 75. PHONE   |           |                    |           |          |

A. Yeah. I say, all right, I go along with the plan.

Q. OK, what were they going to do, er, what was the plan to do?

A. Just take her riding.

Q. Yeah, but what did he say they were going to do when she was at that checkout stand? Were they going to follow her and do what to her?

A. Unintelligible

Q. I mean, what was Tina supposed to do?

A. She was supposed to just have her move over. The girl moved over and..

Q. Did Tina push her down?

A. No, she just caught the door before she closed it, and they started fighting in the car, then ...

Q. Fighting in the car?

A. Yeah, then she said, the girl said unintelligible, you know, this don't open. So, Tina opened the car for Doug and that was when Bill got in.

Q. OK, what happened after that?

A. Took a ride to Fresno. I thought we were just going to...

Q. Tell me...

A. after we seen all the lounges, we'd get to Fresno, he'd drop us off, and just, go, go on home.

Q. OK

A. And that's what he...

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Petition for Writ of Habeas Corpus - EXHIBITS

FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.

78-1809

FPD 78-5819

-15-

DATE \_\_\_\_\_

|   |           |                    |           |           |
|---|-----------|--------------------|-----------|-----------|
| 70. CODE SECTION<br>187 PC  | 71. CRIME | 72. CLASSIFICATION |           |           |
| 73. VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS.)<br>GREYBEAL, Theresa |           | 74. ADDRESS        | RESIDENCE | BUSINESS  |
|   |           |                    |           | 75. PHONE |

Q. OK Did you have the gun at that time? When, when this gal was pushed over, pushed down by Tina?

A. I had the gun in my pocket, but he said the gun on her, I just used the case.

Q. The case knife? Or the...

A. Just the gun case.

Q. The gun case?

A. T, I didn't want to use the gun.

Q. You were just trying to scare her with the gun case?

A. Yeah

Q. OK, then

A. I had the gun in my pocket all the time.

Q. All right, who used the knife?

A. Who used the knife?

Q. Didn't you take out a knife on her while she was in the car?

A. Let me think.

Q. According to what I was told, was that you had a knife and that Doug had the gun.

A. I don't know unintelligible the gun case.

Q. Who was pointing the gun at the girl when she was in the car, when you first got the girl in the car?

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| REPORTING OFFICERS<br>Snow | RECORDING OFFICER | TYPED BY<br>pag | DATE AND TIME<br>2-9-78 2115 | ROUTED BY |
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| <input type="checkbox"/> S.O./P.D.    | <input type="checkbox"/> OTHER _____ |

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| REVIEWED BY | DATE |
| 93          |      |

Petition for Writ of Habeas Corpus - EXHIBITS

FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.  
78-1809

FPD 78-5819

-16-

DATE \_\_\_\_\_

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|---|-----------|--------------------|----------|-----------|
| 70. CODE SECTION<br>187 PC  | 71. CRIME | 72. CLASSIFICATION |          |           |
| 73. VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS.)<br>GREYBEAL, Theresa |           | 74. ADDRESS        | BUSINESS | 75. PHONE |

A. Doug was

Q. Doug was? OK. And, did you have this knife out?

A. No, just in the case.

Q. Just in the case?

A. Yeah

Q. The knife was in the case. OK. Was that just to scare the gal?

A. Yeah. We weren't going to harm her; at least that's what I thought.

Q. Now, I want you to be truthful with me and come down the line as to what property you took from this gal. How much money did you get?

A. I didn't take her money. Tina did, unintelligible \$31.00.

Q. How much did you get?

A. Nothing

Q. You didn't get any money? What did you get?

A. Nothing

Q. Who got the money?

A. Doug

Q. Doug did? What else did they take from her?

A. Let's see, I think a watch that was unintelligible for \$200.00, but it didn't work.

Q. A watch? OK, did she have something else. Where did she get these items, out of her purse, or what?

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| REPORTING OFFICERS<br>Snow  | RECORDING OFFICER  | TYPED BY<br>pag   | DATE AND TIME<br>2-9-78 2130 | ROUTED BY |
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| Petition for Writ of Habeas Corpus - EXHIBITS                                 |  |   |                              | DATE      |

FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.

78-1809

FPD 78-5819

-17-

DATE \_\_\_\_\_

|   |           |                    |           |           |
|---|-----------|--------------------|-----------|-----------|
| 70. CODE SECTION<br>187 PC  | 71. CRIME | 72. CLASSIFICATION |           |           |
| 73. VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS.)<br>GREYBEAL, Theresa |           | 74. ADDRESS        | RESIDENCE | BUSINESS  |
|   |           |                    |           | 75. PHONE |

A. Unintelligible Tina. I wasn't even paying no attention to the conversation, I was looking out the window watching the traffic.

Q. But Tina or Doug told her to give her the money?

A. Unintelligible what they were saying.

Q. Let me check... (room noises)

Q. Weren't you guys, was anything else being taken from her besides the watch. How about the rings?

A. Mm, I didn't know nothing about that?

Q. You just pointed the knife while it was still inside this case, at her?

A. Uh huh

Q. And Doug had a gun on her? Was that when you took the money from her?

A. I don't know if he had the gun on her then or not.

Q. OK Was she scared?

A. Yeah, she was kind of scared but then, she kind of, you know,

Q. Relaxed?

A. Relaxed then.

Q. Was she crying at first?

A. No, not that I know of.

Q. Did you, did one of you in the car tell her, tell her to keep quiet and she wouldn't get hurt?

A. Yeah, Doug said, we wouldn't, weren't going to harm you, all we just

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| REPORTING OFFICERS<br>Snow  | RECORDING OFFICER   | TYPED BY<br>pag   | DATE AND TIME<br>2-9-78 2135 | ROUTED BY |
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Petition for Writ of Habeas Corpus - EXHIBITS

FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.  
78-1809

FPD 78-5819

-18-

DATE \_\_\_\_\_

|   |           |                    |           |          |
|---|-----------|--------------------|-----------|----------|
| 70. CODE SECTION<br>187 PC  | 71. CRIME | 72. CLASSIFICATION |           |          |
| 73. VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS.)<br>GREYBEAL, Theresa |           | 74. ADDRESS        | RESIDENCE | BUSINESS |
|   |           | 75. PHONE          |           |          |

wanted was a ride. She said, "All right, I'll give you guys a ride," you know.

Q. OK Then after, er, you guys, did you drive all the way from Modesto to Fresno. Where did you stop at when you got in Fresno?

A. Where did we stop at?

Q. What time of day do you think, first of all, excuse me, what time of day do you think you picked her up at K-Mart? Closing time?

A. Closing time. That was about what?

Q. Five or six?

A. Five, six.

Q. OK, then you drove directly to Fresno? Right?

A. Yeah

Q. Where did you stop at when you got to Fresno?

A. Where did we stop at?

Q. Did you rob her while she was en route? Between Modesto and Fresno?

A. Yeah

Q. OK. OK, what happened after you got to Fresno, where you stopped first? Did you stop at a...bar?

A. I think we stopped at...yeah, we stopped at the Olympic Hotel, and the two of them went up. I don't know what they did. But when they came up, came back, they didn't have no money.

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| REPORTING OFFICERS<br>Snow   | RECORDING OFFICER | TYPED BY<br>pag | DATE AND TIME<br>2-9-78 2150 | ROUTED BY |
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96

FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.

78-1809

FPD 78-5819

-19-

DATE \_\_\_\_\_

|   |           |                    |           |           |
|---|-----------|--------------------|-----------|-----------|
| 70. CODE SECTION<br>187 PC  | 71. CRIME | 72. CLASSIFICATION |           |           |
| 73. VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS.)<br>GREYBEAL, Theresa |           | 74. ADDRESS        | RESIDENCE | BUSINESS  |
|   |           |                    |           | 75. PHONE |

Q. Who went up there?

A. Doug and Tina

Q. Doug and Tina?

A. Yeah, just Doug and Tina.

Q. Where did you pick up Chris at?

A. Pick up Chris? He was picked up at Seven Seas.

Q. Before you went to the Olympic?

A. Yeah, then we went to the Olympic. The three of them went up.

Q. Doug, Tina, ...

A. Chris

Q. and Chris. Then, they came back down and didn't have any money?

A. Uh, uh, I don't know what they did with it.

Q. Who was driving? then?

A. Tina was

Q. OK

Q. Who stayed in the car while they went up the motel? You and ...

A. Me and that girl and

Q. Billie?

A. Yeah, Billie.

Q. Did you still have the gun at that time?

A. No, everything was just going smooth and, she said she had to get home.

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| REPORTING OFFICERS<br>Snow  | RECORDING OFFICER   | TYPED BY<br>pag   | DATE AND TIME<br>2-9-78 2155 | ROUTED BY |
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| Petition for Writ of Habeas Corpus - EXHIBITS                                 |   |   | DATE                         |           |

FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.  
78-1809

FPD 78-5819

-20-

DATE \_\_\_\_\_

|   |           |                    |           |                    |
|---|-----------|--------------------|-----------|--------------------|
| 70. CODE SECTION<br>187 PC  | 71. CRIME | 72. CLASSIFICATION |           |                    |
| 73. VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS.)<br>GREYBEAL, Theresa |           | 74. ADDRESS        | RESIDENCE | BUSINESS 75. PHONE |

she said she didn't know Fresno, and we were unintelligible you know, we told her we'd show her where we took the Freeway back down. But then

Q. After you left the hotel, who drove?

A. Tina

Q. OK, and where were you sitting?

A. I was sitting in the back seat with..

Q. OK

A. smoking a cigarette.

Q. OK, what weapon did you have then?

A. I just had the knife that was in my pocket.

Q. OK, then what, where was Doug sitting?

A. He was sitting, where was he sitting? Passenger side.

Q. Front seat?

A. Yeah.

Q. Where was this redheaded girl sitting?

A. She was sitting between me and Billie.

Q. In the back seat? OK, and where was Chris sitting?

A. She was sitting in the front seat.

Q. You guys drove around a little bit; what happened then, after you drove around?

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| REPORTING OFFICERS<br>Snow  | RECORDING OFFICER   | TYPED BY<br>pag   | DATE AND TIME<br>2-9-78 2215 | ROUTED BY |
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Petition for Writ of Habeas Corpus - EXHIBITS

FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

FPD 78-5819

69. CASE NO.

78-1809

-21-

DATE \_\_\_\_\_

|   |           |                    |           |           |
|---|-----------|--------------------|-----------|-----------|
| 70. CODE SECTION<br>187 PC  | 71. CRIME | 72. CLASSIFICATION |           |           |
| 73. VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS.)<br>GREYBEAL, Theresa |           | 74. ADDRESS        | RESIDENCE | BUSINESS  |
|   |           |                    |           | 75. PHONE |

A. Well, Chris said she had to make a couple of stops in Calwa.

Q. Uh huh

A. And so, we kept going left, right, left, right ...

Q. Did Chris know that this girl had been picked up in Modesto?

A. I guess so.

Q. I mean, did you guys tell her?

A. No. But then I don't what they said in the motel cause...

Q. Yeah

A. That's where that gang, you know, has headquarters. So, me and Billie had to stick it in the car.

Q. OK, when you went out to Calwa, and Chris said she had a couple of stops to make, what happened after you got out to Calwa?

A. Well, me, Billie, Doug and her got out of the car, cause Chris was seeing when they had to go score—they couldn't have a whole carload

Q. Uh huh

A. So, I didn't know what was going on.

Q. Who got out of the car? You and Doug, Billie

A. and that girl. Then, just after that, Tina motions for us to get back in the car, and Doug pushed me and I almost walked into that, er, big old mudpuddle and the minute I jumped over it, that's when I heard the gun, you know. I turned around and that's when I seen her, shsh,

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| REPORTING OFFICERS<br>Snow  | RECORDING OFFICER   | TYPED BY<br>pag   | DATE AND TIME<br>2-9-78 2300 | ROUTED BY |
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| Petition for Writ of Habeas Corpus - EXHIBITS                                 |   |   | DATE                         |           |



FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

FPD 78-5819

69. CASE NO.

78-1809

DATE \_\_\_\_\_

-22-

70. CODE SECTION

71. CRIME

72. CLASSIFICATION

187 PC

73. VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS.)

74. ADDRESS

RESIDENCE

BUSINESS

75. PHONE

GREYBEAL, Theresa

I jumped in the car

Q. Where did he shoot her at?

A. He said ~~the temple.~~

Q. Temple. Why, did he say, he shot her?

A. He didn't say

Q. What did he say right afterwards? In other words, did...

A. Everybody was talking and my mind was somewhere else--not listening to them.

Q. Did you hear him say something to her, right before he shot her?

A. No.

Q. Did you see him point the gun at her?

A. I didn't even see that. So, then when he shoved me, I jumped over that water puddle to keep from slipping; it was pretty deep.

Q. All right. What did he say after he shot her. Did he say words to the effect that, "I sure dropped her?" Do you remember his saying that?

A. I don't know, man. I was...my mind kind of went blank. I didn't know what to do. I was going to get off at my aunt's; I goes, No, I can't do that.

Q. Did all of you get back in the car, then?

A. Yeah

Q. You, and Doug, Chris, Tina and Billie?

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RECORDING OFFICER

TYPED BY

DATE AND TIME

ROUTED BY

Snow

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2-9-78 2300

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DATE

Petition for Writ of Habeas Corpus - EXHIBITS

100

FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.  
78-1809

FPD 78-5819

-23-

DATE \_\_\_\_\_

|   |           |                    |           |                    |
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| 70. CODE SECTION<br>187 PC  | 71. CRIME | 72. CLASSIFICATION |           |                    |
| 73. VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS.)<br>GREYBEAL, Theresa |           | 74. ADDRESS        | RESIDENCE | BUSINESS 75. PHONE |

Q. And you drove this car where to?

A. We drove it to, I think some liquor store in Tulare. I guess it was Tulare. After we went back up here and you saw us.

Q. Tell me this, were you drunk when this thing happened?

A. No

Q. OK. How about Doug? Was he sober?

A. I can never really tell with him.

Q. I mean, could he walk or talk all right?

A. Oh, yeah.

Q. OK Had you guys been drinking?

A. No.

Q. Had you guys been shooting any heroin?

A. Wait a minute. I guess that's where the \$31.00 went. I don't know.

Q. I mean, when he came out of the hotel, did he act all right, in what...

A. Yeah, he acted all right. All three of them acted all right.

Q. Do you remember going back out to Clovis after you got through this thing?

A. Yeah. I went out to my aunt Louise COX.

Q. That in Clovis?

A. Uh huh

Q. OK, and what did you do there?

A. Talked to my aunt

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| REPORTING OFFICERS<br>Snow   | RECORDING OFFICER | TYPED BY<br>pag | DATE AND TIME<br>2-9-78 2315 | ROUTED BY |
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Petition for Writ of Habeas Corpus - EXHIBITS

10/

FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.

78-1809

FPD 78-5819

-24-

DATE \_\_\_\_\_

|   |           |                    |          |           |
|---|-----------|--------------------|----------|-----------|
| 70. CODE SECTION<br>187 PC  | 71. CRIME | 72. CLASSIFICATION |          |           |
| 73. VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS.)<br>GREYBEAL, Theresa |           | 74. ADDRESS        | BUSINESS | 75. PHONE |

Q. Did you pick up some bullets?

A. No, not that I know of.

Q. Did you tell your aunt what happened?

Q. OK, then what did you do--take Billie home then?

A. Yeah.

Q. OK

REPORTING OFFICERS  
Snow

RECORDING OFFICER

TYPED BY  
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DATE AND TIME  
2-9-78 2319

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102

DATE

Petition for Writ of Habeas Corpus - EXHIBITS



FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.

78-5819

78-39-26

-1-

DATE \_\_\_\_\_

70. CODE SECTION

71. CRIME

72. CLASSIFICATION

73. VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS.)

74. ADDRESS

RESIDENCE

BUSINESS

75. PHONE

(Tape started in middle of conversation)

SNOW: talked to the other night and I don't care where this thing actually occurred out in the county. that he arrested for ah these two gentlemen where working on the case this Tom LEAN, from Sheriff's Office and ARDIAZ from the District Attorney's Office. Ah we went over this thing briefly and we talked to some other people since this thing has happened and ah some other facts have come up ah the like that I wasn't aware of, when I talked to you the other night. THE as I explained to you the other night I, I think it was pretty clear in my mind you weren't the one that pulled it the trigger on this thing but ah you were involved in and a suspect because you were there and participated in a earlier, ah when it started in Modesto.

The what were since we have talked to some other people and some other information has come up, I like to point some of these things out to you, you can either confirm or deny it, and ah before we talk or ask any other questionson this I'm going to read you your rights to you again, make sure you understand them, okay? Ah, I'll read those from of the card, or this thing, these are the same rights I read to you to the other day when I talked to you. You have the right to remain silent, and anything you say can and will be used against you in a court of law, you have the right to talk to a lawyer and have him present with you while your being questioned, and if you can not afford to have a lawyer, one will be appointed to represent

REPORTING OFFICERS

SNOW/LEAN/ARDIAZ

RECORDING OFFICER

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DATE

FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.

78-5819

-2-

DATE \_\_\_\_\_

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| 70. CODE SECTION                                       | 71. CRIME | 72. CLASSIFICATION |                                    |                                   |
| 73. VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS.) |           | 74. ADDRESS        | <input type="checkbox"/> RESIDENCE | <input type="checkbox"/> BUSINESS |
|  |           |                    |                                    | 75. PHONE                         |

you before any question if you wish, and if you decide at any time to exercise these rights, or answer any of these questions or make any statements "You understand what I've read to you from off the card, Marlin?"

LEWIS: Okay.

SNOW: You have those rights in mind, is it agreeable for you to answer some additional questions?

Q: Your shaking your head "Yes", I guess it is.

A: Yeah

Q: Okay. Ah I think that ah you indicated that it started the other day that ah this thing started in Modesto, I think ah that's where you met this gal, first of all right?

A: Yeah

Q: okay, can you tell, why don't you just started in sequence, cause there's a couple things that were left out from, and as we go along we'll, if there's anything that we feel that is unclear we'll ah interject okay? Ah start from what happened in Modesto when you were ah trying to hitch-hike, I think you ended up over there by K-Mart Store.

A: Yeah, and then we were standing outside of K-Mart and the first thing I call my cousin Janet, and you see if she come pick us up, except she couldn't right away and so um, Doug and Tina already had the car picked out and everything.

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FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.

78-5819

DATE \_\_\_\_\_

-3-

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

Q: Doug and Tina already had the car picked up?

A: I think so.

Q: Was this, this Cougar this white over Burgandy Cougar?

A: Yeah, and so, we had a feeling which one, he said the car break down of nothing, your Volkswagon un and um I said who's driving it, and Tina said this girl over there, I looked at the store and said which one, and she said at counter number six, like that, and Tina goes I Don't know, you think we could be next?

Q: She said what?

A: It ain't going to be nothing.

Q: what, what did Doug, what else did Doug tell you, they were going to do that, at that time?

A: Doug didn't tell me nothing, I guess, like he just listened to what Tina had to say. Like that girl came out and Doug went out, followed her out to the other side of the row of cars, and then she went out and Tina followed her and kinda added and I followed Tina, and then Roy he kinda hesitated and he just kinda followed us. Then as soon as that girl opened the car door Tina jumped on her, and then we got in.

Q: Did Tina just kinda hold her down, while you GUYS got in? Okay, and ah

A: And the car door open, I got behind it.

Q: You think Tina may have opened the door?

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| FURTHER ACTION   | <input type="checkbox"/> YES<br><input type="checkbox"/> NO | COPIES TO:        | <input type="checkbox"/> DETECTIVE <input type="checkbox"/> CII<br><input type="checkbox"/> JUVENILE <input type="checkbox"/> PATROL<br><input type="checkbox"/> DIST. ATTN. <input type="checkbox"/> OTHER<br><input type="checkbox"/> SO./P.D. <input type="checkbox"/> _____ |               |           |
| REVIEWED BY _____<br>Petition for Writ of Habeas Corpus - EXHIBITS |   |                   |   | DATE _____    |           |

FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.

78-5819

-4-

DATE \_\_\_\_\_

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

A: Yeah, she could have, or

Q: Okay, when you got in a you remember what you said to this gal, that was in this Cougar?

A: Yeah,

Q: What did you say to her?

A: I didn't say nothing like heck or no, her head was shaking, Doug just told her to be still and be quiet, and you won't be harmed, and she said alright, okay I am.

Q: Okay, I think that you had mentioned the night that DOUG had taken out a small gun that he had and you had out a some type of knife.

A: I had the knife, I had when I had the bag but it was still in the cover. Wait now I had the gun DOUG got the knife. I took the gun out of my uhm out of the cover and he took the gun in my pocket and he covered it with that I didn't want it to go off or anything. DOUG had the knife (unintelligible) the parking lot he was afraid he was gonna (unintelligible) on the way between I know we passed Chowchilla (unintelligible) I went to sleep. I woke up when we were coming into China town.

Q: Okay, if I understand correctly what you told me the other night is that shortly after you picked this gal up and you said she had red hair, long red hair, shortly after you picked her up you had gotten some property from her. What type of items did she hand over?

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FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.

78-5819

DATE \_\_\_\_\_

-5-

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

A: Well the, we had the thing about (unintelligible) TINA wanted money and TINA goes yeah (unintelligible) with the money and then she asked TINA if she wanted the wallet TINA just said yeah and TINA I mean that girl said it doesn't work but it's insured for \$200 dollars so TINA just took it she just said the lady gave it to her I mean but nobody forced her.

Q: Didn't you hear TINA ask her if she had any money?

A: Not ah, no.

Q: Uhm?

A: No. I don't remember that part all I know is that (unintelligible) wanted the money (unintelligible) gave it to me and DOUG turned around and asked for it and I gave it back to him and (unintelligible) the money.

A: At one point in the car there did you have your knife out but it was still in the case?

A: I don't think I ever did have the knife.

Q: Well you told me the other night that you had when you got in the car that . . .

A: I think I had the gun concealed only out of the cover and we just I just had (unintelligible) but I forgot about it.

Q: Was this gun taken out just to scare her?

A: No the gun was in my pocket all the time she didn't even see the thing I just only had the the uhm cover out.

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| REPORTING OFFICERS<br>Snow/Lean/Ardiez  |  | RECORDING OFFICER   | TYPED BY<br>iac | DATE AND TIME<br>2-13-78 | ROUTED BY |
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FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.

78-5819

DATE \_\_\_\_\_

-6-

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

Q: Was the, did you give the gun to ah DOUG?

A: I must have, yeah I think I did give him when we got into China Town we stopped at the (unintelligible) Hotel (unintelligible) picked up CHRIS.

Q: When did you pick CHRIS up at?

A: I don't know (unintelligible).

Q: Okay, and who went in to get CHRIS?

A: Uhm, TINA (unintelligible) and then we went around the block up the (unintelligible) hotel to the good went up there.

Q: Who went up?

A: Nut?

Q: Who went up?

A: DOUG, TINA and CHRIS. They didn't come down for about 20 minutes.

Q: What did they go up there for?

A: They did even say nothing.

Q: I mean they left you and BILLIE and this long red haired girl in the car didn't you ask what the heck they were gonna do upstairs?

A: I asked, it was none of my business.

Q: Do you know what they did up there finally did you find out later on?

A: Yeah.

Q: What did they do?

A: Used.

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FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.

78-5819

DATE \_\_\_\_\_

-7-

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

Q: Used. How'd you find this out?

A: Huh?

Q: How'd you know this?

A: Cause em (unintelligible) CHRIS (unintelligible) I think em he started to get a buzz and when he said that then I just automatically knew what they did.

Q: Well just CHRIS got a buzz or?

A: I don't know that's all that was said.

Q: Alright, they were up there about how long?

A: About twenty minutes.

Q: And they come back down, three of em?

A: Yeah

Q: Doug and CHRIS and TIMA.

A: Yeah

Q: And they come back down did they ah what did they appear like to you at that time?

A: The same as they were when they went up.

Q: I mean were they drunk or sober or were they talking and walking alright?

A: Yeah, they was just like they they was straight and I didn't see no charges in them.

Q: Okay, when they ah got back in the car there did DOUG show you that he

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FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.  
78-5819

DATE \_\_\_\_\_

-8-

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

still had the gun?

A: No he didn't, uh huh (negative).

Q: Did he have the gun then?

A: He must have because I had the knife.

Q: You had the knife okay and then ah were did you guys go after you left the Olympic?

A: Um then TINA, not tina then CHRIS said he had another stop to make over in Calwa. So CHRIS was giving TINA directions which way to go.

Q: TINA driving?

A: Um huh (Positive)

Q: Tell me this. after, what what kind of stop did CHRIS want to make out in Calwa?

A: The way I got it that um make another pickup.

Q: You mean a pick up of heroin?

A: Yeah and so . . .

Q: How did you gather that?

A: Huh, just from the way just by the way she talked.

Q: What did she say?

A: She was kind of secretive about it you know, she just said had to make another stop.

Q: Alright so tell me this ah when after CHRIS got in the car (unintelligible)

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|   |  |   | DATE                     |           |

FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.  
78-5819

DATE \_\_\_\_\_

-9-

|  |           |                    |           |           |
|--|-----------|--------------------|-----------|-----------|
| 70. CODE SECTION                                       | 71. CRIME | 72. CLASSIFICATION |           |           |
| 73. VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS.) |           | 74. ADDRESS        | RESIDENCE | BUSINESS  |
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just before you stopped at the Olympic Hotel did you hear ah TINA telling CHRIS that the car was hot?

A: Uhm, I don't remember.

Q: Was she talking telling him . . .

A: Me and uhm, me and TERESA we were talking back and forth.

Q: What were you saying?

A: Ah, just little things like she'd never been in prison before and she didn't know which way back to the freeway was. And then I told her not to worry that uhm you know that we'd kill her and when we was talking I guess they was talking.

Q: Did you hear TINA mention to CHRIS that uhm you know we ripped the car off and that it's stolen?

A: I didn't hear that part.

Q: Didn't hear that part.

A: Uh huh (negative)

Q: Did you hear her mention any time to tell CHRIS that the car is stolen?

A: No, I think CHRIS knew that, knew that it the girl in the back.

Q: Yeah, well the only reason why, first of all the only reason why you guys had got this gal was the first place was to steal the car right?

A: Yeah, just get a ride to Fresno and you know you know we was, you know me I just thought we was gonna get the car and you know have her drop

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FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.

78-5819

DATE \_\_\_\_\_

-10-

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

us off at the freeway ramp when you just hit it on the way. You know that was the first thing you know then then they started to make all these stoppes and everything and I started to get nervous.

Q: Did you know that they had in mind that they gonna take her and her car both uh?

A: I don't know.

Q: I mean pretty, it came pretty obvious when they pushed ah CHRIS down on the I mean when ah TINA pushed this gal down the seat and opened the door, right?

A: Well I knew that was gonna happen cause uhm TINA told me you know what was gonna go on you know and I go Oh and I looked at her she goes just follow like just do like we told you. Alright.

Q: Okay what happened after you finally got in the car and you left the Olympic?

A: Well then we drove to Calwa and CHRIS was giving TINA the directions then ah I didn't know where we was at in Calwa then we stopped on this one dark street and then I forgot who was talking CHRIS or TINA and CHRIS was had said em that they couldn't have everybody in the car because (unintelligible) people would get suspicious. And they said no girls could go and CHRIS got back in the car but he said he left the car door opened and then someone told BILL, I don't know if it was

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FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.

78-5819

-11-

DATE \_\_\_\_\_

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

CHRIS or TINA so BILL went in the car (unintelligible) you know. How come BILL getting in the car and then DOUG pushed me I just took a couple of steps before (unintelligible) that's when I heard the gun shot and then I jumped in the car and . . .

Q: You say you heard the gun shot ah you were just standing there?

A: No he uhm pushed me then you know right when (unintelligible) and then you know I was starting to get trouble you know what was going on because one of them said you know they couldn't take nobody. Then when BILLIE DOUG got in the car I didn't know what was going on. Then kinda you know pushed me like to (unintelligible) steps over the water puddle and that's when I heard the gun shot.

Q: Did you look around at that time when you heard the shot?

A: I didn't even look you know I was sitting in the . . .

Q: Did you hear, did you hear a gun shot you're certainly gonna wonder what ah who's shooting at who.

A: No I didn't, so when I jumped in the car I didn't even know what had been shot, I didn't even look back I jumped in the car and the woman was gone I looked back out the back window I seen her lying there.

Q: Did you see DOUG with the gun at that time?

A: Well he handed it back to me.

Q: He handed it to you after he shot her?

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| REPORTING OFFICERS<br>Snow/Lean/Ardiaz | RECORDING OFFICER | TYPED BY<br>jac | DATE AND TIME<br>2-13-78 | ROUTED BY |
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Petition for Writ of Habeas Corpus - EXHIBITS

FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.

78-5819

DATE \_\_\_\_\_

-12-

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

A: Yeah.

Q: Where were you at when he handed it to you?

A: I was in the middle of the car between BILLIE and TINA.

Q: Well what did he tell you after he handed you the gun?

A: He said not, he said not to say nothin that he didn't know nothin that if one of us copped out that that you know I guess he was talking to all of us that he'll have somebody off with us.

Q: He'll have somebody what?

A: Off us. You know pull us away.

Q: Did he say why he killed her?

A: He didn't say nothin he hadn't even he said I don't know he didn't say nothin.

Q: Where was she laying at when he shot her? I mean when he shot her and she fell where did she fall?

A: I guess over by the corner around the (unintelligible) it was raining and I just seen her lying there.

Q: Did she have her purse there?

A: Yeah, cause that's when DOUG said that em that he made a mistake (unintelligible) he forgot the purse.

Q: Why did he hand you the gun right after he shot her?

A: I don't know I didn't even ask questions I just put it in my pocket.

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| REPORTING OFFICERS<br>Snow/Lean/Ardiaz  | RECORDING OFFICER   | TYPED BY<br>iac   | DATE AND TIME<br>2-13-78 | ROUTED BY |
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FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.

78-5819

-13-

DATE \_\_\_\_\_

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

Q: Did he say why he shot her after he got back into the car, he just told you, everybody to keep there mouth shut.

A: Yes

Q: Was there any reason to shot her, was she resisting?

A: Not that I know off, there was no reason to shot her.

Q: I mean was she friendly, or getting along?

A: She was friendly, and talking she was cooperting in ever way, I didn't think they would do it.

Q: What did you guy's do after you left there, where did you go to?

A: Uh" lets see, we went to the liquor store, I think it was on Tulare but I'am not sure bought a couple of cans of beer couple of cokes then we drove out to Clovis.

Q: Tell me this now before you drove out to Clovis, you drove to the liquor store and bought something did you go back to Chinatown?

A: No" we drove right through Chinatown

Q: Did you make a stop there when the cops, a couple of uniform officers come and checked you out?

A: Oh wait a minute, I think it was at Seven Seas yes I forgot about that And I wanted to (unintelligible).

Q: Was that after the girl had already been shot out there?

A: Yea

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Petition for Writ of Habeas Corpus - EXHIBITS

FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.

78-5819

DATE \_\_\_\_\_

-14-

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

Q: In other ward she was shot and did you guys stop at a liquor store first?

A: No after

Q: After ward. then you drove back to Chinatown

A: No wait a minute, we stopped at the Seven Seas first

Q: You stopped at the Seven Seas first after the shooting, right?

A: And then"

Q: Why did you stop at the Seven Seas?

A: 'Uh, we went to see if we could find a buyer for that watch

Q: Who was going to sell the watch?

A: Uh, CHRIS was.

Q: OK, who asked her to sell the watch?

A: I think DOUG and TINA.

Q: DOUG and TINA, and was this the watch that belonged to TERESA?

A: Yes

Q: And did CHRIS say she could find a buyer for the watch?

A: She said she would try.

Q: And who gave her the watch?

A: TINA did.

Q: TINA did, and thats the reason you stopped at the Seven Seas so she could try and find a buyer?

A: Yes

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FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.

78-5819

-15-

DATE \_\_\_\_\_

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

Q: And where did you park the, this Cougar when you arrived at the Seven Seas?

A: Across the street from it.

Q: And who went inside the Seven Seas?

A: CHRIS went in first.

Q: CHRIS went in first?

A: Then I went inside guess he was in back of me.

Q: Did TINA go inside.

A: No, and that's when I saw two cops talking to CHRIS

Q: Did the two cops talk to CHRIS, did they come over and talk to you?

A: No.

Q: Did you go back to the car, the Cougar?

A: Let's see when I came back out of the back then the cops was talking to TINA in the car.

Q: Uh'

A: Then me and CHRIS walked across the street then they walked away from the car, then we got back in the car, and then we uh, thats when we went to that liquor store on Tulare.

Q: Did CHRIS and TINA lie to the officers at that time about the car, who the car belonged to?

A: I think that TINA, what the cops said TINA said that her name was

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| REPORTING OFFICERS<br>Snow/Lean/Ardiaz                       |   | RECORDING OFFICER | TYPED BY<br>cb  | DATE AND TIME<br>2-13-78 | ROUTED BY |
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| REVIEWED BY<br>Petition for Writ of Habeas Corpus - EXHIBITS |   |                   |   | DATE                     |           |

FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.

78-5819

DATE \_\_\_\_\_

-16-

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

TERESA are something like that, and then that was that.

Q: Ok. was she able to sell the watch there in the Seven Seas?

A: Uh, uh.

Q: What did she do with the watch?

A: I don't no I haven't seen the watch since then, I don't no what happened.

Q: Describe this watch to me.

A: Oh, it had a skinny women watch band on it, silver, I think it had diamonds on it, kinda of an oval shape watch.

Q: Who got this watch from TERESA?

A: Uh, she just gave it to us.

Q: Was this after TERESA had turned her money over to uh, to uh TINA?

A: Yes.

Q: After you <sup>were</sup> checked out by the officers did you supply the officers with your name there?

A: They didn't talk to me.

Q: Didn't talk to you, how about the others in the car, did they give their correct name?

A: I don't no, they didn't ask them for their name.

Q: But TERESA wasn't in that car when the two uniform officers talked to the people in the car at the Seven Seas?

A: No.

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| REPORTING OFFICERS<br>Snow/Lean/Ardiaz   | RECORDING OFFICER | TYPED BY<br>cb | DATE AND TIME<br>2-13-78 | ROUTED BY |
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FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.  
78-5819

-17-

DATE \_\_\_\_\_

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

Q: She was already shot?

A: Yes.

Q: Ok, where did you go after you left the Seven Seas?

A: I'am pretty sure we went to that liquor store.

Q: Do you no where that's at on

A: No

Q: Close to the Seven Seas?

A: No it's quite a ways up on Tulare.

Q: Ok, you bought a couple of beers and a couple of cokes

A: Yes, and then we drove all the way to Clovis.

Q: Why did you go to Clovis?

A: To talk to uh, what did we go to Clovis for...I no we stopped back by (unintelligible) house, and then he went inside about ten or fifteen minutes later he came back outside.

Q: Why he want to stop there, did he mention to you that he wanted to try and find

A: No he just said he would be back out, and we kept the car running.

Q: While you were waiting there for about ten minutes, did you talk about this gal that had been shot?

A: No.

Q: Nothing was said about her.

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| REPORTING OFFICERS<br>Snow/Lean/Ardiaz                                  | RECORDING OFFICER  | TYPED BY<br>CD  | DATE AND TIME<br>2-13-78     | ROUTED BY |
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Petition for Writ of Habeas Corpus - EXHIBITS

FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.

78-5819

DATE \_\_\_\_\_

-18-

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

A: Nothing said about her, then after that went out to Pine Dale and dropped BILLIE off.

Q: Ok, and then you went from where?

A: We just drove around.

Q: Did you talk about, at that time selling this car?

A: All I can remember is that we were going to dump it somewhere, I dont recall that selling the car.

Q: Was there anybody mention it to you maybe we can sell the car?

A: No, the only part I remember was that we was going to have the car dump somewhere, and then catch a ride downtown some how and thats what I remember.

Q: Were you uh, were you sober when this thing was going on, and recall everything that happened?

A: YEA,

Q: How about the others in the car, were they sober?

A: Yes, they must have been ...

Q: I mean did you have anybody in the car either TINA, are uh, DOUG, OR BILLIE, or any of them acting like that they were intoxicated?

A: No, we acted like they were sober, straight, and normal.

Q: They could talk, and walk ...

A: YES man

|  |                                      |                                    |                              |                                   |                                 |                                      |                                      |                                   |                                      |             |  |      |
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| REPORTING OFFICERS<br>Snow/Lean/Ardiaz   | RECORDING OFFICER                    | TYPED BY<br>cb                     | DATE AND TIME<br>2-13-78     | ROUTED BY                         |                                 |                                      |                                      |                                   |                                      |             |  |      |
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FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.  
  
78-5819

DATE \_\_\_\_\_

-19-

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

Q: Communicate alright?

A: There wasn't nothing wrong with no body.

Q: Oh, after you drove around for awhile, uh did DOUG mention to you say things to you about the, why he shot her?

A: NO, he uh

Q: Was he joking about blowing her away?

A: Nobody said nothing about, I guess he just tried to forget it.

Q: Do you remember right after you heard the shot you were out there in Salwa, do you remember DOUG making some statement to the affect "did I drop her, or did I drop her"

A: Yea, that sounds like something he said.

Q: I mean was he joking about it then?

A: I guess... none of us laughed or anything.

Q: Did he come out with a statement like that "did I drop her, or did I drop her"

A: Yes, something like that

Q: Do you think that was kinda of cold there when he said something like that?

A: I think it was cold when he did it, you no.

Q: What happened after you drove around for awhile, did you go back and park at the motel?

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| REPORTING OFFICERS<br>Snow/Lean/Ardias   | RECORDING OFFICER | TYPED BY<br>cb | DATE AND TIME<br>2-13-78 | ROUTED BY |
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FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.

78-5819

DATE \_\_\_\_\_

-20-

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

A: No then we went stopped at the Seven Seas, and then CHRIS went in and she did something.

Q: After you dropped off BILLIE?

A: Yea.

Q: And uh, did the officers check you out at that time?

A: No, cause uh, then CHRIS ca me back to the car and we drove around the corner to Kern street

Q: You said she did something when CHRIS went back in the Seven Seas after you dropped BILLIE off, did CHRIS go in there and sell the watch?

A: I wouldn't no.

Q: Did she make any mention that she going to try?

A: No, she just said I making a stop by the Olympic Hotel.

Q: What she do in the Seven Seas?

A: I don't no that

Q: Why she go back in there?

A: Then after that, lets see TINA, CHRIS, DOUG, WAS going to go back up stairs you no, and then just when they were going to go up stairs I guess the cops stopped them and said, TINA, DOUG, ...TINA & DOUG turned around and got back in the car and then CHRIS went in, after that a cop car pulled behind us thats when cops started coming everywhere.

Q: AND what happened then?

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| REPORTING OFFICERS<br>Snow/Lean/Ardiaz  | RECORDING OFFICER  | TYPED BY<br>cb  | DATE AND TIME<br>2-13-78 | ROUTED BY |
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FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.

78-5819

-21-

DATE \_\_\_\_\_

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

A: That's when they told us to go to the car one by one.

Q: Just before they asked you to get out the car and you saw the cops coming up, were you handed anything?

A: Yea, uh I threw the gun and the knife under neath the front seat.

Q: Did you have the gun and knife at that time?

A: Yes, DOUG told me to hang on to them, and so I did.

Q: Did you say anything to the police officers when you got out of the car about where the gun was?

A: I didn't say nothing.

Q: MR. LEWIS you remember, you remember being stopped by police officers before you got to Modesto.....in that White Oldmobile coming down from Sacramento?

A: That must have been Manteca.

Q: That's right, you remember that?

A: Yea.

Q: Ok, you remember what information was giving to the police officer about where the car had come from?

A: I don't no, cause I was using the bathroom when they were questioning TINA and then, I was talking to my Aunt MARION, I didnt no they case that car.

Q: What name did you give to the police officers?

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| REPORTING OFFICERS<br>Sproul/Leal/Arvizu  | RECORDING OFFICER | TYPED BY<br>ch | DATE AND TIME<br>2-13-78 | ROUTED BY |
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Petition for Writ of Habeas Corpus - EXHIBITS

FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.

78-5819

DATE \_\_\_\_\_

-22-

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

A: Uh, VALENTE CAPICCHINO.

Q: You gave a phoney name, why you do that?

A: Cause I was on probation

Q: For what.

A: Burglary

Q: Out of where?

A: Sacramento

Q: Felony

A: No Misdemeanor

Q: What happened?

A: She caught up with me now

Q: I mean uh, you think uh

A: No she wasn't any ways in

Q: DOUG came in and let her go anything

A: I don't no about that

Q: Where is her house located? She live in a house or an apartment?

A: In a house. it was dark and we came up through the alley and I don't...

Q: It's right in Clovis itself.

A: Yes, I just no we got there.

Q: Are you familiar with Clovis at all?

A: Uh, uh

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| REPORTING OFFICERS<br>Spicy/Lean/Ardiaz | RECORDING OFFICER | TYPED BY<br>cb | DATE AND TIME<br>2-13-78 | ROUTED BY |
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FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.

78-5819

-23-

DATE \_\_\_\_\_

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

Q: Do you no where the main street of Clovis is, Clovis Avenue as you go through the main part of town there.

A: I am not familiar with that part

Q: Was it east or west of that, the main part of town, could be toward the mountain here to the east or back toward town to the west?

A: Towards the mountains to the east

Q: This CHARLIE MARGUS does she work someplace?

A: No not right now, she use to work at Wish-i-ah.

Q: What

A: Wish-i-ah

Q: Wish-i-ah, where's that?

A: Up at Auberry.

Q: Yea, did he make any mention, I am talking about DOUG when he stopped there at his cousin, about picking up some extra bullets?

A: Yea, he asked someone if they had any twenty-fives, and they said no.

Q: Who did he asked that, do you no?

A: Uh, uh I didn't cause I was talking to my Aunt MAGGIE, She had just pulled up, I didn't even look around I just heard it.

Q: Did he tell you, DOUG tell you at anytime that he'd used the stuff?

A: Oh, I knew he used

Q: How do you know, I mean that night did he tell you at anytime he

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| REPORTING OFFICERS<br>Snow/Lean/Ardiaz | RECORDING OFFICER | TYPED BY<br>cb | DATE AND TIME<br>2-13-78 | ROUTED BY |
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| REVIEWED BY _____ DATE _____ |                              |                             |            |                                    |                              |                                   |                                 |                                       |                                |                                   |                                |

Petition for Writ of Habeas Corpus - EXHIBITS

FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.

78-5819

DATE \_\_\_\_\_

-24-

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

been using?

A: No

Q: Did he look....how do you no he used?

A: Well I just knew it cause he'd mention it you no every so often

Q: You mean in the past he's used something?

A: Yea,

Q: That night did he mention to you that he'd used anything?

A: No.

Q: Did he look like he'd used anything?

A: He looked alright to me.

Q: Did he tell you now try and think careful at anytime where he had shot her at?

A: He just said the head

Q: When did he tell you that he'd shot her in the head?

A: Huh"

Q: When did he tell you that he'd shot her in the head?

A: I think when we were driving away from there, he would have gone again everybody you no, everybody in the car was quiet and everything we said nothing.

Q: Was everybody quiet when he made this remark that he'd shot her in the head?

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| REPORTING OFFICERS<br>SNOW/Lean/Ardiaz  | RECORDING OFFICER | TYPED BY<br>cb | DATE AND TIME<br>2-13-78 | ROUTED BY |
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FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.

78-5819

DATE \_\_\_\_\_

-25-

70. CODE SECTION

71. CRIME

72. CLASSIFICATION

73. VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS.)

74. ADDRESS

RESIDENCE

BUSINESS

75. PHONE

A: Yea, the radio was going.

Q: Did you have any problem hearing him when he said that to you?

A: Uh uh, he just said he shot her in the head.

Q: Say why he did it?

A: He didn't say nothing to me, just said that

Q: Do you no how long he's had that gun?

A: I didn't no he had it till we got to Modesto.

Q: But you no he's committed some robbery since he's been out of custody right?

A: Yea.

Q: Do you no what he used to commit those robbery?

A: I knew at the time he did them, I was either home or somewhere that night I wasn't even around.

Q: Do you no how many robbery he's pulled off?

A: No, cause he would never talk about it.

Q: But he told you about one of them

A: YEA, About one of them

Q: And what did he say about that?

A: He just said that he rolled some Bar in Sacramento.

Q: Cacerasas?

A: Castle's

REPORTING OFFICERS

Snow/Lean/Ardiaz

RECORDING OFFICER

TYPED BY

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DATE AND TIME

2-13-78

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JUVENILE  PATROL

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REVIEWED BY

DATE

FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.

78-5819

DATE \_\_\_\_\_

-26-

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

Q: Castle's I mean

A: Go there and drink some beer

Q: Out at Castle's ? What about a robbery of some Mexican man, farm worker around Rolinda?

A: Rolinda...I dont no.

Q: Took a pay check from him.

A: I don't no about that, I was asleep then, we had been in the car quite a while, and I was getting tired and so TINA was in the back seat asleep.

Q: Did he tell you about taking a pay check from somebody in the farm worker?

A: Uh uh

Q: Did you notice if there was a pay check in the car?

A: No I didn't no nothing like that

Q: HE told you about since he's been out regards to another shooting?

A: UH, uh, like when?

Q: Like when he was in Sacramento.

A: I didn't no he was in Sacramento.

Q: Any other place ?

A: I really don't no about anyplace

Q: Anything that he may have mention at all, ...Anything about doing another shooting, it may not mean much to you but it may mean something to us?

A: He never mention anything

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| REPORTING OFFICERS<br>Snow/Lean/Ardiaz                                  | RECORDING OFFICER   | TYPED BY<br>cb | DATE AND TIME<br>2-13-73 | ROUTED BY |
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Petition for Writ of Habeas Corpus - EXHIBITS

FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.

78-5819

-27-

DATE \_\_\_\_\_

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

Q: CAN You think of anything that uh, question that....when uh DOUG and you was standing there with the girl when she was shot, did you have the knife then?

A: No it was in the car.

Q: It was in the car, you were holding the knife?

A: Uh, uh

Q: You weren't holding the knife, in your hand, next to your side

A: No because see um they just did um, the other um, they just go um, so they just told us to um, to go around the corner, so I just skipped around there um, the back seat.

Q: When you got out of the car, did you see uh Doug take this gun out?

A: Unh unh (negative) I didn't know he had he took the gun with him.

Q: How did he get the gun from you? Originally? You said you had it up there and, in Modesto.

A: I think um, I, lets see, I gave the gun back to him, when we was parked in front-of the Olympic Hotel and thats when the deal when I gave it to him, and he kept it since, and thats what happened.

Q: Who, who pointed the gun at her when you were in the the car, Uh when you first got in the car and she was pushed in, who was pointing the gun at her then?

A: I wouldn't, I was pointing the gun case at her.

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FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.

78-5819

DATE \_\_\_\_\_

-28-

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

Q: If I understand correctly the other, other night you told me that one of you were pointing the gun and one had the knife inside a case to her back, now this is what I was told the other night. Do you recall that at one time?

A: I know I had the gun, Doug had the knife.

Q: Well were you pointing it at this girl to scare her then?

A: No, I had the gun case on her, the gun was in my pocket.

Q: Was the gun out, did somebody at one point point the gun at her after you got in the car?

A: Well I did, but then I got nervous and I put it back in my pocket and I took the gun case out and Doug had the knife.

Q: You pointed the gun at her?

A: Yeah, and then I got nervous and I just went like that -

Q: She get nervous too?

A: Mhmm, she was at first.

Q: Was she, at one point you indicated she started crying, uh, and asked not to hurt her.

A: I know her voice was shaky, then Doug told her that she wouldn't be harmed.

Q: Why did you decide to kidnap her, why didn't you just kick her outta the car uh along the freeway someplace.

A: That I don't even know. You know everything was up to Doug, you know

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Petition for Writ of Habeas Corpus - EXHIBITS



FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.

78-5819

DATE \_\_\_\_\_

-29-

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

A: I don't know

Q: Wasn't it plan, wasn't it planned ahead of time, you knew it ahead of time that the, she was gonna be pushed over, and that the door was gonna be open, uh, this TINA was gonna come up and push her down and open the door, why didn't you just kick her out then?

A: I don't know. I didn't even know we was gonna do that.

Q: You, you knew that TINA was going to uh push her into the car.

A: Not, not until after they told me.

Q: Well this is before it happened.

A: Yeah

Q: I mean you were told by uh I uh think you told me uh that uh Doug had told TINA that this is what were gonna do, you follow her and when she gets in the car you push and shove her down and then we'll get in, isn't that what was said.

A: Yeah, something like that. So, then as soon as this girl came out of the store, then TINA followed her and I kinda hesitated on the sidewalk, and I just, followed TINA and then BILLY kinda stood back there like he didn't want come. So then he followed and then the girl got to the car. You know, I wanted to (unintelligible), you know I didn't want to do that to her. You know I hitchhiked from Sacramento to Fresno you know

Q: Who had the gun though when you first got in the car?

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FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.

78-5819

DATE \_\_\_\_\_

-30-

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

A: I did

Q: And you took the gun out and pointed it at her didn't you?

A: Only for a split second and then I got nervous and put it back in my pocket, and took out the gun case and you know

Q: Didn't uh, didn't uh Doug at that time have the knife out and point it at her?

A: He must have cause

Q: I mean not must have did you see him with the knife out?

A: I didn't see him with the knife out, I was in the back seat, and uh I just had the gun case against her you know, lightly, enough to warn her, you know, and she seemed all right you know, so I just put the gun case back in my pocket you know, and just acted natural

Q: She sit in the middle of the front seat?

A: Yeah

Q: It'd be a little difficult for her to go out wouldn't it?

A: Mhmm

Q: How did you, cough, maybe you went over this and I'm sorry, I apologize if you did, and I missed it. How did you originally get the gun? In Manteca?

A: I didn't have the gun in Manteca?

Q: You didn't have the gun in Manteca?

A: I didn't even know there was a gun in Manteca?

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FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.

78-5819

-31-

DATE \_\_\_\_\_

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

Q: You didn't? When was the first time you saw the gun?

A: Modesto.

Q: Who gave you the gun?

A: Uh, Doug

Q: Doug did. Do you know where he got it from?

A: No

Q: Did he have it in his pocket, or did he take it out of a bag, or

A: I guess he might have just taken it out of his pocket.

Q: Did he give it to you just prior to you doing this to this gal?

A: Yeah. Cause then (unintelligible)

Q: When he was holding, and he gave you the gun at that time?

A: Yeah

Q: And this was while you were at the K-Mart store?

A: We were there you know to call my cousin Jeanette.

Q: Yeah

Q: Why didn't he keep the gun, how come he had to give it to you?

A: I don't know.

Q: How come he made uh, say made, uh how come he let uh, TINA do the work of uh getting up close to her and pushing her down? Didn't this girl try to scream?

A: Yeah, she pushed her horn and TINA pulled her hand away from the horn and

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Petition for Writ of Habeas Corpus - EXHIBITS

FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.

78-5819

DATE \_\_\_\_\_

-32-

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

A: and I guess she musta opened the car when she was doing that to.

Q: Was she on top of her then?

A: Yeah

Q: Was she hitting her?

A: No just holding her down.

Q: Holding her down?

Q: Was she yelling something to her at that time?

A: No I was still coming towards the car.

Q: Did you hear her yell something when you got in the car.

A: Yeah but I couldn't understand it.

Q: Well, try your best to remember some of the words that were said.

A: I, by the time I got in the car I can remember her saying uhm, man you know this is crazy, this is the second time in one week its happened to me.

Q: Who said that?

A: The girl

Q: Which girl

A: The one that was down, uhm I guess THERESA.

Q: Yeah. Did she explain herself about that.

A: Unh unh (negative)

Q: She didn't have time to.

A: Like, I kinda gathered what she was talking about.

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FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.

78-5819

DATE \_\_\_\_\_

-33-

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

Q: She was pretty scared at that time huh? Was she crying?

A: No but her voice was shaky.

Q: She was, saw that gun for a split second there and

A: No she didn't even see the gun

Q: Thought you said you pointed it at her

A: Uhm at the side, then I put the gun back in my pocket and got the gun case and

Q: I think she thought that was a gun, if you had a gun case sticking in there?

A: Yeah, but that that was not my fault.

Q: Did you try at any time to tell uh, uh Doug hey lets get rid of this young lady?

A: NO. Okay then I thought you know, the only reason we'd get the car was just take her as far as Fresno we'd get out and let her be on her way and then somebody said well everythings gonna go alright, you know cause, along, all all the way Doug kept saying, well were not gonna harm you so don't, theres nothing for you to worry about. So the girl you know she started talking you know and being friendly, she offered us a cigarette.

Q: What kind of cigarettes she smoke?

A: I don't know it was an off brand.

Q: Where did you get out of the car, whenever the girl was, Calwa, why did you get out of the car?

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Petition for Writ of Habeas Corpus - EXHIBITS

FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.

78-5819

DATE \_\_\_\_\_

-34-

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

A: Cuz, em, either CHRIS or TINA said um, they couldn't take a whole car load.

Q: Take a car load where?

A: To go a score, and they said um, Doug got out first, wait, Chris got out first, then Doug got out, then I did, then that girl came out after me. Then CHRIS got back in the car and then one of them do, motioned to um get back in the car, and I was talking to the girl right then and she was um, I don't know the girl seemed um, I guess she (unintelligible) down the hill and get wet, starting to come back huh? I go it looks like that you know. And then when I seen Billy get back in the car you know, I was wondering how come Billys getting back in the car when we have to wait here. And about then Doug pushed me, and I was just going to fall in the water puddle and thats when I heard the gun shot and and then they jumped in the car, and then the car returned around and when they were taking off I turned around, she was lying there.

Q: From all indications did it look like to you that uh maybe this was a planned in advance?

A: It couldn't have been.

Q: Why did you stop then in the first place, who's idea was it to stop, who said stop?

A: I think it was Chris. She said wait here. And so we all got out of the

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FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.

78-5819

DATE \_\_\_\_\_

-35-

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

A: car. And Billy got back, CHRIS got back in the car, and BILLY and DOUG shoved me like that and took two steps forward and jumped across the puddle that's when I heard the gun shot. So I just jumped in the car

Q: You heard a gun shot, the minute you heard a gun shot, you uh, did you look, see the gun, uh Dougs hand at that time.

A: No I didn't even look, I just seen the car door open I just

Q: They had the car door open, you got in

A: No the car was always open, already open

Q: Alright

A: Okay now Ah

Q: Was the gun handed to you then?

A: After I got in the car it was

Q: Who handed it to you

A: Doug did

Q: And after you got in the car he was telling everyboydy to just keep their mouth shut about this. Right?

A: Something like that.

Q: Didn't he also mention uh, that he shot her in the head?

A: Yeah. Nobody said nothing.

Q: He also made some comment out there, uh just before he shot her, right after he shot her, "did I drop her or did I drop her". Was to that effect huh?

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Petition for Writ of Habeas Corpus - EXHIBITS

FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.

78-5819

-36-

DATE \_\_\_\_\_

70. CODE SECTION

71. CRIME

72. CLASSIFICATION

73. VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS.)

74. ADDRESS

RESIDENCE

BUSINESS

75. PHONE

A: Something like that. Nobody did smile or nothing.

Q: Do you have any idea where this watch went to?

A: Mhmm (negative) I don't know where it went to.

Q: How about her wallet.

A: I don't know about no wallet.

Q: Her mother says she had in her purse, you know, a suede colored brown wallet, and this would have had her drivers license and all that kinda stuff in it and it wasn't found in her purse next to her body there.

A: I don't, I don't know, somebody must have taken it from her. I know the money and the watch. I don't know about that.

Q: See anybody go through her purse at all? While she was in the car?

A: No nobody went through her purse.

Q: But she did uh, did make some comment uh, after you left there after the shooting occurred uh, you guys had made a mistake in not taking, in not taking her purse.

A: Yeah.

Q: Why do you think it was important to take her purse?

A: I guess because they could identify her.

Q: Okay uh the , if theres anything you can think of as far as conversation that might uh be important, I'd like to , you to get a hold of uh , us I'll be working here tomorrow, Sunday, and also Monday, so if something comes up

REPORTING OFFICERS

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TYPED BY

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Dlc 2-14-78

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FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.

78-5819

DATE \_\_\_\_\_

-37-

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

Q: where you can remember any other details in this thing that you think is important, uh, uh, get back with me, just let one of the bailiffs know, I'll leave a card okay. I can't think of anything else right now. No. Thank you.

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FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

78-39-26MR

69. CASE NO.  
78-1809/FSO  
78-5819/FPD

-1-

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

SNOW: CHRIS we talked the other night when we was a, briefly, this is Tom Leen, he's working on this case also, a Detective from the Sheriff's Office and since this thing occur out in the County that the reason he working on it also. A since I talked to you last time I've talked with a number of other individuals. There's some other information that we've got that a, I'd like to let you know about. In fact, some of them we got questions about.

MENCHACA: I'll do whatever I can, to help you out, I'll do whatever I can.

SNOW: Ok. Well, maybe you can clear up some of these thing. like I say I don't think that you're the one that did the trigger for the

MENCHACA: Yeah.

SNOW: this thing, ok, but you became a suspect because you happened to be there at the time that this thing went down.

MENCHACA: Like I say, I was at the wrong place at the wrong time, and I didn't know these people or anything.

SNOW: What I would like to do, like I say we do have some extra information and we've talked to people and everything has come to light and we want to go over some of these things and I got some question to ask you about them. It involves this killing of this gal. What I'm going to do is read your rights to you first of all. We are required to do that and the same rights that I read

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FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.

78-5819

-2-

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

SNOW: to you the other night. I'll read these from of the card and we'll go in the same (unintelligible)

You have the right to remain silent, anything you say can and will be used against you in a court of law, and you have the right to talk to a lawyer and have him present with you while you are being questioned. If you can not afford to hire a lawyer, one will be appointed to represent you before any questioning if you wish. And you can decide at any time to exercise these rights, not answer any questions or make any statements. Okay, do you understand each of these rights? That I read off the card.

MENCHACA: Yes, I do.

SNOW: Ok, having these rights in mind do you wish to go over this and answer some additional questions?

SNOW: Ok, you're shaking your head "yes" I assume.....

MENCHACA: Yes, I ...

SNOW: Why don't we start, what I would like to do is get a completely truthful statement from you, ok, in regards to everything. A don't leave out anything, don't try to cover these people.

MENCHACA: I'm not.

SNOW: Where you come in problems here, on this thing, is if, when, for instance when ya, you didn't do the triggering on the thing, you

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Petition for Writ of Habeas Corpus - EXHIBITS

FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.

78-5819

-3-

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

SNOW: were involved in it, because you happened to be there and you happened, after it happened you were still with these people and you were still in the car and all. What I want is the truth step-by-step of how it happened.

MENCHACA: First of all, I'm not that stupid to get in a car, with somebody that if I was known that she had been kidnapped, you know.

SNOW: Why don't we start from the beginning as to exactly where you were when you first contacted a, the night this occurred.

MENCHACA: I was out by the Flor De Mexico.

SNOW: Ok.

MENCHACA: I was out there and then she came up to me.

SNOW: Who came up to you?

MENCHACA: TINA.

SNOW: Ok, talking?

MENCHACA: Uh-huh. If I would score for her, a little score you know, I said alright, so I did, I scored for her, you know.

SNOW: Ok, when TINA came up to you were you inside the Flor or the Mexico, or were you outside?

MENCHACA: I was outside.

SNOW: And about what time was this?

MENCHACA: I don't know, it was just ....

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FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.  
78-5819

-4-

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

SNOW: Well, approximately.

MENCHACA: It was, I know it was in the evening.

SNOW: Ok, did you see TINA at that time, get out of this this a car white over burgundy Cougar.

MENCHACA: Um-hum.

SNOW: Ok, where did they park at, when when they got there?

MENCHACA: By the Flor, on the side.

SNOW: Ok, and a CHRIS come up to you, I mean TINA come up to you and wanted you to go score for them, ok. what did you say?

MENCHACA: I said alright, so I did. you know, I went and scored for them.

SNOW: Ok, where did. did you go with them in the car at that time?

MENCHACA: No.

SNOW: Did you leave the Flor in the car?

MENCHACA: Did I what?

SNOW: Did you leave someplace in the car at that time when she wanted you to go score?

MENCHACA: Afterwards I did.

SNOW: Did you go score first?

MENCHACA: Yeah, I didn't need to go to the car.

SNOW: Where did you go to?

MENCHACA: Around there, somewhere around there.

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|   |   |   | DATE                          |           |

FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.

78-5819

-5-

-5-

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

SNOW: Well, just be level with me, don't don't hold back.

MENCHACA: Just went inside the, let's see, I think I went inside the Flor, yeah, I came back out.

SNOW: Did you score something inside there?

MENCHACA: I didn't get nothing there.

SNOW: Nothing inside?

MENCHACA: No.

SNOW: Wasn't wasn't your contact there?

MENCHACA: Nobody was there.

SNOW: Nobody was there, so you didn't score at that time?

MENCHACA: So then we went back, you know, and a ....

SNOW: So you and TINA, you and TINA.

MENCHACA: I think I got the score there.....I didn't get.....I think I went to the Seven Seas too. Yeah, I went to the Seven Seas, peeked in there and and ah Officer ahm Mora was in there and he asked me I.D. and he knows I didn't have, and I don't have no I.D. and because.....

SNOW: Was this later in the evening though when you went in there to the Seven Seas?

MENCHACA: After I got out of the Flor I went over across the street over

SNOW: This wasn't right at the beginning was it?

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FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.  
78-5819

-6-

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

MENCHACA: Um hum. This was at the beginning. You told me to start from the beginning, remember.

SNOW: Okay, start from the beginning then okay, after you contacted was contacted by a, a TINA, she wanted you to score, you went in the Flora, you couldn't score there..

MENCHACA: So I came out and then I went to the Seven Seas..

SNOW: Did TINA, did TINA come with you?

MENCHACA: Um hum, and then a, a ..

SNOW: Officer MORA stopped you there?

MENCHACA: Yeah, yeah he stopped me then he asked, he goes where's your I.D. Chris and then I go I haven't got it yet MORA and then he goes remember I told you that you can't be here in town if you don't have an I.D.

SNOW: Um hum

MENCHACA: I.D. or a Health Card, you know

SNOW: Yeah

MENCHACA: So that's what I do at (unintelligible) worked, I worked in the streets you know, a hooker sometimes up there you know and he..so then he goes you have to leave I said okay.

SNOW: You have to what?

MENCHACA: Leave

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| REPORTING OFFICERS<br>Snow/Lean/Ardaiz |   | RECORDING OFFICER | TYPED BY<br>kj           | DATE AND TIME<br>2-13-78 0830 | ROUTED BY |
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Petition for Writ of Habeas Corpus - EXHIBITS



FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.

78-5819

-7-

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

SNOW: You have to leave, did he check out TINA TOPPING there too, talk to her?

MENCHACA: No huh uh. She went outside when she saw the cops come in too.

SNOW: Did Officer WEBB go out there and talk to her then?

MENCHACA: I think he went and talked to her by the car.

SNOW: Okay

MENCHACA: He went by the car

SNOW: Alright, then after you were checked out by Officer MORA did you leave the Seven Seas?

MENCHACA: Yeah, I left. We stopped and they said let's go riding around so I said okay.

SNOW: You, after you left the Seven Seas didn't you go over and get in the car then, the white over burgundy Cougar?

MENCHACA: Uh huh (yes) I didn't know it was stolen, I didn't know who... was sittin in the back seat.

SNOW: Who else went over there, did TINA go over there and get in the car with you?

MENCHACA: Yeah

SNOW: Alright, how did you know to get in the car?

MENCHACA: Well what do you mean how did I know?

SNOW: After you left the Seven Seas you walked from there how did you

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| REPORTING OFFICERS<br>Snow/Lean/Ardaiz |   | RECORDING OFFICER | TYPED BY<br>kj  | DATE AND TIME<br>2-13-78 0840 | ROUTED BY |
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FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.  
78-5819

-8-

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

know to go over and get into that a, that Cougar? Had you been in it before? /never

MENCHACA: She was..no huh uh (no) I hadn't been in it before.

SNOW: Alright

MENCHACA: And then a, so then a we got in the car

SNOW: You and TINA?

MENCHACA: Yeah. We got in the car and I was sittin in the front seat and..

SNOW: Did Officer MORA and WEBB come over and talk to you then when you got in the car?

MENCHACA: Huh uh (no) I don't know when he..I think after he left the Seven Seas, after they check me out, they went across and talked to them and then after /when I saw them take off you know..

SNOW: In other words they talked to the people in the car, Officer WEBB and MORA had talked to the people in the car before you went over and got in?

MENCHACA: I don't, I don't understand the question, I don't know, I was, you know I was still in the Seven Seas.

SNOW: When you got in, when you got into the Cougar, who all was in the Cougar at that time?

MENCHACA: A..let's see was a..oh everybody was in there, I didn't take a

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FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.

78-5819

-9-

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

good look in the back, but I know there was people in the back  
you know and

SNOW: Well you know, you know..

MENCHACA: the front.

SNOW: you know these people?

MENCHACA: I never had seen them in my whole life before, just that girl,  
TINA, I just..that's the only one I knew out of everybody.

SNOW: Well you mentioned that a, a this one person back here that was  
arrested with you the other night you a indicate they were in the  
car when a a the people that were in that car were arrested, those  
people were with you when you got into the car originally?

MENCHACA: Well with me, what do you mean with me? What do you mean by that?

SNOW: Okay well let's, let's begin..when you first got into that car,  
who did you see in the car besides TINA?

MENCHACA: I saw people, but I didn't know who it was cause I never, you know,  
I didn't never had seen them bef...you know I had seen them before  
I went to school you know, I didn't, I didn't really pay attention  
you know, you know, I didn't really pay attention, but I knew  
there was other people in the car that's as much as I can tell you  
you know, see I didn't know you know who they were cause I didn't  
know them, I'd never seen them in my whole life. The only one I

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FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.  
78-5819

-10-

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

had seen in my whole life before was TINA, I'd seen her around three times before.

SNOW: Did you..

MENCHACA: That's the only one that I knew in that car.

SNOW: notice, did you notice this gal that a with the red hair and the blue eyes in the car at that time?

MENCHACA: No, I didn't, I noticed that there was people in the back and, and I knew it was a female, but I didn't know what she looked like. I didn't bother to look, turn around and look, you know. I didn't bother to to anything you know.

SNOW: Where...

MENCHACA: they didn't tell me that..

SNOW: What happened after you got into the car?

MENCHACA: They say let's go riding around, you know, well let's go riding around. I say okay, so that's when they drove out by a, by Calwa. You know I had been drinking, everything, I had been kind a drunk, you know, I was kinda drunk when they picked me up, that's alright let's go you know.

SNOW: Why did you a want to go out by Calwa?

MENCHACA: I didn't want to go over there, they just drove out there. I didn't want to.

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Petition for Writ of Habeas Corpus - EXHIBITS

FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.  
78-5819

-11-

|  |           |                    |  |           |
|--|-----------|--------------------|--|-----------|
| 70. CODE SECTION                                       | 71. CRIME | 72. CLASSIFICATION |  |           |
| 73. VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS.) |           | 74. ADDRESS        | <input type="checkbox"/> RESIDENCE <input type="checkbox"/> BUSINESS | 75. PHONE |

SNOW: Weren't you gonna score out there?

MENCHACA: No, huh uh (no) we had already forgot about it, you know.

SNOW: You forgot about it, they didn't want to score anymore?

MENCHACA: No, I knew they wanted to score, but then I didn't, I just go (unintelligible) cause I was kinda high like I told you, you know, cause I had been drinking and then a, so then a, anyways I know that they drove out by Calwa cause I know where Calwa is at.

SNOW: Um hum (yes)

MENCHACA: And then we were talking and this and that and me and TINA were talking, I told them put the radio up or something like that, they stopped the car and three of them got out. Three guy's got out.

SNOW: How about the other gal?

MENCHACA: Oh and her too. They got..she got out too.

SNOW: Do you know who she looked like?

MENCHACA: No, I didn't get a glance, because

SNOW: What about, what about the hair, I think you mentioned the other night..

MENCHACA: That her hair was long because see when she got out of the car, she got out my side and the seat went up front, you know when the seat goes up like that, you gotta scoot up like that and you know, like that.

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FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.  
78-5819

-12-

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

SNOW: You mentioned the other night though, when you got in the car you noticed a gal with long red hair.

MENCHACA: I didn't say red hair. I just know that her hair was long and it was light, a light color.

SNOW: She a white gal?

MENCHACA: She looked kinda white, you know I just by a small glance you know.

SNOW: The three...

MENCHACA: I never turned, I never turned around and talked to her or or /your what's name or anything like that you know I never got to turn around and do that you know.

SNOW: Okay there were three people who had a, three guy's that got out of the car with this gal with the long hair.

MENCHACA: I never had seen those guy's before in my life either.

SNOW: When they got out, where did you stop at first of all?

MENCHACA: By the side on the road, I didn't know, I didn't notice what street it was.

SNOW: Was it near an intersection?

MENCHACA: No, I don't know,

SNOW: Okay

MENCHACA: I just know that it was on a street..

SNOW: Okay, okay Chris..what I'd like..

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Petition for Writ of Habeas Corpus - EXHIBITS

FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.

78-5819

-13-

|  |           |                    |                                    |                                   |
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| 70. CODE SECTION                                       | 71. CRIME | 72. CLASSIFICATION |                                    |                                   |
| 73. VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS.) |           | 74. ADDRESS        | <input type="checkbox"/> RESIDENCE | <input type="checkbox"/> BUSINESS |
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MENCHACA: The windows were rainey you know, the windows were rainey and smogged in you know.

SNOW: Okay Chris what I'd like you to do, is just like I said it's important that you..

MENCHACA: I try my best to tell you..

SNOW: that you be, like I said, is that you be completely truthful as to

MENCHACA: Okay

SNOW: what you saw and what you heard when you stopped the car and these three guy's got out with this girl..

MENCHACA: Okay

SNOW: it's very important that you be truthful here.

MENCHACA: I am trying to be truthful.

SNOW: Okay, alright..

MENCHACA: I never knew this was gonna happen I didn't know they were gonna..

SNOW: Tell me..

MENCHACA: go up there and do that.

SNOW: Alright, tell me exactly what you can remember that happened after you stopped the car.

MENCHACA: The three got out, the three got out, all three of them got out.

SNOW: Alright

MENCHACA: And the girl got out too.

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| REPORTING OFFICERS<br>Snow/Lean/Ardaiz  |  | RECORDING OFFICER   | TYPED BY<br>kj | DATE AND TIME<br>2-13-78 0940 | ROUTED BY |
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FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.  
78-5819

-14-

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

SNOW: Alright

MENCHACA: And the door closed behind me, you know, after they all got out and me and TINA stayed in the car and the radio was on, I didn't know, I thought they were just gonna leave her out, you know, I thought maybe she probably lived or something, I don't know they just stopped the car and told her to get out I thought maybe she lived around or something cause I didn't know what was going on. I didn't know they had kidnapped her from another town. Now ain't that stupid to get in a car, a hot car and then with somebody they'd kidnapped and especially if they, you know, what happened you know.

SNOW: Alright, it's important that you tell me exactly what you saw and what you heard when they got out of the car.

MENCHACA: They got out, all three got out, the three guy's, I can't tell you their names, their names, you know, cause I never seen them in my whole life none of them three guy's I never seen in my whole life.

SNOW: What did you see them do after they got out of the car?

MENCHACA: Nothing, I didn't see them.

SNOW: Chris

MENCHACA: They got out the car and that's as much as I saw and then I heard

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Petition for Writ of Habeas Corpus - EXHIBITS



FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.

78-5819

-15-

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

a gunshot and they came running to the car, all three of them back inside the car.

SNOW: It's important to know who you saw with a gun at that time.

MENCHACA: Hmm.ahm...what's that guy's name, the one with the long hair.

SNOW: What's he look like besides long hair?

MENCHACA: He has a, I notice he has a missing tooth.

SNOW: Okay, alright. Did he have the gun when he came back to the car?

MENCHACA: I know he had a black thing, but I didn't see the whole thing.

SNOW: Well, did you see him with a gun when he come, when you said you saw all three of them come running back to the car, did you see this guy with the kind of long hair, a tooth either missing or chipped in front, did you see him with a gun when he come running back?

MENCHACA: I saw something like a black thing, kinda like a holster like, you know.

SNOW: What did they..

MENCHACA: But I didn't see a gun..

SNOW: Alright

MENCHACA: I mean you know, could have been one you know.

SNOW: How far did they have to run to the car?

MENCHACA: Like from, I don't know how far it was because I didn't see them

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| REVIEWED BY                            |   |                   | DATE   |                               |           |

FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.  
78-5819

-16-

|   |           |                    |           |           |
|---|-----------|--------------------|-----------|-----------|
| 73 CODE SECTION                                       | 71. CRIME | 72. CLASSIFICATION |           |           |
| 73 VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS.) |           | 74. ADDRESS        | RESIDENCE | BUSINESS  |
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how far away they got from the car.

SNOW: Okay, this is im..

MENCHACA: But I know they got in real fast..

SNOW: this is important because like I said I..

MENCHACA: Okay, I'm telling you the best I can you know.

SNOW: Fine, you got a murder involved here and it's important because you happened to be there at the time and you were, from our information were just a few feet from where this thing happened at.

MENCHACA: Yeah I didn't know that that was gonna happen though.

SNOW: Alright, that's fine..

MENCHACA: I didn't even know that car was stolen or anything.

SNOW: What I want you to do is to tell me exactly what you saw after

MENCHACA: They just got in the car..

SNOW: Where was this gal, did she?

MENCHACA: I didn't, I didn't..see her.

SNOW: Well you heard, you heard the shot, did the shot sound like it was close by?

MENCHACA: It sounded pretty close.

SNOW: And then, actually if you hear a shot you're gonna look to find out what the heck is going on and it's.

MENCHACA: I couldn't...We were..You know I couldn't see anything because they

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| REVIEWED BY                            |   |                   |  | DATE                          |           |

FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.  
78-5819

-17-

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

got in the car. They got in just like that real fast, all three of them, you know they got in so quick.

ARDAIZ: Okay, why don't I go get those..do we have a picture of all three?

LEAN: Yeah

SNOW: After, why don't you have a, a..is a ARDAIZ still up front?

Yeah

SNOW: Why don't you have him come in for a few minutes he's familiar with it too.

Okay

MENCHACA: No, I don't want to blame anybody cause I didn't get out of the car to see it you know.

SNOW: Alright I understand, if you didn't get out of the car fine, but the important thing here is Chris that if, if you're withholding information.

MENCHACA: I'm not withholding nothing.

SNOW: Okay, we know, alright we know exactly what happened there and we know who got out of the car and we a know we have a good idea who fired the shot..

MENCHACA: The only one that could be that could tell you is one of the guy's that was out there.

SNOW: Alright

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| REVIEWED BY                            |   |                   | DATE   |                               |           |

FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.  
78-5819

-18-

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

MENCHACA: They got out you know.

SNOW: The vital thing here is, is that a you don't try and cover up or withhold information.

MENCHACA: I wouldn't try and do anything like that cause I don't want to get into it cause I didn't know they were gonna go and do that. You know that I'm not that type of a person.

SNOW: Let's start as to exactly and try and recall, I know it's kind of difficult, but let's recall exactly what you saw when they were out of the car.

MENCHACA: I didn't check back to look. I was just in the front seat talking with TINA. We had the radio on.

SNOW: Was there anybody else left in the car besides you and TINA?

MENCHACA: No, nobody

SNOW: Who was driving the car?

MENCHACA: A..

(door opens)

LEAN: We got to go get the pictures, I'll be right back.

SNOW: Okay, this is Jim ARDAIZ and he's with the D.A.'s Office and he's also familiar with this case a, a he'll probably have a few questions as we go along too..

MENCHACA: Okay

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| REPORTING OFFICERS<br>Snow/Lean/Ardaiz |   | RECORDING OFFICER | TYPED BY<br>kj           | DATE AND TIME<br>2-13-78 1030 | ROUTED BY |
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Petition for Writ of Habeas Corpus - EXHIBITS

FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.

78-5819

-19-

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

SNOW: Do I have, we're gonna get some pictures to show you as to, so you can pinpoint the person that you saw, when the three ran back to the car, the person that you saw a which looked to you like a holster or a carrying case of some sort.

MENCHACA: I know it was a black case.

SNOW: Okay, after they got back into the car, now this is important, what was said at that time?

MENCHACA: The little boy wanted to go home real fast.

SNOW: Alright, what did they say that they had done?

MENCHACA: They didn't say anything, they go, he goes, well you guy's gonna drop me off right now, he goes like that cause I gotta get home cause my mom knows that I've been gone for a while and she probably called up my..

SNOW: After they got back into the car..

MENCHACA: (unintelligible)

SNOW: Did you see this person with a gun?

MENCHACA: He had a gun, a, a case, you know, a black case.

SNOW: Did you see a gun in the case?

MENCHACA: I didn't get to see it.

SNOW: You said he had a gun now, now how do you..

MENCHACA: I mean a case, you know it was kinda like that.

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| REPORTING OFFICERS<br>Snow/Lean/Ardaiz |                              | RECORDING OFFICER                     | TYPED BY<br>kj                  | DATE AND TIME<br>2-13-78 1040 | ROUTED BY |
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FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.

78-5819

-20-

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

A holster, is that what you're saying, he had a holster?

MENCHACA: Yeah, something like a holster you know, but I didn't get to see if he had a gun.

SNOW: What comment did you hear made as far as shooting this gal?

MENCHACA: Nothing, they just, the little boy, the one that says, he says you guy's I gotta go home right away cause my mom, he was talking about his mother you know and then a that's when TINA said, yeah well we're gonna drop you off right now. That's when we took off and a they dropped him off in Pinedale somewhere, I don't know what street.

SNOW: Where did you guy's go to immediately after these three ran back and got in the car?

MENCHACA: To drop of the little boy.

SNOW: Where did you go to drop him off?

MENCHACA: Somewhere in Pinedale.

SNOW: Did you make any stops before you went to Pinedale?

MENCHACA: We made a stop at a, in Clovis, that's right, in Clovis we made a stop, I thought that's where that little boy lived at, that they were gonna drop him off at.

SNOW: Where did you stop at in Clovis?

MENCHACA: I don't know the house, I've never been there before.

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FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.  
78-5819

-21-

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

SNOW: Who got out of the car when you stopped in Clovis?

MENCHACA: That guy that didn't have a tooth.

SNOW: Okay. The person that didn't have a tooth right now we'll refer to him as being Douglas STANKEWITZ, okay.

MENCHACA: Yeah, cause I don't know their names you know.

SNOW: We'll show you some pictures in a minute, but a the person with the tooth kind of, where did he, why did he get out of the car in Clovis?

MENCHACA: I don't know, he ran inside the house and came right back out.

SNOW: What did he say he was gonna go get a Chris?

MENCHACA: Oh, some, oh he went in to see if there was anymore bullets and if he could find any.

SNOW: Okay, what did..

MENCHACA: There wasn't any, he didn't find any.

SNOW: Okay, from the time that you drove..

MENCHACA: then from there we drove and dropped off the little boy in a Pinedale. Then that's when they going to drop me out.

SNOW: Okay, from the time that you drove from Calwa to Clovis and this /with person with the tooth missing in the front, the long hair, got out to run inside and see if he could find some more bullets, from the time that you drove from Calwa to Clovis did you .....

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FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.  
78-5819

-22-

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| 70. CODE SECTION                                       | 71. CRIME | 72. CLASSIFICATION |           |           |
| 73. VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS.) |           | 74. ADDRESS        | RESIDENCE | BUSINESS  |
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MENCHACA: I think he was trying to see if he could sell the car too.

SNOW: Sell the car?

MENCHACA: Um hum (yes)

SNOW: Did he say he wanted to sell it?

MENCHACA: Something, he said something like that.

SNOW: Did he and this guy you said who wanted to sell the car, that would have been a the person with the tooth missing in front?

MENCHACA: Yeah.

SNOW: Did you a hear him talking about wanting to get some more bullets for a gun?

MENCHACA: Um hum (yes)

SNOW: Can you remember exactly what he said?

MENCHACA: I'm gonna see if there is any shells, if there is any shells there. I don't know for what type a, he said something for a gun, you know, I don't know..

SNOW: Do you remember what type of gun he said?

MENCHACA: A, no huh uh (no) I don't know, but I know that he said something shells for a, I don't know he said the kind of gun.

SNOW: Did he say..

MENCHACA: But I didn't, I don't remember.

SNOW: Did he say, does this sound familiar did he say anything about a

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Petition for Writ of Habeas Corpus - EXHIBITS



FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.  
78-5819

-23-

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

25 automatic?

MENCHACA: No, huh uh, I don't know. He did say he wanted to get some shells.

SNOW: Alright

MENCHACA: But he said a gun

SNOW: Did he show you the gun at that time?

MENCHACA: No, huh uh

SNOW: Did you see the gun at that time?

MENCHACA: No

SNOW: What did he do with the holster?

MENCHACA: I didn't see it no more after that?

SNOW: Did he put it away?

MENCHACA: I guess, I don't know what he did.

SNOW: Did he tell you people in the car, after he got to driving, you know, all of you just keep your mouth shut about this or be quiet?

MENCHACA: Yeah he said something like that.

SNOW: What else did he say in regard, afterwards?

MENCHACA: That was it. He didn't mention nothing else no more and then a..

SNOW: Did he tell all of you just to keep quiet about what happened there?

MENCHACA: In fact I think he said, oh, coming back to when he got in the car I think that's when he said that, when they got in the car all of

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FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.

78-5819

-24-

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

them and they run to the car, now that I remember he did say that he says a everybody keep their mouth shut.

SNOW: Okay, then after you left Clovis, did you drive directly to Pinedale?

MENCHACA: Um hum (yes)

SNOW: Who was driving?

MENCHACA: I think TINA was driving.

SNOW: Okay, you let the boy off, then where did you go after you let him off?

MENCHACA: To drop me off.

SNOW: Where did, where did you get dropped off?

MENCHACA: Over there by the motel where I was staying at.

SNOW: The Olympic Motel, Chinatown?

And what happened after you arrived at Olympic Motel?

MENCHACA: I was going upstairs.

SNOW: Okay, had you been at the Olympic Motel with a TINA or any of these other people before you drove out to Calwa?

MENCHACA: I think I went up there, yeah, that's right cause my pants had busted to put a safety pin on them, but I took only TINA up there.

SNOW: When was that?

MENCHACA: After when a, the officer told us to leave, Before we went, that's

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FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.  
78-5819

DATE \_\_\_\_\_

-25-

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

right, before we went to Calwa, before we went to Calwa and  
(unintelligible)

SNOW: Was this before you were checked out at the Seven Seas or was this  
after you were checked out?

MENCHACA: After

SNOW: After you were checked out at the Seven Seas..

MENCHACA: Um hum

SNOW: by Officers MORA and WEBB then you stopped over at the Olympic  
Motel?

MENCHACA: Um hum

SNOW: What was the reason for you stopping over there at the Olympic  
Motel?

MENCHACA: Cause I live there and I wanted to put a safety pin on my pants  
as you can see my pants were busted.

SNOW: Did you and TINA get out of the car?

MENCHACA: Uh huh (yes) she went with me.

SNOW: How about the others that were in the car?

MENCHACA: Nobody got out.

SNOW: How many other people were in the car when you, you two got out  
to go to the motel, hotel?

MENCHACA: Let's see, four

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| REPORTING OFFICERS<br>Snow/Lean/Ardaiz | RECORDING OFFICER | TYPED BY<br>kj | DATE AND TIME<br>2-14-78 1030 | ROUTED BY |
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FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.  
78-5819

DATE \_\_\_\_\_

-26-

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

SNOW: That's interesting. You know this gal here?

MENCHACA: That's TINA, that's the only one I know.

SNOW: That's TINA

MENCHACA: I don't know

SNOW: Did you see him in the car that night?

MENCHACA: Yeah

SNOW: Okay, do you know his name.

MENCHACA: No

SNOW: But he was one of them in the car?

MENCHACA: Yeah

SNOW: Okay, his name is LEWIS, Marlin LEWIS, okay. How about this one?

MENCHACA: I remember seeing him in the car too.

SNOW: You remember seeing him in the car, was this the individual, his name is Billy BROWN, is he the a..?

MENCHACA: That's the one we left off in Finedale.

SNOW: Alright

MENCHACA: I can tell by his (unintelligible)

SNOW: How about this guy?

MENCHACA: That's the one who told us to keep my mouth shut.

SNOW: Is that the person you saw with the holster and that's the same person you said stopped in Clovis and ran inside to get some more

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Petition for Writ of Habeas Corpus - EXHIBITS

FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.

78-5819

DATE \_\_\_\_\_

-27-

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

bullets?

MENCHACA: Um hum (yes) that's him.

SNOW: That's him, alright, his name is Doug STANKEWITZ, of course you know who she is. Ahm what a, while you were with these people did you ever score, did you ever go get any Heroin?

MENCHACA: No I didn't get to get any, I didn't find anybody there.

SNOW: Okay, after you got back from dropping this boy off and you went back to the motel what happened from there?  
They

MENCHACA: dropped me off and we were waiting (unintelligible) around Chinatown and we waited and we parked by the Tokyo.

SNOW: Right there on Kern St.?

MENCHACA: Um hum (yes) on Kern Street and a I got out to get, go to my room and TINA was gonna go up there I was gonna lend her a blouse (unintelligible).

SNOW: You and TINA got out of the car?

MENCHACA: Yeah and the Officer that was taking care of the, the, the Olympic goes she can't go in, she can't go up there cause you don't live up there.

SNOW: Um hum

MENCHACA: She doesn't live up there and I (unintelligible) I'll see you then then I told her like that you know.

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FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.

78-5819

DATE \_\_\_\_\_

-28-

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

SNOW: And these two guy's remain in the car, LEWIS and STANKEWITZ?

MENCHACA: Um hum (yes) and then a when I went up to my room I laid in the bed you know and then the a, a heard the police say something about put your hands up and get out of the car slowley or something like that and a, and a Officer came up to the room where I was staying and said you come, you come here you know and so I went over there and then he goes a what's your name and I told him Christina MENCHACA you know and then he goes yeah that's her and they handcuffed me and they took me down real fast, the stairs, and they already had all the other ones there, the other three, down there handcuffed.

SNOW: Okay (unintelligible)  
I want to clear up something in my own mind, do you recall when Officer MORA came by the, the Seven Seas?

MENCHACA: He was in the Seven Seas and I walked in there.

SNOW: He talked to you?

MENCHACA: He asked me where's your I.D., where's your I.D. at Chris and I told him well I don't got it, I haven't went and got it yet you know.

SNOW: Christina when you were at the Seven Seas and you got in the car with STANKEWITZ (unintelligible) where was the girl that got shot?

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| REPORTING OFFICERS<br>Snow/Lean/Ardaiz | RECORDING OFFICER | TYPED BY<br>kj | DATE AND TIME<br>2-14-78 1100 | ROUTED BY |
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FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.  
78-5819

-29

DATE \_\_\_\_\_

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

MENCHACA: She was still in the back seat. I know there was a girl back there, but I don't know what she looked like. I noticed a bunch of people sittin in the back, you know, there was three of them sitting in back. The little boy, Billy, the little one, and that other one with the long hair, I don't know his name.

SNOW: That's STANKEWITZ. The guy with the broken tooth, or the missing tooth? (unintelligible) the other one?

MENCHACA: No, the other one

SNOW: LEWIS.

Oh LEWIS, Marlin LEWIS

MENCHACA: He was sittin in the back and I know there was a, that one was sitting in the back.

SNOW: Where was this girl with the long hair when a MORA and LEWIS were

MENCHACA: In the back

SNOW: She was sitting in the back?

MENCHACA: Yeah

SNOW: The girl with the long hair?

MENCHACA: Yeah

SNOW: That's the same girl that a..

MENCHACA: They..

SNOW: Took out to..

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FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.

78-5819

DATE \_\_\_\_\_

-30-

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

MENCHACA: Yeah

SNOW: Took out to Calwa?

MENCHACA: Um hum (yes)

SNOW: That's the same girl that they took out of the car and the three of them got out with her and when you heard the gunshot..

MENCHACA: The three, yeah the three

SNOW: And when you heard the gunshot did you see this girl?

MENCHACA: I didn't get to see her face, I didn't get to see, I just got to see the back of her, you know, I thought they were gonna drop her off <sup>/right</sup> there somewhere, I don't know, I didn't have no idea cause I didn't know what they were doing, I didn't know they had came from another town and they had kidnapped her, I didn't know what was going on, I didn't know they had stole a car or nothing. You can, you can ask any of them, they'll tell you that I didn't know that the car was stolen and they had took the girl and, you know I didn't know none of that shit was going on. Now ain't that stupid to get in a car with somebody they had kidnapped.

SNOW: Well, we know from the statements that we got that a, a somehow, someway, you come into control or possession of a watch. Now I don't know if TINA gave this to you or if you found it in the car or what, but you had a watch and we've got more than one individual

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Petition for Writ of Habeas Corpus - EXHIBITS



FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.

78-5819

DATE \_\_\_\_\_

-31-

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

that can verify that.

MENCAHCA: (unintelligible)

SNOW: Well you may not have it now, but it a, you had it that night.

MENCHACA: Huh uh (no)

SNOW: You think carefully now.

MENCHACA: No

SNOW: Somebody give you a watch there, in the car?

MENCHACA: Huh uh (no)

SNOW: And tell you to go sell a watch?

MENCHACA: (unintelligible)

SNOW: Chris, I want to go over a couple of things and like I said, I don't want you to go out here and try and protect these individuals because we are talking about a very serious crime, alright, something much more serious than anything I think you've been involved in here recently, okay. A..we have the..we know exactly what occurred that night and I want to go over a few things with you, okay, point out some things to you and a I want you to be truthful with me because we're gonna have to make a decision as to what we're gonna do on this case and a..

MENCHACA: That's why I'm tryin to tell you that..

SNOW: Alright, some of the things that you've, some of these things

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FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.  
78-5819

DATE \_\_\_\_\_

-32-

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

that you've told me here I know to be true okay. There's other things here that you've left out and a I don't want you to do that okay. I would rather have you be completely truthful with us and come down the line exactly what happened, don't change the thing around and don't withhold. But you do that and all you do is confuse the issue and get yourself into difficulty a I would rather you'd just come down and be completely truthful, okay. Now look I know that you were contacted, apparently at the Flor De Mexico, the bar originally, alright. Chris is a not..Chris . . . TINA is the one that got a hold of you originally is that correct?

MENCHACA: Yes

SNOW: And I know that a after you were contacted there a she did, she wanted you to go find something for them to score is that correct?

MENCHACA: Yeah

SNOW: Alright then you didn't go over to the, across the street right away to the Seven Seas, but you did take a ride, you did go over to, to the a where you were staying, and apparently Pat was there at the time a and a what I want is just the truth as to exactly what happened, don't, don't cover for these people.

MENCHACA: I'm not covering for them.

SNOW: Alright, okay, just come down and tell me exactly what happened

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FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.  
78-5819

DATE \_\_\_\_\_

-33-

|  |           |   |           |  |
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| 70. CODE SECTION                                       | 71. CRIME | 72. CLASSIFICATION  |           |  |
| 73. VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS.) |           | 74. ADDRESS <input type="checkbox"/> RESIDENCE <input type="checkbox"/> BUSINESS <input type="checkbox"/> | 75. PHONE |  |

your talking, like I said, about a serious matter which..

MENCHACA: I know

SNOW: I would hope that you would be completely truthful with me, alright  
What, what happened after you left, you, you got in the car I  
know you did, okay.

MENCHACA: We drove out to Calwa

SNOW: Alright, but didn't you make a stop first over to the hotel, before  
you went to Calwa?

MENCHACA: Yeah to fix the, my pants.

SNOW: Alright, you and Chris got out..

MENCHACA: Chris?

SNOW: Well Chris and TINA..

MENCHACA: (unintelligible)

SNOW: both of you got out of the..you went up to the, to the motel for  
a little bit okay, didn't the gal with the long hair, she stayed  
in the car with these other guy's when you went upstairs, right?

MENCHACA: Yeah

SNOW: And a..

MENCHACA: She didn't make no noise or nothing, she wouldn't say anything,  
you know, you know, she didn't talk or anything.

SNOW: Okay a..

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FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.  
78-5819

DATE \_\_\_\_\_

-34-

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

MENCHACA: She didn't make nothing, she didn't make no signs that she was in danger or anything.

SNOW: Alright, well she'd already, like I said she'd already been kidnapped and she'd already had her property taken from her at least we believe this to be true all the statements we've got. When you went upstairs a TINA had told you that the car was hot and we know this, TINA has told us this, not only TINA, a we knew this conversation, some of it took place in the car too and we've talked to everybody involved in this thing and I mean you weren't there when the car was stolen, you weren't there when the property was taken from her when, originally, but you did take a ride. Now maybe you were trying to do a favor for these people, I don't know maybe score for them, she did want you to score you know, right?

MENCHACA: Right

SNOW: Then, you know, she asked you to do a favor for her and theres no.

MENCHACA: I didn't know what was going down (unintelligible) I didn't know that, you know, what they had did.

SNOW: Alright, you weren't there when the gal was forced into the car and forced to drive, alright. You weren't there when they said alright give me your, your property, alright, but you were told and that's why I, be completely truthful with us, come down the

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FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.  
78-5819

DATE \_\_\_\_\_

-35-

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

line don't, you know, that's why it's important when you talk about a homicide, a murder, you gotta, don't leave out facts, don't don't a lie to us because that is where we get into difficulty. Just come down the line, everything that you know, alright. Didn't you go up to the hotel when you stopped there, maybe it was to get your pants fixed, I don't maybe it was to pick an outfit up, I don't know, whatever it was tell us?

MENCHACA: To fix, to fix my pants.

SNOW: Alright

MENCHACA: Then we went back down and sat in the car..

SNOW: When you, when you...

MENCHACA: she was still in there.

SNOW: Alright, I know that. Before you got down, when you were upstairs and your coming downstairs a TINA said yeah I told her the car was hot and a..

MENCHACA: She didn't tell me

SNOW: This is what we've got from more than one source.

MENCHACA: She didn't tell me that car was stolen.

SNOW: Do you remember that a the owner of the car is inside?

MENCHACA: She told me this is a her car, but I, to me in my mind I thought, you know the girl probably let her drive it or something, but I

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|   |   |   | DATE                          |           |

FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.  
78-5819

DATE \_\_\_\_\_

-36-

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

didn't know she had stole it from her, you know, she didn't tell me hey well we kidnapped her from so and so and..

SNOW: No, maybe she didn't tell you she kidnapped, but she told you the car was hot.

Now TINA wouldn't lie to us about that, you know that as well as I do. It's beyond (unintelligible).

MENCHACA: She didn't tell me the car was hot, she didn't tell me the car was hot, she didn't tell me the car..well

SNOW: Didn't you have a good idea Chris that the car was hot at that time?

MENCHACA: No, no cause I thought maybe they were just riding around and stopped, you know. I didn't know that the car was hot.

SNOW: Okay, what happened after you got in the car?

MENCHACA: That a, they..

SNOW: Do you remember, did this red haired gal, do you remember seeing the red haired gal, long red haired gal in there?

MENCHACA: I just know she had long hair.

SNOW: The other night you told me you remembered it was red hair.

MENCHACA: I don't remember it very well at all, what color, but I know it was a light color.

SNOW: Alright, what happened after you got in then?

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Petition for Writ of Habeas Corpus - EXHIBITS

FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.  
78-5819

DATE \_\_\_\_\_

-37-

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

MENCHACA: They drove out there by a..by Calwa somewhere, I know..

SNOW: These people, these people you pointed out..

MENCHACA: Yeah

SNOW: Those were the ones that were in the car?

MENCHACA: Um hum (yes)

SNOW: The pictures that you've identified here, yourself, TINA, the guy with the broken tooth, STANKWITZ, Marlin LEWIS and the kid, Bobby a, Billy, okay.

MENCHACA: They drove out there.

SNOW: Why were you gonna go out there, were you gonna score something for them out there?

MENCHACA: No, she just say well let's go riding around, I said okay, so then a we took off and then they went out towards Calwa I know. I know it was Calwa cause I know Calwa you know.

SNOW: Alright, tell me where they stopped and just don't leave out anything this time, okay.

MENCHACA: Okay, okay and a they parked by a (unintelligible) you know they parked by a house on the right hand side of the road and they told her to get out or something like that and all three of them got out, the three, the three guy's got out and the girl got out and me and TINA stayed in the car and a we were talking, you know, we

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Petition for Writ of Habeas Corpus - EXHIBITS

FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.  
78-5819

DATE \_\_\_\_\_

-38-

|  |           |                    |           |           |
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| 70. CODE SECTION                                       | 71. CRIME | 72. CLASSIFICATION |           |           |
| 73. VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS.) |           | 74. ADDRESS        | RESIDENCE | BUSINESS  |
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/in the car  
were talking me and TINA and I just heard something like a  
fire (unintelligible) or gunfire you know, just now you know real  
real loud and here they come running stumbling into the car you  
know real fast and a while we were driving off that guy said nobody  
better say nothing what happened.

SNOW: Which guy said that?

MENCHACA: The one with the long hair.

SNOW: This one here?

MENCHACA: Yeah

SNOW: STANKEWITZ

MENCHACA: He said nobody better not say nothing.

SNOW: Did you see STANKEWITZ when he come running back to the car, did  
you see STANKEWITZ with a gun then?

MENCHACA: I didn't see the gun.

SNOW: What did you see?

MENCHACA: I know he had something black in his hand.

SNOW: What did it look like?

MENCHACA: Like a holster of some kind.

SNOW: Well could you tell if there was a gun inside that holster?

MENCHACA: No, I don't know, I'm trying..

SNOW: Did you..

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Petition for Writ of Habeas Corpus - EXHIBITS



FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.

78-5819

DATE \_\_\_\_\_

-39-

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

MENCHACA: I know it was short like that.

SNOW: After he got in the car could you see if there was a gun in the holster?

MENCHACA: No, huh uh, he must have put it away somewhere, but I know he had something in his hands like that, you know and he said nobody better say nothing and a then the little boy goes well, you guy's better take me home now because my mother..

SNOW: Before you took off, now I know that they didn't have to run very far, and I know that for sure, they were only out of the car just a few feet where you , from where you stopped the car cause TINA was doing the driving and she can recall what, what went on there and a she can also recall exactly where a this gal had been shot and where she fell and a I know..

MENCHACA: I can't because see I didn't turn around to see or anything.

SNOW: before you took off I'm sure that you'd be looking around if you saw something you give just a general idea as to where she saw her laying.

MENCHACA: I didn't see her laying anywhere. I didn't see her. I didn't get to see her because the..I didn't even, I just, you know, you know I just went, I heard the fire you know of the gun, the shot whatever it was the noise that sounded like a gun you know before

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FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.  
78-5819

DATE \_\_\_\_\_

-40-

|  |           |                    |           |           |
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| 70. CODE SECTION                                       | 71. CRIME | 72. CLASSIFICATION |           |           |
| 73. VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS.) |           | 74. ADDRESS        | RESIDENCE | BUSINESS  |
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I knew they was coming in the car you know and she was already driving off.

SNOW: Do you remember them saying something to the fact that a a, about dropping her?

MENCHACA: No

SNOW: What did they say?

MENCHACA: That guy just turned around and said, you better, nobody better not say nothing. I didn't hear what they were talking about in the back seat or anything. The radio was on on (unintelligible) and then a he said, he said a nobody better not say nothing, you know and then a..

SNOW: Who said that STANKWITZ?

MENCHACA: Yeah, that guy with the, the missing teeth, he told everybody nobody better not say nothing and then a that's when they drove out to Clovis and he got to see for some shells you know and then a he came back in the car.

SNOW: Did he have some bullets when he came back in the car?

MENCHACA: No he didn't say he did or he didn't.

SNOW: Alright, what did...

MENCHACA: Oh, he said there's none here he went like that and then he goes a then the little kid goes well, he said it again, that little boy

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Petition for Writ of Habeas Corpus - EXHIBITS

FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.  
78-5819

DATE \_\_\_\_\_

-41-

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

said well you guys better drop me off and he say yeah we're gonna drop you off now.

SNOW: Alright

MENCHACA: Then that's when we drove out to Pinedale.

SNOW: You here these guys talking in the car while they were driving from Calwa to Clovis?

MENCHACA: No I didn't hear nothing, they were whisper to each other.

SNOW: You saw him in the car didn't you?

MENCHACA: Saw him?

SNOW: All of these individuals that you pointed out?

MENCHACA: Yes they were all in the car, but I hadn't ever seen none of them in my whole life before. None of them I had never seen except for the girl like I said I'd seen her before.

SNOW: Did they appear to be sober to you?

MENCHACA: They looked sober to me.

SNOW: I mean, you heard them talking and

MENCHACA: I was kinda high myself cause they picked me up at a bar you know. I had been drinking you know and... /I was

SNOW: What happened after you dropped the kid off, where did you go to from there?

MENCHACA: We drove back to Fresno

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FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.  
78-5819

DATE \_\_\_\_\_

-42-

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| 70. CODE SECTION                                       | 71. CRIME | 72. CLASSIFICATION |           |           |
| 73. VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS.) |           | 74. ADDRESS        | RESIDENCE | BUSINESS  |
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SNOW: Alright, then where did you go after you drove back to Fresno?

MENCHACA: That's when we parked.

SNOW: When did you go into the Seven Seas?

MENCHACA: A before we went to Calwa.

SNOW: No you didn't go in the Seven Seas before you went into Calwa because that girl wasn't in the car at that time?

MENCHACA: Yes she was.

SNOW: No she wasn't in that vehicle at that time Chris.

MENCHACA: When we went to the Seven Seas?

SNOW: Um hum (yes)

MENCHACA: We went there first, before they drove..

SNOW: Did you stop back at the Seven Seas after you came back?

MENCHACA: No

SNOW: When Officer MORA and Officer WEBB contacted you and TINA?

MENCHACA: That was be... she was still in the car. I know she was going back because that's when, after that, that's when a I stopped at the room and then after that they went, they dropped off, they went drove by Calwa. That's when they took her out of the car.

SNOW: Chris I've talked to Officer WEBB, I've talked to Officer MORA and when they checked you out they were inside the Seven Seas, you came in there and TINA came in there, TINA spotted them, she's

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Petition for Writ of Habeas Corpus - EXHIBITS

FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.  
78-5819

DATE \_\_\_\_\_

-43-

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| 70. CODE SECTION                                       | 71. CRIME | 72. CLASSIFICATION |           |           |
| 73. VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS.) |           | 74. ADDRESS        | RESIDENCE | BUSINESS  |
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to young to be in a bar, she turned around and she started to come back out and that's when Officer WEBB stopped her outside and talked to her.

MENCHACA: Even go to the car and checked her out.

SNOW: Yeah, he did in a little bit, a few minutes he did, he checked her out, talked to her briefly, he'd also gone over to the car, he'd talked to everybody in that car at that time and he can recall what they looked like, he got the license number of that car, he checked that vehicle out a..that gal was not in the car at that time and while he was checking out the occupants of that car a..Officer MORA was checking you out a..you were a, he thought you had a warrant for you and you'd already taken care of that and a..

MENCHACA: She well, I don't know, but she was in there, she was, she was still in there.

SNOW: Chris there's a couple of things I think you'd better consider here.

MENCHACA: I'm telling the truth she was still in the car.

SNOW: Listen, listen to what I have to say, okay. I know that when Officer MORA and WEBB made contact with you and TINA that who was in that car and I've talked to both of them and they know who exactly was in there and they've made Follow-Up Reports to that

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Petition for Writ of Habeas Corpus - EXHIBITS

FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.  
78-5819

DATE \_\_\_\_\_

-44-

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| 70. CODE SECTION                                       | 71. CRIME | 72. CLASSIFICATION |           |           |
| 73. VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS.) |           | 74. ADDRESS        | RESIDENCE | BUSINESS  |
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effect and the gal with the long hair, the person that was killed, was not in the car at that time when Officer WEBB and MORA checked you out.

MENCHACA: Then she must have got out when I was inside the bar, but I know that when I got back in the car she was in there.

SNOW: Then what you're trying to tell me is that a a something we know is not true, we've talked to TINA, to TINA, we've talked to BILLIE a we've talked to LEWIS, Marlin and we know what, what happened there and that's the reason why it's important to bring out exactly what happened.

MENCHACA: Okay, I'm telling you the truth. That's what you want to know, I'm telling you the truth.

SNOW: Did you stop back there after you dropped off a..a this BILLIE out in a Pinedale, did you stop back there again to have a..is that when Officer Webb and Mora checked you out?

MENCHACA: Um Um (no)

SNOW: It certainly would make more sense than a, because she wasn't around at that time.

MENCHACA: Well why should I tell you something that I know is not true.

SNOW: Well I can't figure out what a, what happened to her, you know.

MENCHACA: I know that she was in there when I got, went back and got in the

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Petition for Writ of Habeas Corpus - EXHIBITS

FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.

78-5819

DATE \_\_\_\_\_

-45-

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

SNOW: She was in there when you got into the car?

MENCHACA: Cause I know all of us, okay, after that well a when we drove, told you went back up to my house and I came back down and then they drove out there to a..

SNOW: Was she in the car when you come down from your room?

MENCHACA: I know there was a, they were still back there, you know, but I didn't, you know. Like I say I just know she was back there because when they drove out to Calwa that's when they got her out, so she had to have been in the car.

SNOW: Christina I want you to understand something, we know that Officer WEBB and Officer MORA checked you out at that bar, we know that you came into that bar with TINA, we know from talking to the others that the girl was already dead, we know that you came into that bar, we know why you came into that bar and we know why you came in with TINA. This thing is here Chris.

MENCHACA: When they first contacted me that's what they wanted me to do.

SNOW: Chris the thing is here is that I'm not trying to put you on the spot or give you bad time, alright, but we need to know...

MENCHACA: I'm just telling you the truth.

SNOW: Well, you haven't been completely truthful with us and when I

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Petition for Writ of Habeas Corpus - EXHIBITS

FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.  
78-5819

DATE \_\_\_\_\_

-46-

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| 70. CODE SECTION                                       | 71. CRIME | 72. CLASSIFICATION  |           |  |
| 73. VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS.) |           | 74. ADDRESS <input type="checkbox"/> RESIDENCE <input type="checkbox"/> BUSINESS <input type="checkbox"/> | 75. PHONE |  |

write a Follow-Up Report I don't want to put down something that a is untruthful, I'd rather have you come out and just tell me like it was and we do know what happened a we do that when Officer WEBB and MORA checked you out and TINA out this girl had already been killed a she'd already been taken out to a Calwa area and the shot had already been fired and a we know that a when you went back there this was afterwards, in fact, Billie was still in the car and TINA was still there, of course TINA was with you, and a when you went into the Seven Seas.

SNOW: When we came back to town, when we came back to town a he wasn't with us. We had already dropped him off when they were gonna drop me off.

SNOW: Officer MORA and WEBB talked to BILLIE a, they talked to him while he was in the car.

MENCHACA: He was in the car, yeah he was in the car.

SNOW: And that female wasn't in the car. She'd already been killed out there in Calwa, now I don't know, you know. I want you to just come down the line and tell us you know in sequence what happened, it's not you, most of what you've told me here a, I feel is the truth, you know, but there is no need to, just be truthful with me.

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Petition for Writ of Habeas Corpus - EXHIBITS



FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.  
78-5819

DATE \_\_\_\_\_

-47-

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

MENCHACA: She was still in the car Mr. WHITE, I mean Mr. SNOW, she was still in the car. I don't know what time there talking about that I went over there.

SNOW: We're talking, hey we've talked to TINA, we've talked to, to BILLIE, we've talked to Officer WEBB, talked to Officer MORA.

MENCHACA: I'm telling you what I know, my part. I don't care what anybody else said. I'm telling you what I know, what I know that when I went back to the car she was in this car outside the Seven Seas I know that, that a, that after that happened we went to my room and then after that we drove out to Calwa and that's when it happened and then after that, after that they drove out to, to Clovis, and after Clovis they drove out to Pinedale, after Pinedale they drove back to, to Chinatown to drop me off.

SNOW: Christina, we, the information that we have from the other people, including people that you talked to, is that you went into the Seven Seas and you went in there with the watch to get rid of the girls watch and that you also scored some Heroin that night and that these other people helped pay for it.

MENCHACA: TINA had a, had asked me to score for them, yeah she did.

SNOW: Did you?

MENCHACA: I didn't get anything because I couldn't find any people.

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FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.  
78-5819

DATE \_\_\_\_\_

-48-

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

SNOW: You scored thirteen bags of Heroin that night.

MENCHACA: What??

She had only showed, gave me, showed me the money like a..

SNOW: How much money did she show you Chris?

MENCHACA: She told me she had around thirty dollars cause she asked me she wanted three bags, that's all

LEAN: Has Officer SNOW told you that we've talked to Pat? Pat's been completely true, alright. We know what happened in regards to it what I want you to do is like I said when we sat down here from the outset is that where you fall into difficulty is where you start protecting and hey we don't feel that your the one that a went out here and pulled the trigger on this man, on this gal. You've got to understand that a being truthful here is important and a I'd hoped that, we've talked to Pat and she's not lying to us, there's no reason for her to lie to us and a I want you to come down and let us know what happened on this thing.

MENCHACA: It's the truth about that, she was still in the car though.

LEAN: Alright, let's (unintelligible)

MENCHACA: And a , and a we went out there and a drove to Calwa, went up to my room like I said.

LEAN: Chris, let's just bring out what happened okay?

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Petition for Writ of Habeas Corpus - EXHIBITS

FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.  
78-5819

DATE \_\_\_\_\_

-49-

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

MENCHACA: What do you want to know?

LEAN: Exactly what happened. CHRISTINE, I think, I get the distinct feeling from just sitting her watching you, I haven't said much sitting here watching you that there are things that you'd really like to tell us and and for some reason a whether you're frightened of these other people or you feel that you'll be telling on them or something like that is making you very uncomfortable, ok, but believe me if I was sitting where you are sitting and involved in this situation that you're involved in, then I would tell us everything that you know exactly as you know it. About the watch and about what you did see out there when the girl was killed and the whole thing. Because I think it's important that you you think about yourself, right now. We've talked to these other people and they (unintelligible) a whole different story, ok, and I wouldn't kid you, you don't know me, so you wouldn't know if I'd lie to you or not, ok, and I could understand that but, I don't lie to people, I don't tell them anything that is not true, ok, because that's not fair to you and that's not fair to me, ok, it's important that we develop a relationship of honesty between us and that you tell everything that you know because when you get into court and you start telling totally

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| REPORTING OFFICERS<br>Lean/Snow/Ardaiz |   | RECORDING OFFICER                     | TYPED BY<br>lg                       | DATE AND TIME<br>2-14-78 2255 | ROUTED BY |
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FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.  
78-5819

DATE \_\_\_\_\_

-50-

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

LEAN: different than all these other people, they are going to look at you and say, you know, she's hiding stuff. See where I'm coming from, I think it's important that you understand that. I have no reason to lie to you, Mr. Ardaiz has no reason to lie to you and either does Mr. Snow. We would just like you to be very truthful and honest just like Mr. Snow has been asking you, because I would start thinking about yourself sitting in that chair right there. In that situation that you're in. I think Mr. Snow has explained to you he doesn't believe that you're the gunman, or the gunperson, out there. But we know about the watch, we know about what Hal said, we know what TINA said, we know what all the people said, now, I have no reason to lie to you, it's all right here, it's all written down, it's all these statements.

MENCHACA: All right they did give me the watch to sell.

LEAN: Ok, when did they give you the watch to sell?

MENCHACA: That's when I was in the, in the Seven Seas.

LEAN: In the Seven Seas? Ok, was this when the girl was still alive?

MENCHACA: Um-hum.

LEAN: It was when the girl was still alive. Did, did they tell you where the watch came from?

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|  |                   |                | DATE                          |           |

FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.  
78-5819

DATE \_\_\_\_\_

-51-

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

MENCHACA: No.

LEAN: Can you describe the watch for me?

MENCHACA: It was silver.

LEAN: It was silver, was it a ladies watch?

MENCHACA: It was a ladies watch.

LEAN: Was it kind of white gold, you know, what you're saying silver, white gold.

MENCHACA: Yes.

LEAN: Do you recall it having it having little diamond chips on it?  
On the side?

MENCHACA: Um-hum.

LEAN: You do recall that. What did you do with that watch?

MENCHACA: I

LEAN: Be truthfull, ok.

MENCHACA: Yeah. I left it in my pocket.

LEAN: You left it in your pocket of what?

MENCHACA: In the (unintelligible)

LEAN: In where, the patro(?). In the pocket of what?

MENCHACA: In a, I had a a pendleton on.

LEAN: A pendleton? A like my pendleton shirt, kind of thing?

MENCHACA: Yeah.

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| REPORTING OFFICERS<br>Snow/Lean/Ardaiz  |   | RECORDING OFFICER   | TYPED BY<br>lg | DATE AND TIME<br>2-14-78 2315 | ROUTED BY |
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Petition for Writ of Habeas Corpus - EXHIBITS

FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.  
78-5819

DATE \_\_\_\_\_ -52-

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

LEAN: What color was it?

MENCHACA: Like a, like a mustard in it, greyish.

LEAN: Mustard with green, is that what you're saying?

MENCHACA: Yeah.

LEAN: It was in the shirt pocket, do you know what shirt pocket?

MENCHACA: The otherside.

LEAN: The right one, pointing at the right one. And you left it up there (END OF SIDE TWO OF TAPE ONE)

(TAPE #2)

LEAN: So you don't know whether it's still there or not. Did you mention to PAT that it was in there?

MENCHACA: Um-uh. (no)

LEAN: OK.

MENCHACA: What's her name, I gave it to.

LEAN: Ok, she, while you were gone, Gary, she said she'd been trying to sell the watch, and it's in PAT'S room, in a, when the officers came to arrest her, she didn't take pendleton shirt on that she had with her downstairs, and it's in the top right pocket.

SNOW: In the pendleton?

LEAN: In the pendleton shirt in PAT'S room.

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FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.

78-5819

-53-

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

SNOW: Does PAT know it's there?

MENCHACA: I don't think so, no, she doesn't know.

SNOW: She does.

MENCHACA: She doesn't know, cause I just took off my shirt and layed on the bed.

SNOW: Cause I know Webb went over there last night and talked to her, and I don't know if he got it back or not but he was going to go ask and talk to her and see if she knew it was there, and we had a feeling it was up in her room, but a, I don't know for sure if he was able to get her to find it, cause I had...

MENCHACA: Cause when I went back up to the room, I took off my shirt, you know, the pendleton, and I just layed it on the bed and I layed down, then the officer's came and found it on the door.

SNOW: Can we have.....

MENCHACA: TINA had gave me the....

SNOW: Go ahead, I'm sorry.

MENCHACA: No, the guy with the long hair had gave it to me.

SNOW: The watch?

MENCHACA: Uh-huh. He said, hey, why don't you see if you could sell this for me.

SNOW: Which one, this one here? That's STEINKOWITZ. When did he give

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Petition for Writ of Habeas Corpus - EXHIBITS

FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.

78-5819

-54-

DATE \_\_\_\_\_

70. CODE SECTION

71. CRIME

72. CLASSIFICATION

73. VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS.)

74. ADDRESS

RESIDENCE

BUSINESS

75. PHONE

SNOW: YOU THE WATCH. Was it out there when this thing occurred or was it later on when...

MENCHACA: No, it was before it happened.

SNOW: Before it happened?

MENCHACA: Yeah.

SNOW: So you talked to STEINKOWITZ, when you first told us the story if you, you just told us that he gave it to you, right.

MENCHACA: Yeah.

SNOW: And when you first told us the story about this thing, that TINA contacted you and the guy was in the car. So that wasn't true then?

MENCHACA: I went to the car.

SNOW: You went to the car. Ok now see see what's happened. See what's happened? We've been here a while, we've been talking, you've told so many different stories now you can't remember what you said. Isn't that true? When you start... what happens let me explain, when you start telling little lies pretty soon you can't remember what lies you told before. And now you're trying to think "What'd I say last time?". Ok?

MENCHACA: Ok, when they gave me the money to score for them, they said "Do you think you can get rid of this watch too?"

REPORTING OFFICERS

Snow/Lean/Ardaiz

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Petition for Writ of Habeas Corpus - EXHIBITS



FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.

78-5819

DATE \_\_\_\_\_

-55-

|  |           |                    |           |           |
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| 70. CODE SECTION                                       | 71. CRIME | 72. CLASSIFICATION |           |           |
| 73. VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS.) |           | 74. ADDRESS        | RESIDENCE | BUSINESS  |
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SNOW: Is this right at first? When they first contacted you?

MENCHAKA: Okay, yeah

SNOW: Okay, why don't you run through it again okay?

ARDAIZ: Just exactly what happened.

SNOW: EXACTLY, AND don't leave anything out this time.

ARDIAZ: I mean not even when you were out there you know when this thing happened. Just whatever you saw alright?

SNOW: If you saw him shoot her, you say you saw him shoot her, you know if you did.

MENCHAKA: I didn't

SNOW: Okay, well go through the whole thing for us okay? And don't leave anything out this time, cause remember all of those stories you told me before, we know those now. If you forget one of em we'll know you weren't telling us the truth, okay, so just off the top just run right through it.

MENCHAKA: Okay, when TINA came up to me she asked me to score for her okay, and then she had thirty dollars.

SNOW: She had thirty dollars, she say where she got the thirty dollars?

MENCHAKA: Mhmm (negative) she didn't tell me nothing about it.

SNOW: Okay, was she at the Flora De Mexico? Is that where she contacted you first of all?

MENCHAKA: I think it was out, I can't remember to much cuz I was trying

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| REPORTING OFFICERS  | RECORDING OFFICER | TYPED BY<br>Dlc | DATE AND TIME<br>2-15-78 | ROUTED BY |
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FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.

78-5819

DATE \_\_\_\_\_

-56-

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

MENCHAKA: to hid you know, and through drinking, its so hard for me to remember, anyways I know she contacted me and she asked me to score for her. And then she told me something about, she said hey well theres I have a watch you know too but this guy has it. You think you could try and sell it for me? I said well I don't know maybe I can sell it. I thought maybe it was probably her watch you know.

SNOW: You thought it probably was her watch?

MENCHAKA: I don't know, she just handed it to me, she was telling me,

SNOW: TINA's watch

MENCHAKA: She just told me yeah, here can you try and sell this thing? And I took it I thought maybe it was her watch.

SNOW: Okay

MENCHAKA: Then uh, thats when I went into uh the Seven Seas.

SNOW: Now was this before you went out to uh the Calwa, or afterwards?

MENCHAKA: Before

SNOW: Your certain about that?

MENCHAKA: Yeah I'm certain. And then uh I couldn't sell it so, they told me I could sell it some other time so later, something like that, and uh and then we went back up to the room.

SNOW: Olympia

MENCHAKA: Yeahh.

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| REPORTING OFFICERS | RECORDING OFFICER | TYPED BY<br>Dlc | DATE AND TIME<br>2-15-78 | ROUTED BY |
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FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.

78-5819

DATE \_\_\_\_\_

-57-

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

SNOW: Did you stop there to get a some stuff, or outfit or something?

What were you gonna do there?

MENCHAKA: Okay, we, after we , after I couldn't sell that, uh I did, I scored them some dope and I scored them some dope.

SNOW: Where?

MENCHAKA: Three bags

SNOW: Where at

MENCHAKA: On the second floor, then we went back up to the room and we fixed her, unintelligible, then I picked up, she picked up an outfit, and the dude with the long hair,

SNOW: STANKOWITCZ

MENCHAKA: Yeah he scored, he did it himself you know, then uh came back down (unintelligible)so we went, they drove out to Calwa and uh

SNOW: Was the girl in the car when he got back in the car, that long red haired girl? After you scored and fixed?

MENCHAKA: There, she was still there cuz we drove out to Calwa and I know she was there because, cuz three guys got out the seat went flat like that you know and I noticed she was out, and I saw the back of her hair, it was long, it was light color, a real light color.

SNOW: CHRISTINA, you didn't see STANKOWITCZ shoot her?

MENCHAKA: No I didn't see it. The only way, one that could have seen

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| REPORTING OFFICERS  | RECORDING OFFICER | TYPED BY<br>Dlc | DATE AND TIME<br>2-15-78 | ROUTED BY |
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Petition for Writ of Habeas Corpus - EXHIBITS

FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.

78-5819

DATE \_\_\_\_\_

-58-

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

MENCHAKA: that had to see was the other two guys.

SNOW: No, no I don't mean that, I mean when you were up in your room when you fixed, you say he went, in the bathroom, how do you know he fixed in the bathroom?

MENCHAKA: Because TINA took him the thing. The object.

SNOW: Did he ask for it?

MENCHAKA: I don't know, but I know that he was gonna get some stuff.

SNOW: But you neversaw him inject?

MENCHAKA: No.

SNOW: When he came out did you see any blood or anything?

MENCHAKA: No, I didn't see him, I didn't go in there with him, I stayed in the room. TINA went with him you know.

SNOW: But you saw him come out.

MENCHAKA: Yah he went back to the, I didn't see him come out he went, I was still in the room, and she came back and he was already back in the car.

SNOW: Okay

MENCHAKA: and then uh the three guys got out, the dude got out, and I saw just the back of her head.

SNOW: What happened after they got out of the car?

MENCHAKA: Uh, me and TINA stood talking and and we were listening to the radio and we heard a fire, a gun a gun shot real loud, real real loud, and

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FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.

78-5819

DATE \_\_\_\_\_

-59-

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

MENCHAKA: the guys came back running real fast you know, and like uh, like the guy with the long hair, yeah, had a black thing in his hand like a holster, and uh he said to everybody, nobody better open their mouth, nobody better not say nothing. Then we drove off to uh

SNOW: Did you see the girl laying out there then?

MENCHAKA: No I didn't get to see her, I didn't see no object, to see her she was down, to look her, I didn't want to see her anyway, (unintelligible) you know, okey, then we drove to uh Clovis and then uh she, he went into, he said he was gonna go in there, he says I'll be right back, and I want to check and see if theres any bullets he said that, and uh -

SNOW: STANKOWITCZ just inside a few minutes and come back out.

MANCHEKA: Mhmm, he went, just ran in and back out, real fast, but I thought that, I thought we were dropping off the little boy there because that boy...

SNOW: At that time, tell me, now uh what you recall, at that time did STANKOWITCZ the guy that had the black thing in his hand, the holster, that guy that went in and got the bulletts, or said he was gonna go in and look for some bullets, what did he look like to you. Did he look like he was sober?

MENCHAKA: Mhmm (positive)

SNOW: Could he walk and talk alright?

MENCHAKA: Mhmm

SNOW: This is right after this occurred, right, the shooting?

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| REPORTING OFFICERS  | RECORDING OFFICER | TYPED BY<br>Dlc | DATE AND TIME<br>2-15-78 | ROUTED BY |
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FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.

78-5819

DATE \_\_\_\_\_

-60-

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

MENCHAKA: He got back in the car, and I thought were dropping that little boy off cause he wanted to get out of the car and all that. And uh I told you know, cuz they were gonna drop me off I said, uh, so the little boy was scared and he wanted uh uh TINA to get out with him, to talk, go talk to his mother and explain why he was gone all, I don't know, I don't know how long he had gone, just tell her, I don't know what she told him to tell her. She goes no, I uh, uh, I ain't gonna go in there, or something like that she told him thats when we drove back, he ran out ---

SNOW: Tell me was this gal after you scored for TINA and the, Flora De Mexico and you got three bags, uh right after you scored, where did you go to from there.

MENCHAKA: Up to the room

SNOW: Up to the room, to Olympic?

MENCHAKA: Mhmm (positive)

SNOW: When did you stop there and have MOORE and WEB check you out?

MENCHAKA: When, When I was in the Seven Seas trying to sell the watch.

SNOW: When did you go into Seven Seas?

MENCHAKA: Before we scored.

SNOW: Before you scored? In other words you contacted, were contacted by TINA in the Flora De Mexico.

MENCHAKA: Outside

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| REPORTING OFFICERS | RECORDING OFFICER | TYPED BY<br>Dlc | DATE AND TIME<br>2-15-78 | ROUTED BY |
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FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.

78-5819

DATE \_\_\_\_\_

-61-

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

SNOW: Outside, and she gave you thirty dollars for three bags and wanted you score and before you scored you had gone over with TINA into the Seven Seas?

MENCHAKA: You know we got out to that other guy with the long hair got out of the car to.

SNOW: MARVIN LEWIS

MENCHAKA: Yeah, he he, all three of us got out

SNOW: Okay, he came in to to use the bathroom in the Seven Seas didn't he?

MENCHAKA: He got out too.

SNOW: When you got out of the Seven Seas you went back over to the car this Cougar, you got in, was that girl with the long hair in the car?

MANCHAKA: Mhmm

SNOW: Are you certain of that? Because after you got back in the car from the Seven Seas you -

MENCHAKA: Wait, they came back down and she was, I know cause they drove to Calwa after that, and after Calwa,

SNOW: Why were you gonna go to Calwa? Were you gonna score again?

MENCHAKA: Unh uh

SNOW: Why'd you wanta drive out there?

MENCHAKA: I didn't ask to go over there. She, we just uh, drive around.

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| REPORTING OFFICERS   | RECORDING OFFICER | TYPED BY<br>Dlc     | DATE AND TIME<br>2-15-78 | ROUTED BY |
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Petition for Writ of Habeas Corpus - EXHIBITS

FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.

78-5819

-62-

DATE \_\_\_\_\_

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

SNOW: I know you didn't wanta uh, it wasn't your idea to kidnap this girl, and it wasn't your idea to

MENCHAKA: I didn't know they were gonna do that to her.

SNOW: Why did TINA uh she kinda drug you in the middle of this thing uh mainly to the fact she asked you to score. Secondly, she explained to you you know, at the time and she's told us this uh

MENCHAKA: She's telling you, she's telling me different stories you know, cuz I talked to her.

SNOW: I know, but I'm telling you the truth, now as to what happened.

MENCHAKA: Well I told her, you know, I told her you didn't know the car was stolen, and see she's telling you a different story and I told her you better tell the truth cuz you know damn well I didn't know the car was stolen you think I'm stupid to get in the car with you guys, I didn't even know you did that kidnap that girl. I go and I'm with you guys right there and I'm I'm innocent, but I didn't know you guys were gonna go do all that stuff. She goes yeah well, she goes but I, she goes you probably get loose, cuz I told them you didn;t know the car was stolen, and the first place, I had you there (unintelligible) and I go thats the truth, I go you better tell the truth.

SNOW: Tell me this, you left the watch on your Pendleton up in your room right? Which room is that?

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| REPORTING OFFICERS  | RECORDING OFFICER | TYPED BY<br>Dlc | DATE AND TIME<br>2-15-78 | ROUTED BY |
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FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.

78-5819

DATE \_\_\_\_\_

-63-

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

MENCHAKA: Room 5

SNOW: 5. Would we have permission to go up into your room to search it to try and just obtain were not interested in drugs, were interested in obtaining the watch back, okay. Would we have your permission to go up there and look for the watch.

MENCHAKA: Yeah, you can go up there and go thru my stuff,

SNOW: Is it in the pocke, is it in the pocket? Okay, what we'd like to like I said is, the reason first we wanted to check the room just to find the Pendleton okay?

MENCHAKA: The pendleton, we left the pendleton that CHRIS left when she got arrested she left the Pendleton on top of the bed cause they didn't know about the watch.

SNOW: They didn't know it was in there.

MENCHAKA: Mhmm

SNOW Who knows it was in there. Who was in that room?

MENCHAKA: Uhm,

SNOW: Can we go into your room, and have a look for the Pendleton.

MENCHAKA: Thats not my room that CHRIS 'S room but I seen it there.

SNOW: At his room.

MENCHAKA: At his room

SNOW: Okay I understand.

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| REPORTING OFFICERS | RECORDING OFFICER | TYPED BY<br>Dlc | DATE AND TIME<br>2-15-78 | ROUTED BY |
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Petition for Writ of Habeas Corpus - EXHIBITS

FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.

78-5819

DATE \_\_\_\_\_

-64-

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

MENCHAKA: Its not my room I don't pay for it.

SNOW: Whats his name.

MENCHAKA: Manuel

SNOW: Manuel what? TORRES? He's about 60 years old. You stated, is it alright, do we have your permission to go and we'll check with him too first before we do anything uh, uh do we have your permission to search for the Pendleton shirt that she left in there with the watch? Thats all were interest in. What I'd like to do is get her permission.

MANCHEKA: Why don't you just ask him for it.

SNOW: No, were gonna ask him for it, I don't know.

MENCHAKA: Just ask him to give uhm, to give us the Pendleton she left on top of the bed.

SNOW: Whats the address of the Olympic Motel? 14 something? Room 5?

MENCHAKA: Mhmm

SNOW: [redacted]. Thats upstairs right?

SNOW: What this is is a permission to search warrant which your giving us permission to check the room for the Pendleton uh uh I'll read it to you.

The undersigned residing at the Olympic Hotel Rm. #5, [redacted] Kern does hereby give voluntary authorize Det. Snow and Lean and other officers needed to assist in the search of my residence for any real property located at 1435 Kern. Uh Uh, we have no vehicules, I left that part out, I further authorize said

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| REPORTING OFFICERS | RECORDING OFFICER | TYPED BY<br>Dlc | DATE AND TIME<br>2-15-78 | ROUTED BY |
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| REVIEWED BY | DATE |
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Petition for Writ of Habeas Corpus - EXHIBITS

FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.

78-5819

DATE \_\_\_\_\_

-65-

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

officers to remove from my residence real estate and or motor vehicle one per document or items or property whatsoever which they need for their investigation. I understand said officers will give me a receipt for whatever is removed. I give this written permission to these officers voluntarily without any promises being made and for having been informed by said officer that I have a right to refuse this search and seizure. Okay, all we need to do is have you sign it. We'd like to check it, try and find the watch.

MENCHAKA: But you guys have to go to the manager, and

SNOW: Yeah we will. What'd this watch look like? Can you describe it to me?

MENCHAKA: It had like little diamonds on it.

SNOW: Little diamonds huh/ uh what, how, excuse me, you said STANKOWITCZ this guy with the long hair gave it to you?

MENCHAKA: Mhmm

SNOW: Where'd he say he got it from?

MEHCAKA: He didn't tell me, he just told me here, go and

SNOW: What'd he say he wanted you to do with it?

MENCHAKA: Sell it.

SNOW: Sell it?

MENCHAKA: He wanted me to sell it for,

SNOW: Did he say how much he wanted out of it?

MENCHAKA: Mhmm (negative)

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| REPORTING OFFICERS   | RECORDING OFFICER | TYPED BY<br>Dlc | DATE AND TIME<br>2-15-78 | ROUTED BY |
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FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.

78-5819

DATE \_\_\_\_\_

-66-

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

SNOW: Uh, can you remember, this is important, as I understand it I think we got most of it out here is conversation that they had while they were in the car. Uh before this thing went down, what they were talking about, what they said to each other.

MENCHAKA: They didn't say they were going to do anything to her.

SNOW: What did they say back and forth when they were driving out.

MENCHAKA: It was quiet.(unintelligible)

SNOW: Why'd they stop there in the road?

MENCHAKA: To drop off that girl.

SNOW: Did anybody say stop here?

MENCHAKA: I think that guy with the long hair said stop you know.

SNOW: STANKOWITCZ, the guy with the, said stop here? TINA was driving.

MENCHAKA: Then they stopped, and got out, they didn't gang her up or there was no struggle, you know what I mean, thay I thought they were just gonna drop her off.

SNOW: Did you see who was smoking what type of cigarettes in the car?

MENCHAKA: I don't smoke. I don't smoke cigarettes. There wasn't no struggling when she got out the car, pushing, I didn't see them pushing her out or anything like that, they you know, they just got out.

SNOW: When did this STANKOWITCZ the guy with the long hair, missing tooth, when did he tell you uh that he wanted to sell the car.

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| REPORTING OFFICERS   | RECORDING OFFICER | TYPED BY<br>Dlc | DATE AND TIME<br>2-15-78 | ROUTED BY |
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FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.

78-5819

DATE \_\_\_\_\_

-67-

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

MENCHAKA: Over there by when he was gonna go get the bullets. Over there in Clovis.

SNOW: Clovis?

MENCHAKA: We were on the way to drop off the kid.

SNOW: Why did you return back to the Olympia hotel, after, afterwards, what were you gonna do there?

MENCHAKA: Stay there.

SNOW: All of you were gonna stay there?

MENCHAKA: No. There were dropping me off.

SNOW: Why'd CHRIS, I mean why'd TINA get out of the car?

MENCHAKA: To, oh yeah, she wanted a blouse, cuz, she hadn't, she hadn't been home or something. She wanted a blouse. And thats when the officer, you can't get out.

SNOW: Did you see

MENCHAKA: She went, she said she was going back to the car.

SNOW: Did you see any of these guys with a gun? When you dropped off the kid in Pinedale? Did you see im with a gun when you were coming back to your place?

MENCHAKA: Uhm, I didn't see it no more, after, after he got in the car you know, after it happened, I didn't see it anymore, he didn't bring it out anymore.

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| REPORTING OFFICERS | RECORDING OFFICER | TYPED BY<br>Dlc | DATE AND TIME<br>2-15-78 | ROUTED BY |
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| REVIEWED BY _____   |                                     |                                       | DATE _____                      |

FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.

78-5819

DATE \_\_\_\_\_

-68-

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

SNOW: But that fellow with the holster would have been that guy STANKOWITCZ that had it.

MANCHEKA: He was the one that had it in his

SNOW: When he come running back to the car.

MANCHEKA: Yeah, he had the holster down

SNOW: You knew what it was at that time didn't you, you heard the shot and saw it in his hand.

MANCHEKA: Well, he had, what else could it be? You know. I know it couldn't a been a knife, a knife don't make sounds like a gun.

SNOW: Did you see uh, did yousee uh, did they say something about, uh where they got her at?

MANCHEKA: No, I just you know, just uh, you know, I heard

SNOW: Chris, it surprises me, if I was in that situation that you describe,

MANCHEKA: I didn't know wether to get out of the car or run or what,

SNOW: You know why you didn't, why somebody didn't do it

MANCHEKA: I didn't wanta open my mouth, he said to

SNOW: Say, what the hell happened here, you know, maybe you were shocked, I know if I was that shocked

MANCHEKA: He said be quiet. Thats when he said nobody better say nothing.

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| REPORTING OFFICERS   | RECORDING OFFICER | TYPED BY<br>Dlc | DATE AND TIME<br>2-15-78 | ROUTED BY |
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Petition for Writ of Habeas Corpus - EXHIBITS

FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.

78-5819

DATE \_\_\_\_\_

-69-

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

SNOW: Then you didn't say what happened.

MANCHEKA: I was just was quiet, you know in case he might have gotten an idea, well you know this girl is gonna talk, or something, I better do it to her too, you know.

SNOW: Nobody said anything, Marlin LEWIS didn't say anything, they didn't talk between themselves, they didn't say uh?

MANCHEKA: The little boy said he wanted to get out right away, he was scared to.

SNOW: Did they mention to you, tell ya when uhm, when you went up to the ho, uh, Olympia Hotel before you took her out, before she was killed, did they mention to ya at that time it was you and STANKOWITCZ and uh TINA that were up there in the hotel, uh, of, all of you fixed right? Right?

MANCHEKA: Yeah

SNOW: You eached fixed with just one bag

MANCHEKA: Yeah

SNOW: And uh, and when you fixed, uh er, did STANKOWITCZ mention at that time that uh.

MANCHEKA: He wasn't with me, around me when I did it, he was in the room with these two guys.

SNOW: Alright, but when you were up the Motel, or comin in the motel or

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| REPORTING OFFICERS | RECORDING OFFICER | TYPED BY | DATE AND TIME | ROUTED BY |
|                    |                   | Dlc      | 2-15-78       |           |

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FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.

78-5819

DATE \_\_\_\_\_

-70-

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

SNOW: coming out of the motel, while you were up there in your room did you hear either TINA or STANKOWICZ mention that uh hay were gonna have to go out and get rid of her, or

MENCHAKA: No they didn't say nothing about her. Thats how come I didn't know we was going, you know, when they drove out there, and we already went out, and they drove out there and they told her to get out you know, all of them got out you know.

SNOW Didn't you have some idea uh, what'd you think they were taking her outta the car for just to

MENCHAKA: No I don't know, just to drop her off I wasn't payin attention to that, I didn't think, you know, If I woulda known they was taking her out there to kill her, I wouldn't even wanta be around her, or you know, I wouldn't wanta be around her like that you know, cause I you know.

SNOW: Why didn't you just come down the line at first and tell us in regards to us uh, scoring for these people, and selling, trying to sell a watch and having the girls watch, and uh, uh, hearing the shot and going out and trying to get bullets.

MANCHEKA: Cuz I was scared that guy might try to come after me for saying something. (Unintelligible)

SNOW: What do you uh,

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| REPORTING OFFICERS | RECORDING OFFICER | TYPED BY<br>Dlc | DATE AND TIME<br>2-15-78 | ROUTED BY |
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| REVIEWED BY | DATE |
|-------------|------|

Petition for Writ of Habeas Corpus - EXHIBITS



FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.

78-5819

DATE \_\_\_\_\_

-71-

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

MENCHAKA: But if I have to you know, I'll speak, cuz I know. After they dropped off that little boy where we was going to drop him, then thats when (unintelligible)

SNOW: Why was you afraid to tell us about the watch at first?

MENCHAKA: I was afraid to say anything about anything but I said what I had to say . I can say it now. That guy did it to her, and he might do it to me, (unintelligible). He came out here and wanted to talk to me when he asked me about, after he got back in the car cuz he might you know, he thinks she might talk so lets get rid of her to, you know; I just you know.

SNOW: You had never seen him before? Not in Chinatown? You had been down there quite a while hadn't you.

MENCHAKA: Never, never, Yeah, never in my whole life have I seen none of those three guys, none of em. I seen that girl in the streets, before, TINA I seen her, but I never had seen them in my whole life. Like I could say, you know she didn't tell me the car stolen, we kidnapped this girl, were gonna go out and do this. She didn't tell me none of that. You think I woulda got in the car like that. I'm not that stupid. Being more scare of being in the car with them.

SNOW: When they guy with the chipped tooth and long hair was up there

|   |  |   |                          |           |
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| REPORTING OFFICERS  | RECORDING OFFICER  | TYPED BY<br>Dlc   | DATE AND TIME<br>2-15-78 | ROUTED BY |
| FURTHER ACTION<br><input type="checkbox"/> YES<br><input type="checkbox"/> NO | COPIES TO:<br><input type="checkbox"/> DETECTIVE<br><input type="checkbox"/> JUVENILE<br><input type="checkbox"/> DIST. ATTNY.<br><input type="checkbox"/> S.O./P.D. | <input type="checkbox"/> CII<br><input type="checkbox"/> PATROL<br><input type="checkbox"/> OTHER<br><input type="checkbox"/> OTHER | REVIEWED BY              |           |
|   |  |   | DATE                     |           |

Petition for Writ of Habeas Corpus - EXHIBITS

FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.

78-5819

DATE \_\_\_\_\_

-72-

70. CODE SECTION

71. CRIME

72. CLASSIFICATION

73. VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS.)

74. ADDRESS

RESIDENCE

BUSINESS

75. PHONE

SNOW: and you guys uh shot up up there, did uh

MANCHAKA: I didn't see him go back down

SNOW: Did he act like he was, ah, this was the first time he'd ever done anything like this. Did he act like he knew what he was doing? When he talked about the dope. You know, dope, dope language right?

MANCHAKA: Nah, she's the one that talked to me.

SNOW: He didn't say anything?

MENCHAKA: She was the

SNOW: She got it for him?

MENCHAKA: Yeah

SNOW: His bag? He never said anything. He never acted like the you know the language, you know street talk right.

MENCHAKA: No he never talked nothing like that. Like he knew about it, or knew it was good, he never even said if it was good or not. He talked in Chinatown anyway in bars.

SNOW: Did he mention why he uh uh he uh blew this gal away?

MENCHAKA: No. He didn't mention it. And I didn't even wanta talk to him bout it, because this deal

SNOW: What'd Marlin say, did he act a little shocked, surprised.

MENCHAKA: I didn't pay attention to him, the one that was talking a lot

REPORTING OFFICERS

RECORDING OFFICER

TYPED BY

Dlc

DATE AND TIME

2-15-78

ROUTED BY

FURTHER ACTION

YES  
 NO

COPIES TO:

DETECTIVE  CII  
 JUVENILE  PATROL  
 DIST. ATTN.  OTHER  
 SO./P.D.  OTHER

REVIEWED BY

DATE

Petition for Writ of Habeas Corpus - EXHIBITS

FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.

78-5819

DATE \_\_\_\_\_

-73-

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

MANCHEKA: was the little boy. He wanted to get off the car, and he said it about three times, when you guys gonna talk, take me, you know, I wanta go, I have to get home cuz I know my moms waiting for me and and then he said

SNOW: Whats uh, the guy with the chipped tooth, long hair, when he got back, when all three guys ran back in the car, what was his actions, how was he acting?

MANCHEKA: He said, nobody better say anything. Nobody better say anything.

SNOW: Did you feel it was a threat to you?

MANCHEKA: Yeah

SNOW: Did you feel threatened?

MANCHEKA: Well I felt I'm in danger, like that, he said nobody better say anything, nobody, he went like that you know. So I didn't wanta ask what happened, he'd blow my head away, blow me away to

SNOW: He wasn't laughing when he said that was he?

MANCHEKA: No, he wasn't laughing

SNOW: DID you hear them laughing when they came back to the car?

MANCHEKA: Everybody was quiet

SNOW: Did you hear somebody uh, uh,

MENCHACA The little boy was scared. I know the little boy was scared

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| REPORTING OFFICERS  | RECORDING OFFICER | TYPED BY<br>Dlc | DATE AND TIME<br>2-15-78 | ROUTED BY |
| FURTHER ACTION <input type="checkbox"/> YES <input type="checkbox"/> NO<br>COPIES TO: <input type="checkbox"/> DETECTIVE <input type="checkbox"/> CII<br><input type="checkbox"/> JUVENILE <input type="checkbox"/> PATROL<br><input type="checkbox"/> DIST. ATTN. <input type="checkbox"/> OTHER<br><input type="checkbox"/> SO./P.D. <input type="checkbox"/> OTHER |                   | REVIEWED BY     |                          | DATE      |

FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.  
78-5819

DATE \_\_\_\_\_

-74-

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

MENCHACA: because he went into...

SNOW : Did she say, the girl in the long hair, did she say anything when she was getting out of the car?

MENCHACA: She didn't say anything, nobody said anything, no, she didn't say anything.

SNOW : Did you have any...

MENCHACA: She didn't say "don't," she didn't say, that's why I didn't think anything was happening, because...

SNOW : If you went driving around like that, you know, out in Calwa, uh, and somebody said stop here, and, four people pile out of the car, uh, wouldn't it make you kinda wonder what the hell is going on? Are we going to have a street party or...

MENCHACA: Like I told you, I was, uh, I didn't, I didn't bother, it didn't go through my head, you know, and...

SNOW : I mean, would it, if I were driving around and had uh, you know, three guys in the car, and three gals, and uh, four of them pile out, and, uh, I was sitting in the car, would it ...

MENCHACA: I was sitting in the front seat.

SNOW : Didn't it occur to you to wonder what the hell was going on? How come everybody is getting out?

MENCHACA: All, cause they said they were dropping her off.

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| REPORTING OFFICERS<br>Snow  | RECORDING OFFICER  | TYPED BY<br>pag | DATE AND TIME<br>2-15-78 2100 | ROUTED BY |
| FURTHER ACTION <input type="checkbox"/> YES <input type="checkbox"/> NO | COPIES TO: <input type="checkbox"/> DETECTIVE <input type="checkbox"/> GII <input type="checkbox"/> JUVENILE <input type="checkbox"/> PATROL <input type="checkbox"/> DIST. ATTN. <input type="checkbox"/> OTHER <input type="checkbox"/> S.O./P.D. <input type="checkbox"/> OTHER | REVIEWED BY     |                               | DATE      |

Petition for Writ of Habeas Corpus - EXHIBITS

FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.  
78-5819

DATE \_\_\_\_\_

-75-

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

SNOW : Who said that?

MENCHACA: Uh, that guy

SNOW : STANKEWITZ?

MENCHACA: Yeah

SNOW : Said...

MENCHACA: He's the one who said, "Stop the car."

SNOW : And then he said what?

MENCHACA: Come on, let's get out.

SNOW : Did he tell her, "let's go?"

MENCHACA: Why, everybody in the back seat, got out.

SNOW : Did he look, did he mention anything in particular to her?

MENCHACA: No, uh, uh.

SNOW : "You, too, honey," or...

MENCHACA: No, uh, uh

SNOW : When he said, dropping her off, did you think he meant uh...

MENCHACA: Drop her off. To get out of the car, like that.

SNOW : Did he make, OK...

MENCHACA: I already thought she, I didn't know they had kidnaped her from over there. I thought maybe she lived right there, you know, or something. They were dropping her off. And here I hear the shot and they come running to the car, you know, and then he turns

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| REPORTING OFFICERS<br>Snow  | RECORDING OFFICER   | TYPED BY<br>pag   | DATE AND TIME<br>2-15-78 2130 | ROUTED BY |
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|   |   |   | DATE                          |           |

Petition for Writ of Habeas Corpus - EXHIBITS

FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.  
78-5819

DATE \_\_\_\_\_

-76-

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

around like that, and tells all of us, nobody better say nothing, you know. Like that, ... I didn't even want to say nothing, and I didn't say nothing.

SNOW : Is that the girl?

MENCHACA: I don't know, I didn't see her face.

SNOW : Does that look about her hair, her clothes, she might have had on?

MENCHACA: That looks like it; her hair was long.

SNOW : Those are black and white pictures, not colored pictures.

MENCHACA: I can't say that was her because I never got to see her face.

SNOW : Did you see her purse? She have a purse with her, when she got out of the car?

MENCHACA: Now, I didn't get to see if she had a purse or what.

SNOW : Do you remember a jacket she might have had on?

MENCHACA: No

SNOW : Sweater?

MENCHACA: No, the only thing I noticed was that when she got out, I just noticed her hair was long, you know.

SNOW : You're pointing to the middle of your back,

MENCHACA: Yeah, back here, back here. That's all I noticed--she had long hair. I didn't notice what she was wearing, or what. Or, if she had a purse or not.

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| FURTHER ACTION <input type="checkbox"/> YES <input type="checkbox"/> NO | COPIES TO: <input type="checkbox"/> DETECTIVE <input type="checkbox"/> GII <input type="checkbox"/> JUVENILE <input type="checkbox"/> PATROL <input type="checkbox"/> DIST. ATTN. <input type="checkbox"/> OTHER <input type="checkbox"/> S.O./P.D. <input type="checkbox"/> OTHER | REVIEWED BY     |                               | DATE      |

Petition for Writ of Habeas Corpus - EXHIBITS

FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.

78-5819

-77-

DATE \_\_\_\_\_

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

SNOW : Not to change the subject at all, but what do you know in regard to what happened in Madera, the other day? This wetback was killed.

MENCHACA: What? Oh, I don't know anything about that.

SNOW : I think you know a little bit about it.

MENCHACA: I don't even know anything about that.

SNOW : Were you out there in Madera when, take a ride with somebody, when uh...

MENCHACA: I never been out there, towards that way.

SNOW : There will be an officer that will talk to you in regard to that; because there's one down here today and your name came up ...

MENCHACA: Well, I don't know, I don't know. I never been out that way.

SNOW : We're going to go over and have a talk with uh, Pat, and try to get your compact.

MENCHACA: Yeah, tell her and she'll give it to you. Because she doesn't know anything, if the watch is there, or anything.

SNOW : OK, you understood the rights I read to you earlier, and agreed to talk to us. Is that right? There's been no promises made to you; no threats. Right?

MENCHACA: Right.

SNOW : Can you remember anything else that happened out there that night; or anything that was said, anything additional that might be

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| REPORTING OFFICERS<br>Snow  | RECORDING OFFICER   | TYPED BY<br>pag   | DATE AND TIME<br>2-15-78 2200 | ROUTED BY |
| FURTHER ACTION<br><input type="checkbox"/> YES<br><input type="checkbox"/> NO | COPIES TO:<br><input type="checkbox"/> DETECTIVE<br><input type="checkbox"/> JUVENILE<br><input type="checkbox"/> DIST. ATTN.<br><input type="checkbox"/> S.O./P.D. | <input type="checkbox"/> CII<br><input type="checkbox"/> PATROL<br><input type="checkbox"/> OTHER<br><input type="checkbox"/> OTHER | REVIEWED BY                   |           |
| Petition for Writ of Habeas Corpus - EXHIBITS                                 |   |   | DATE                          |           |

FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.

-78-

DATE \_\_\_\_\_

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

important?

MENCHACA: No, I just told you the best I could--the truth.

SNOW : OK.

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| REPORTING OFFICERS<br>Snow  | RECORDING OFFICER   | TYPED BY<br>pag   | DATE AND TIME<br>2-15-78 2200 | ROUTED BY |
| FURTHER ACTION <input type="checkbox"/> YES <input type="checkbox"/> NO | COPIES TO: <input type="checkbox"/> DETECTIVE <input type="checkbox"/> JUVENILE <input type="checkbox"/> DIST. ATTN. <input type="checkbox"/> S.O./P.D. | <input type="checkbox"/> CII <input type="checkbox"/> PATROL <input type="checkbox"/> OTHER | REVIEWED BY                   |           |
| Petition for Writ of Habeas Corpus - EXHIBITS                           |   |   | DATE                          |           |





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|---|--|--|--|--|--|
| 1229<br>Date & Time Reported to P. D.<br><b>2-8-78, 2304hrs</b>   |  | Type: (Stolen or Embezzled)<br><b>STOLEN VEH. (OUT OF TOWN)</b>              |  | Case No.<br><b>78-5819</b>                               |  |
| Date and time occurred**<br><b>2-8-78, 1700-2304hrs</b>   |  | Location of occurrence**<br><b>Modesto California</b>                        |  | Reporting Division**<br><b>B/01</b>                      |  |
| Present Owner (or Firm name)<br><b>PAWLOWSKI, Gerald, Charles</b>   |  | Res. Address (or Bus. Address)<br>[REDACTED]                                 |  | Res. Phone<br>[REDACTED]                                 |  |
| Person last driving vehicle<br><b>unk</b>   |  | Residence Address<br>[REDACTED]  |  | Res. Phone<br>[REDACTED]                                 |  |
| Person reporting occurrence to P. D.<br><b>RO</b>   |  | Residence Address<br>[REDACTED]  |  | Res. Phone<br>[REDACTED]                                 |  |
| Legal Owner<br><b>PAWLOWSKI, Gerald, Charles</b>  |  | Res. Address (If individual)<br>[REDACTED]                                   |  | Bus. Address (If firm)<br>[REDACTED]                     |  |
| Witnesses: Name Race - Sex - Age<br><b>1 N/A</b>  |  | Residence Address<br>[REDACTED]  |  | Res. Phone<br>[REDACTED]                                 |  |
| 2.  |  |  |  |  |  |
| 3.  |  |  |  |  |  |
| Type of premises (location of vehicle)<br><b>City street</b>  |  | Year Make<br><b>1971 Mercury Cougar, 2dr</b>                                 |  | Body Type<br><b>White over Burgundy</b>                  |  |
| License No. State Year<br><b>[REDACTED] California 79</b>   |  | Motor No.<br><b>[REDACTED]</b>   |  | Color or color combination<br><b>White over Burgundy</b> |  |
| Recovered and/or Impounded Vehicles: Describe condition only (include evidence of stripping, tampering, etc.)<br><b>Accessories (See inventory report form)</b> |  | Ignition locked?<br><b>Yes</b>   |  | Doors locked?<br><b>NO</b>                               |  |
| If impounded, give reason<br><b>Involved in PC 187 (Homicide)</b>   |  | Available for release? (If not, explain)<br><b>NO (Involved in Homicide)</b> |  | Keys in vehicle?<br><b>YES</b>                           |  |
| Disposition of vehicle (If impounded, name and location of garage)<br><b>In cust FSO basement garage</b>  |  | Regis. in vehicle?<br><b>UNK</b>   |  |  |  |
| If recovered vehicle, date & time of theft<br><b>2-8-78, 1700hrs</b>  |  | Location of theft & type of premises<br><b>Modesto California, nfi</b>       |  | Reporting Division<br><b>FIELD</b>                       |  |
| Identify suspects by number, give name - address - sex - race - age - height - weight - hair - eyes - compl. - clothing<br><b>(See Body of Report)</b>          |  |  |  |  |  |

(1) Circumstances surrounding occurrence(s). (2) Stolen Vehicles - (describe any property in vehicle at time of theft which suspect might pawn or sell.)  
 (3) Impounded vehicles - (describe any physical evidence that may connect vehicle with a crime).

(See body of Report)

**RELEASE AND WAIVER**

Know all men by these presents: That I, \_\_\_\_\_ of the city of \_\_\_\_\_ County of \_\_\_\_\_, State of California, do by these presents, for myself, my heirs, executors, administrators or assigns, release each, every and all duly appointed Peace Officers of any city, county or city and county of the State of California, or of the California Highway Patrol of the State of California, from any claim, action, demands, dues, sums of money, controversies, trespasses, judgments, executions, claims and demands whatsoever, in law or in equity, I ever had or now have or which I, or my heirs, executors, administrators or assigns, hereafter can, shall or may have against any Peace Officer or Peace Officers, for, upon or by reason of any matter, cause, or thing whatsoever, as a result of said Peace Officer or Peace Officers recovering, holding, storing, or conveying, the above described vehicle, which I have this day reported as stolen and which is now out of my possession. This release and waiver will remain in effect until such time as above described vehicle shall be recovered and again be in my possession.

\_\_\_\_\_  
SIGNATURE OF PERSON MAKING REPORT

\*\* If a stolen and recovered are incorporated in one report, enter data pertaining to the recovery.  
 If additional space is required, use Continuation Report, Form 3.C

|   |  |           |      |              |      |
|---|--|-----------|------|--------------|------|
| Supervisor Approving<br><b>LT LARGE</b> | Officer(s) Reporting<br><b>J. CALLAHAN 386/RODRIGUEZ 342</b> | B. C. No. | Date | A. P. B. No. | Date |
|   |  |           |      |              |      |

FORM 3.7 ©

Indexed Checked

**STOLEN VEHICLE REPORT**

FRESNO POLICE DEPARTMENT  
CONTINUATION REPORT

Page Number

2

Case No.

78-5819

2-8-78

(Owner) PAWLOWSKI, Gerald, Charles

STOLEN VEH

VICTIM:

GREYBEAL, Theresa, Kay, WFA21, CDL: [REDACTED]  
[REDACTED] St, Modesto Cal. 5-6, 135, brn/red  
(Deceased)

REFERENCE CASES:

#1: Modesto PD, Case number 78-06706  
#2: FPD Standard Crime Report number 78-5819

SUSPECTS:

TOPPING, ~~ZZA~~ Teena, Elaine, Indian FA, 19yrs,  
[REDACTED], SSN: [REDACTED], Resides at [REDACTED]  
[REDACTED], Cal. 5-1, 130, brn/brn,  
blu levis, pink sweater, brn thongs, IN cust  
FCJ, PC 187, PC 211, PC 207, CVC 20851.

SUSPECT #2:

STANKEWITZ, Douglas, Raymond, Indian MA21, [REDACTED]  
resides at 4th & Auburn, Clovis, Cal. 6-1, 190,  
brn/brn, Blu cords, white sleeveless t-shirt, blk &  
white shoes, In Cust FCJ, PC 187, PC 211, PC 207,  
CVC 10851.

SUSPECT #3:

LEWIS, Marlin, Edwin, Indian MA, 22, 3-8-55,  
SSN: [REDACTED], Resides at 1410 #F/3rd st, Sacramento  
Calif. 5-3, 122, brn/blk, wearing blu levis, blu  
cloth jacket, blu t-shirt, tan suede shoes, In cust  
FCJ, PC 187, PC 211, PC 207, CVC 10851.

SUSPECT #4:

MENCHASE, Christina, Garcia, AKA: Chris, MFA25,  
[REDACTED] Resides at [REDACTED] Cal. 5-1,  
135, brn/blk, wearing rust pants, rust & tan sweater,  
brn sandals, In cust FCJ, PC 187, CVC 10851.

SUSPECT #5:

BROWN, Billy, Willis, Indian MJ14, [REDACTED]  
[REDACTED], Cal. 5-6, 129, brn/blk, Blu levis,  
gold shortsleeve shirt, In custody (See FSO Report for  
disposition)

WITNESSES:

GONZALES, Resendo, Viva, MMA48, 3-5-29, [REDACTED]  
[REDACTED] employed as Security [REDACTED]  
[REDACTED] st, Bus Dr: [REDACTED], Night  
Security, Olympic Hotel, [REDACTED]

WITNESS #2:

HERNANDEZ, Patricia, mn, [REDACTED]  
[REDACTED] brn, wearing brn  
shoes, brn pants, blu sweatshirt, ylw blouse.

ASSISTING OFFICERS:

#1: R.H. RODRIGUEZ #342  
#2: Sgt Ron DOWNS #54  
#3: Det G. SNOW #207  
#4: Det L. BROWN #189  
#5: W. MC DANIEL: FSO

CONTINUATION REPORT

2-8-78

(OWNER) PAWLOWSKI, Gerald, Charles

stolen VEH

TOW SERVICE:

MEL West Towing, [REDACTED],  
[REDACTED] towed to FPD for processing, later  
transported to FSO garage for safekeeping.

2-8-78, <sup>2230</sup> 2304hrs, Detailed to the area of 310 S 'G' st to meet with deputy Willie McDANIEL of the FSO re a poss 187 vict. 2035hrs, contacted det MC DANIEL who advised RO that he had a witness/susp with him who had witnessed a homicide earlier this date. He stated that the witness advised him that the homicide had taken place within a 3blk radius of the downtown china town area of Fresno. At this time McDANIELS requested our assistance in checking the area for the remains of the deceased. MC DANIELS explained to ROs that the area details of the area that we should be looking for would be a rail searching in would be near railroad tracks, however with some residential dwellings nearby. At this time ROs began searching the SP RR tracks from Fresno S/B to Church for the deceased.

MC DANIELS informed ROs that the deceased was poss a WF, with red hair wearing blu clothing, nfd. ROs assisted det MC DANIEL & his witr- susp for approx 30min covering several areas in the downtown chinatown area that met the description given by the susp.

After a 30min search, ROs stopped & recontacted det MC DANIELS & the witr/susp BROWN & it was agreed tht all should return to the area of the Olympic Hotel at 1435 Kern st where they had originally left frm. ROs proceeded back to the area & upon arr in the area of [REDACTED] while W/B on Kern st, RO noted what appeared to be 2 MFs standing in the doorway of the Olympic hotel. Upon passing by, one of the MF subjects ran upstairs & the other ran across the street to a veh. At this time MC DANIELS noticed to ROs tht rolled down his window & advised ROs that those females were poss involved in the homicide & requested that we stop them. At this time ROs made a U-turn in the middle of the 1400 blk of Kern & proceeded E/B & positioned themselves behind the veh that the MF subj had gotten into, this being the above listed 1971 Mercury Cougar. At tht

ROs effected a fel car stop & removed the susps in the following order; from the right front passenger seat came susp STANKWITZ, From the right rear passage seat came susp TOPPING, From the left rear passenger seat came susp LEWIS. All of the subjects were at this time taken out of the veh & placed into custody. At tht

At this time, it should be noted that ROs recognized the veh as one being BC earlier in the shift as a poss missing person in veh.

RO was contacted at this time by security off GONZALES who advised RO that he is a night watchman at the Olympic Hotel [REDACTED] Kern st. GONZALES stated that the other female had run upstairs & into room #5 of the hotel. At this time RO proceeded into the Olympic Hotel & went to the 2nd floor into the area in which room #5 was. At this time RO knocked on the door accompanied by the security g & the door was open by witr HERMANDEZ. At this time RO noted the MF later IDE

FRESNO POLICE DEPARTMENT  
CONTINUATION REPORT

Page Number

4

Case No.

78-5819

2-8-78

(OWNER) PAWLOWSKI, Gerald, Charles

Stolen VEH

as Christina MENCHACA laying on the bed & recognized her as being the from the clothing as being the MF that had ran into the motel upon ROs arr. This was further confirmed by GONZALES who stated that she had run past him & into the room. At this time MENCHACA was also taken into custody.

RO questioned GONZALES further re the incident & stated that he had been standing in the doorway at approx the 4th or 5th step up & had observed the 2 female walk into the doorway of the Motel. He stated that they stopped & talked for a minute & he asked them if they lived there. GONZALES stated that MENCHACA stated she lived in room #5. GONZALES stated at this time, ROs veh past by & that the susp later IDed as MENCHACA ran upstairs to room #5 & that the 2nd girl was being susp TOPPING ran back across the street & got into the veh prior to ROs stopping them.

RO contacted Patricia HERNANDEZ in rm #5 asking her when the MF had arr. HERNANDEZ stated that she had just just run into the rm a few min before & related the following info, HERNANDEZ stated that MENCHACA had said to her that they had just killed a girl for her money & that her car was across the street from the Olympic Hotel. At this time HERNANDEZ further advised RO that a knife & a gun were still in the veh at this time, RO advised off RODRIGUEZ that there was still poss a weapon outstanding in the veh. HERNANDEZ further advised RO that the MENCHACA had told her that the body was either in Calwa or Malaga, she couldn't remember which. At this time HERNANDEZ was released pending further investigation.

All suspects transported to FPD for booking prior to being lodged in FCJ.

Upon arr at the PD, RO contacted det SNOW, det BROWN & advised them of the circumstances surrounding the case at which time they began a separate investigation.

Off RODRIGUEZ advised RO that upon checking the interior of the veh, that he opened the drivers door & observed what appeared to be a 25 automatic revolver to be lying on the floor just under the partially concealed by the drivers seat also laying next to the gun was a black holster with a metal belt clip. ROs could not remove the gun observed leaving this for the IB to handle. (See IB follow-up)

ROs then continued search for poss vict in this case & was later advised by det SNOW that the body might poss be in the Calwa area. Det SNOW & BROWN & ROs along with Sgt DOWNS proceeded to the Calwa area to begin checking for the poss vict. Victims body was recovered at the corner of 10th & Vine at approx 0123hrs, 2-9-78. (See DET SNOWs Standard Crime Report form same case number)

ROs then requested the SO respond to the loc as it was in the county & were released at the scene by FSO Sgt GADDY.

LT LARGE

CALLAHAN 386/RODRIGUEZ 342

CONTINUATION REPORT

0402/RH



FOLLOW-UP REPORT

|   |  |   |           |        |   |   |
|---|--|---|-----------|--------|---|---|
| 1229<br>Date of this report<br>2-9-78   |  | Type of Original Report<br>ASSIST FSO (PC 187,CVC 10851)                |           |        | Case No.<br>78-5819                           |   |
| Date crime occurred<br>2-9-78   |  | Location of occurrence<br>=   |           |        | Reporting Division<br>IB                      |   |
| Victim (as listed on orig. report)<br>GREYBEAL, Theresa,  |  | List connecting property report(s) by type and Case No.                 |           |        |   |   |
| Persons interviewed (not on orig. report)<br>1.<br>2.<br>3.<br>4.<br>5.   |  | Race - Sex - Age<br>Residence Address                                   |           |        | Res. Phone                                    | Bus. Phone                                    |
| Persons arrested<br>1. LEWIS, Marlin Indian MA<br>2. TOPPING, Teena, Indian FA<br>3. MENCHACA, Cristina, Indian FA<br>4. STANKEWITZ, Douglas, Indian MA<br>5. |  | Race - Sex - Age  | Filed on? | Charge | Date  | H.T.A. Date Court Divn.                       |
| <input checked="" type="checkbox"/> Cleared   | <input checked="" type="checkbox"/> Closed | <input checked="" type="checkbox"/> Incorrectly classified - change to: |           |        | <input checked="" type="checkbox"/> Unfounded | <input checked="" type="checkbox"/> Continued |

(1) Explain investigation progress and status. (2) When victim and/or witnesses listed in crime report have not been interviewed, give reason. (3) If all or no property recovered so state. If partial recovery, list property recovered, description and value as it appears on original stolen or lost report.

2-9-78, 0050hrs contacted by off CALLAHAN in the IB who advised RO that a 1971 Mercury Cougar, Cal lic 429DAY was being towed to the IB to be processed Off CALLAHAN advised that the veh had been involved in a PC 187 in which the body had ~~been~~ not been loc.

Upon arr of the veh, RO took 35mm cover shots of the veh for ID purposes. Photos of the interior of the veh were taken & these photos will show the evidence booked as listed below.

(2)  ~~weapons~~ weapons were recovered from the veh. A Hunting knife, described below, as item #5 was recovered from under the front left front seat of the veh & a 25 caliber automatic pistol described as item #1 below was recovered from the under the same seat. The pistol could be seen from the rear seat area. Upon checking this weapon, RO noted that there was (1) round in the chamber, (2) rounds in the magazine, that the hammer was in the furthest back position, & that the weapon was on safe. The items of evidence were collected & packaged as to their loc in the veh as which they were found. Items #1-8 were recovered from under the left front seat, items 9-14 were recovered from the right front floorboard, items #15-17 were recovered from the right rear floorboard, item #18 was recovered from under the right front seat, items 19 & 20 were recovered from the left rear floorboard, items 21-23 were recovered from the top of the center console, items 24 & 25 were recovered from the ledge by the rear window, item #26 was recovered from the center console & item #27 was recovered from the glove box.

RO determined tht the veh was too wet to process for latent fingerprints at this time, however items recovered were dusted. The items dusted were as follows.

|  |                      |            |              |                |
|--|----------------------|------------|--------------|----------------|
| If additional space is required, use Continuation Report, Form 3-C | Time Called In       | Time Typed | By           | TOTAL VALUE \$ |
|  | 0550hrs              | 0720hrs    | RH           |                |
| Supervisor   | Officer(s) Reporting |            | Coded By     | Filed By       |
| Sgt GARNSEY  | BONESTEEL 173        |            |              |                |
| Approving Sgt.   | Review Sgt.          | Xeroxed By | Total Copies |                |
|  |                      |            |              |                |

FORM 3.10

FOLLOW-UP REPORT

147

FRESNO POLICE DEPARTMENT  
CONTINUATION REPORT

Page Number

2

Case No.  
78-5819

2-9-78

GREYBEAL, Theresa, Kay

ASSIST FSO (PC 187,  
CVC 10851)

Items #1,3,5,6,7,8,9,10,15,16,17,18,19,20 & 22. RO was able to lift smudges & smears but no prints of any comparison value.

At the request of det L. BROWN & G. SNOW, RO swabbed the hands of the 4 suspects using the q-tips supplied in the neutron activation analyses kit. In each case a control swab was taken & then both hands were swabbed. The hands of Marlin LEWIS were swabbed at ~~1345~~ 0345hrs. The hands of Teena TOPPING was swabbed at 0355hrs. The hands of Christina MENCHADA were swabbed at 0405hrs, & the hands of Douglas STANKEWITZ were swabbed at 0410hrs. Each of the suspects with the exception of STANKEWITZ stated they had not washed their hands this eve. STANKEWITZ stated that he had washed his hands at approx 2300hrs.

The above described veh remained at the IB until arrangements were made by the SO to pick up same. The veh was then towed from the IB for storage by the FCSO.

LATENT EVIDENCE RETAINED: NONE

PHOTOGRAPHIC EVIDENCE: 35 mm color photos of veh & contents.

PHYSICAL EVIDENCE:

1. (1) TITAN 25 caliber automatic pistol. Serial number removed.
2. (1) W-W 25 caliber automatic bullet from the chamber of the weapon.
3. (1) magazine with (2) W-W 25 caliber automatic bullets from the weapon.
4. (1) black leather holster for weapon.
5. (1) hunting knife & leather sheath, SAFARI HUNTER brand with bone handle; 10 3/4 inches overall length, 6 inch blade length.
6. (1) Pepsi can (empty)
7. (1) open pack Virginia Slims Cigarettes.
8. (1) pr of sunglasses, blu & red plastic frames.
9. (1) pink hairbrush.
10. (1) black hairbrush.
11. (1) envelope addressed to Valente CONDERO; 3761 S Goldenrod, Kerman.
12. (1) red bandanna
13. (1) Levis type jacket, size medium.
14. (1) button with question mark & (Whats in a Name) on same.
15. (1) carton Virginia Slims cigarettes, 3 packs missing.

147



FRESNO POLICE DEPARTMENT  
CONTINUATION REPORT

Page Number

3

Case No.  
78-5819

2-9-78

GRAYBEAL, Theresa, Kay

ASSIST FSO (PC 187  
CVC 10851)

16. (1) carton Camels cigarettes; sealed.
17. (1) carton Camels, 1 pack missing.
18. (1) carton Camels, sealed.
19. (1) Pepsi can empty.
20. (1) Black leather belt with silver buckle with green stone.
21. (1) letter in Spanish addressed to Valente CONDERO; 3761 S Goldenrod, Kerman.
22. (1) pack Camel cigarettes.
23. (1) brown leather wallet containing:
  - A. \$8.00 in one dollar bills.
  - B. Photo of Michael HERNANDEZ
  - C. Misc papers (No ID)
24. (1) brown hairbrush.
25. (1) wine colored womans sweater.
26. Contents from center console.
27. Contents from glove box.
28. Neutron kit on the hands of LEWIS, Marlin.
29. Neutron kit on the hands of STANKEWITZ, Douglas.
30. Neutron kit on the hands of TOPPING, Teena.
31. Neutron kit on the hands of MENCHADA, Christina.

Sgt GARNSEY  
BONESTEEL 173  
RH/0550hrs

*[Handwritten initials]* 1476



FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.

78-1809

DATE 2-10-78

|  |                    |                    |           |           |
|--|--------------------|--------------------|-----------|-----------|
| 70. CODE SECTION<br>PC187, 211, 207,                                       | 71. CRIME<br>10851 | 72. CLASSIFICATION |           |           |
| 73. VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS.)<br>Theresa Greybeal |                    | 74. ADDRESS        | RESIDENCE | BUSINESS  |
|  |                    |                    |           | 75. PHONE |

The following report is pertaining to observation of DOUGLAS STANKEWITZ during the evening of 2-8-78 when he was arrested for PC 187.

The wte/burgandy Mercury Cougar 2 dr. was observed on the s/side of Kern St. across the street from 1435 Kern St. (above vehicle was believed stolen from Modesto, CA). The wte/burgandy Cougar was headed eastward with (3) three subjects inside.

The Fresno PD unit which was assisting (Officer Callahan #386, Officer Rodriguez #342) was advised of the vehicle's possible involvement. The Blk/wte patrol unit parked to within approx 15 ft to the rear of the vehicle (Cougar). RO was positioned at the rear passenger side of the patrol vehicle. Officer RODRIGUEZ was positioned approx 10-15 ft. S/E of the patrol vehicle on the sidewalk. Officer Callahan took a position at the driver side door of the patrol vehicle and monitored the loud speaker.

Officer Callahan ordered the people in the vehicle to put their hands up. The rt/front passenger was ordered to exit the vehicle and put his hands up. The subject who first exited was later identified as DOUGLAS STANKEWITZ. RO with an unobstructed line of vision observed STANKEWITZ exit the vehicle upon the first command and place his hands above his head. STANKEWITZ was then ordered by Officer Callahan, via the loud speaker to walk backwards toward the officer (Officer Rodriguez), kneel down and cross his legs.

STANKEWITZ appeared to comprehend and follow the orders given without

|   |                   |  |   |           |
|---|-------------------|--|---|-----------|
| REPORTING OFFICERS  | RECORDING OFFICER | TYPED BY<br>DLC  | DATE AND TIME<br>2-21-78  | ROUTED BY |
| FURTHER ACTION <input type="checkbox"/> YES <input type="checkbox"/> NO<br>COPIES TO: <input type="checkbox"/> DETECTIVE <input type="checkbox"/> CII<br><input type="checkbox"/> JUVENILE <input type="checkbox"/> PATROL<br><input type="checkbox"/> DIST. ATTNY <input type="checkbox"/> OTHER<br><input type="checkbox"/> SO./P.D. <input type="checkbox"/> OTHER |                   | Sheriff's Department on (date) _____<br>for the official use of:<br>Name: _____<br>Agency: _____ |   |           |
|   |                   | REVIEWED BY<br>5   | DATE _____<br>and may not be revealed to any unauthorized person. |           |

FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.

78-1809

DATE \_\_\_\_\_

70. CODE SECTION

71. CRIME

72. CLASSIFICATION

73. VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS.)  
Theresa Greybeal

74. ADDRESS RESIDENCE BUSINESS

75. PHONE

hesitation. The acts were also completed on his own power without assistance from any officers.

Officer Callahan ordered the other passengers out of the vehicle in the same manner. The passengers were later Id'd as TEENA TOPPING rt/rear seat and MARLIN LEWIS lt/rear.

REPORTING OFFICERS

RECORDING OFFICER  
McDaniel

TYPED BY  
Dlc

DATE AND TIME  
2-21-78

ROUTED BY

FURTHER ACTION  YES  NO

COPIES TO:

- DETECTIVE
- JUVENILE
- DIST. ATTN.
- S.O./P.D.
- CII
- PATROL
- OTHER \_\_\_\_\_
- OTHER \_\_\_\_\_

REVIEWED BY

6

DATE



## DECLARATION OF MIMI KOCHUBA

I, Mimi Kochuba, declare as follows:

1. I am a licensed private investigator with the state of California and have been employed since 1989.
2. In or about 1990, I was hired by Robert R. Bryan to investigate the case of Douglas Stankewitz. I worked on the Stankewitz case for about 10 years.
3. In 1993, during the course of my investigation, I conducted a tape-recorded interview of Billy Brown. I understood Mr. Brown to have been the key witness for the prosecution at Mr. Stankewitz's trial.
4. At no time prior to or during my interview did Billy Brown indicate that he had been pressured in any way to talk to me or to change his testimony.
5. On September 20, 1993, I met with Billy Brown at a restaurant in Fresno, California. He was not given anything in exchange for speaking with me.
6. I believe that Billy Brown was telling the truth. At the time I met with him, in 1993, he was 30 years old. He had no reason to lie to me at that time.
7. I was informed that at the time of the trial, Billy Brown was a 14-year-old Native American boy who was offered immunity if he testified at trial against Mr. Stankewitz.
8. In December of 2018, an attorney working with Mr. Stankewitz's team, reached out to me to discuss my 1993 interview with Billy Brown. During our meeting, I was shown declarations from Marco Aguiar and David Schiavon, which stated that Marlin Lewis and Billy Brown were both members of the same tribe—the Choinumni Tribe.
9. I recall that Chief was in a different tribe, the Mono Tribe. If I had known this fact, I would have asked Billy Brown if he felt an obligation to protect a fellow member of his tribe, i.e., Marlin Lewis, during the trial.

DECLARATION OF MIMI KOCHUBA

I, Mimi Kochuba, declare as follows:

1. I am a licensed private investigator with the state of California and have been employed since 1989.

2. In or about 1990, I was hired by Robert R. Bryan to investigate the case of Douglas Stankwitz. I worked on the Stankwitz case for about 10 years.

3. In or about 1993, I was interviewed by the prosecution at Mr. Stankwitz's trial. I recorded an interview of Billy Brown. I understood Mr. Brown to have been the key witness for the prosecution at Mr. Stankwitz's trial.

4. At no time prior to or during my interview did Billy Brown indicate that he had been pressured in any way to talk to me or to change his testimony.

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7. I was informed that at the time of the trial, Billy Brown was a 14-year-old Native American boy who was offered immunity if he testified at trial against Mr. Stankwitz.

8. In December of 2018, an attorney working with Mr. Stankwitz's team reached out to me to discuss my 1993 interview with Billy Brown. During our meeting, I was shown declarations from Marco Aguilar and David Schiavon, which stated that Martin Lewis and Billy Brown were both members of the same tribe—the Chornumai Tribe.

9. I recall that Chief was in a different tribe, the Mono Tribe. If I had known this fact, I would have asked Billy Brown if he felt an obligation to protect a fellow member of his tribe, i.e., Martin Lewis, during the trial.

10. When I met with Billy Brown in 1993, he was less protective of Marlin Lewis, perhaps because he was no longer a child. In my interview with him, Brown stated that it was Marlin's idea to "get a car" meaning he thought they should "rip one off" which they ended up doing.
11. Billy Brown also told me during our interview that Marlin Lewis should have been the one prosecuted because "he was the one who did mostly everything." Marlin Lewis was about three years older than Mr. Stankewitz, who was only 19 at the time of his arrest.
12. It was Billy Brown's belief that the prosecutor, James Ardaiz, had it out for the Stankewitz family.
13. I recall doing a full family work up on the Stankewitz family and the Mono Tribe. I recall that Mr. Stankewitz's mother had a long criminal history, including abuse and I recall that she once shot someone. Mr. Stankewitz's father was from Oklahoma. He was a truck driver and a member of the Hells Angels Motorcycle Club.
14. I have recently re-reviewed the transcript of Billy Bob Brown's interview, which took place on September 20, 1993. The document is entitled *Confidential Memorandum to Counsel* and it is dated November 30, 1993. It is addressed to Robert R. Bryan and Patience Milrod and is 34 pages in length. Also present at the interview were Rockey Pipkin and J.P. Pipkin.
15. The *Confidential Memorandum to Counsel* described in ¶14 above, represents a true and accurate transcript of my interview with Billy Bob Brown that took place on September 20, 1993.
16. I have also re-reviewed the four-page Declaration of Billy Brown, which was signed by him on September 20th, 1993. The declaration represents a true and correct copy of the declaration I witnessed Mr. Brown sign on said date.

I have given this two-page statement of my own free will. I have had an opportunity to review and revise this declaration. I swear under penalty of perjury that the above statements are true.

Executed on March 11, 2019, at San Francisco, California.

  
Mimi Kochuba



10. When I met with Billy Brown in 1993, he was less protective of Marlin Lewis, perhaps because he was no longer a child. In my interview with him, Brown stated that it was Marlin's idea to "get a car" meaning he thought they should "hit one off" which they ended up doing.

11. Billy Brown also told me during our interview that Marlin Lewis should have been the one prosecuted because "he was the one who did mostly everything." Marlin Lewis was about three years older than Mr. Stankwitz, who was only 19 at the time of his arrest.

12. It was Billy Brown's belief that the prosecutor, James Ardais, had it out for the Stankwitz family.

13. I recall doing a full family work up on the Stankwitz family and the Mono Tribe. I recall that Mr. Stankwitz's mother had a long criminal history, including abuse and I recall that she once shot someone. Mr. Stankwitz's father was from Oklahoma. He was a truck driver and a member of the Hells Angels Motorcycle Club.

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15. The Confidential Memorandum to Counsel described in #14 above, represents a true and accurate transcript of my interview with Billy Bob Brown that took place on September 20, 1993.

16. I have also re-reviewed the four-page Declaration of Billy Brown, which was signed by him on August 20, 1993. The declaration represents a true and correct copy of the declaration I witnessed Mr. Brown sign on said date.

I have given this two-page statement of my own free will. I have had an opportunity to review and revise this declaration. I swear under penalty of perjury that the above statements are true.

Executed on 11/20/93 at San Francisco, California.

  
Mimi Kocaba



**STATE OF CALIFORNIA**  
**CERTIFICATION OF VITAL RECORD**

**COUNTY of FRESNO**  
**FRESNO, CALIFORNIA**

3052006165464      **CERTIFICATE OF DEATH**      3200610-004121

|  |  |  |  |   |  |
|--|--|--|--|---|--|
| 1. NAME OF DECEDENT - FIRST (Given)  |  | 2. MIDDLE  |  | 3. LAST (Family)  |  |
| Bill   |  | W.   |  | Brown   |  |
| 4. DATE OF BIRTH (month/day/year)  |  |  |  |   |  |
| 04/09/1963      43   |  |  |  |   |  |
| 5. SEX   |  |  |  |   |  |
| M  |  |  |  |   |  |
| 6. BIRTH STATE/COUNTRY   |  | 10. SOCIAL SECURITY NUMBER   |  | 12. MARITAL STATUS (at time of death)                                       |  |
| UNKNOWN  |  | [REDACTED]   |  | UNKNOWN   |  |
| 13. EDUCATION (highest degree)   |  | 14. WAS DECEDENT HISPANIC/LATINO (or PANGLOSS) (if you are uncertain list race)                    |  | 16. DECEDENT'S RACE (List to 3 races may be listed (see worksheet on back)) |  |
| 9  |  | [REDACTED]   |  | White   |  |
| 17. USUAL OCCUPATION - Type of work for most of life. DO NOT USE RETIRED   |  | 18. KIND OF BUSINESS OR INDUSTRY (e.g., grocery store, road construction, employment agency, etc.) |  | 19. YEARS IN OCCUPATION   |  |
| UNKNOWN  |  | UNKNOWN  |  | UNK   |  |
| 20. DECEDENT'S RESIDENCE (Street and number, or decedent)  |  |  |  |   |  |
| 3008 E. Illinois Avenue  |  |  |  |   |  |
| 21. CITY   |  | 22. COUNTY/PO BOX  |  | 23. ZIP CODE  |  |
| Fresno   |  | Fresno   |  | 93701   |  |
| 24. YEARS IN COUNTY  |  | 25. STATE/foreign COUNTRY  |  |   |  |
| UNK  |  | CA   |  |   |  |
| 26. INFORMANT'S NAME & RELATIONSHIP  |  |  | 27. INFORMANT'S MAILING ADDRESS (Street and number, or rural route number, city or town, state, ZIP) |   |  |
| Fresno County Coroner's Office   |  |  | 760 W. Nialson Avenue, Fresno, CA 93706  |   |  |
| 28. NAME OF BURNING SPOUSE - FIRST   |  | 29. MIDDLE   |  | 30. LAST (Family Name)  |  |
| Willis   |  | UNK  |  | Brown   |  |
| 31. NAME OF FATHER - FIRST   |  | 32. MIDDLE   |  | 33. LAST  |  |
| Lorraine   |  | UNK  |  | Rhoan   |  |
| 34. NAME OF MOTHER - FIRST   |  | 35. MIDDLE   |  | 36. LAST (Family Name)  |  |
| Lorraine   |  | UNK  |  | Rhoan   |  |
| 37. DATE OF DEATH (month/day/year)   |  | 38. PLACE OF FINAL DISPOSITION   |  |   |  |
| 08/31/2006   |  | Thoumni Cemetery, Pine Flat, CA  |  |   |  |
| 39. TYPE OF DISPOSITION  |  | 40. LICENSE NUMBER   |  | 43. LICENSE NUMBER  |  |
| CR/BU  |  | N/A  |  | N/A   |  |
| 44. NAME OF FUNERAL ESTABLISHMENT  |  | 45. LICENSE NUMBER   |  | 47. DATE (month/day/year)   |  |
| Fresno County Coroner  |  | N/A  |  | 08/30/2006  |  |
| 49. PLACE OF DEATH   |  |  |  |   |  |
| University Medical Center  |  |  |  |   |  |
| 104. COUNTY  |  | 105. FACILITY ADDRESS OR LOCATION WHERE FOUND (Street and number, or location)                     |  | 106. CITY   |  |
| Fresno   |  | 445 South Cedar Avenue   |  | Fresno  |  |
| 107. CAUSE OF DEATH  |  |  |  |   |  |
| Enter the chain of events - diseases, injuries, or complications - that directly caused death. DO NOT enter terminal events such as cardiac arrest, respiratory arrest, or vascular failure without showing the etiology. DO NOT ABBREVIATE. |  |  |  |   |  |
| IMMEDIATE CAUSE (a)  |  | 108. DEATH REPORTED TO CORONER (Check one)   |  | 109. BIGEY REPORTED?  |  |
| Acute Intoxication   |  | [X] YES [ ] NO   |  | [X] YES [ ] NO  |  |
| Underlying Cause (b)   |  | 110. AUTOPSY PERFORMED?  |  | 111. USED IN DETERMINING CAUSE?   |  |
| Combined Effects of Alcohol & Opiates  |  | [X] YES [ ] NO   |  | [X] YES [ ] NO  |  |
| 112. OTHER SIGNIFICANT CONDITIONS CONTRIBUTING TO DEATH BUT NOT RESULTING IN THE UNDERLYING CAUSE GIVEN IN 107   |  |  |  |   |  |
| None   |  |  |  |   |  |
| 113. WAS OPERATION PERFORMED FOR ANY CONDITION LISTED IN 107 OR 112 (If yes, list type of operation and date)  |  |  |  |   |  |
| No   |  |  |  |   |  |
| 114. I CERTIFY THAT TO THE BEST OF MY KNOWLEDGE DEATH OCCURRED AT THE HOUR, DATE, AND PLACE STATED FROM THE CAUSES STATED.   |  | 115. SIGNATURE AND TITLE OF REGISTRAR  |  | 116. LICENSE NUMBER   |  |
| [REDACTED]   |  | [REDACTED]   |  | [REDACTED]  |  |
| 117. TYPE ATTENDING PHYSICIAN'S NAME, MAILING ADDRESS, ZIP CODE  |  |  |  |   |  |
| [REDACTED]   |  |  |  |   |  |
| 118. I CERTIFY THAT MY OFFICE HOURS OCCURRED AT THE HOUR, DATE, AND PLACE STATED FROM THE CAUSES STATED.   |  | 119. INJURED AT WORK?  |  | 121. INJURY DATE (month/day/year)   |  |
| [REDACTED]   |  | [X] YES [ ] NO   |  | 05/12/2006  |  |
| 120. PLACE OF INJURY (e.g., home, construction site, wooded area, etc.)  |  | 122. TYPE NAME, TITLE OF CORONER/DEPUTY CORONER  |  | 123. HOUR (24 Hour)   |  |
| UNKNOWN  |  | Kelly A. Wiesel, Deputy Coroner  |  | UNK   |  |
| 124. DESCRIBE HOW INJURY OCCURRED (Events which resulted in injury)  |  |  |  |   |  |
| Decedent ingested a toxic amount of Alcohol and Opiates  |  |  |  |   |  |
| 125. LOCATION OF INJURY (Street and number, or location, city, and ZIP)  |  |  |  |   |  |
| UNKNOWN  |  |  |  |   |  |
| 126. SIGNATURE OF CORONER/DEPUTY CORONER   |  | 127. DATE (month/day/year)   |  | 128. TYPE NAME, TITLE OF CORONER/DEPUTY CORONER                             |  |
| [REDACTED]   |  | 08/25/2006   |  | Kelly A. Wiesel, Deputy Coroner   |  |
| STATE REGISTRAR  |  | FAX AUTH. #  |  | CENSUS TRACT  |  |
| A  |  | [REDACTED]   |  | CH200700006251  |  |

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STATE OF CALIFORNIA } SS      DATE ISSUED      DEC 18 2017



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*Raul Diggs*  
 RAUL DIGGS, C.F.A.  
 COUNTY RECORDER





1  
2 IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
3 FIFTH APPELLATE DISTRICT, DIVISION NUMBER \_\_\_\_\_

4 In Re DOUGLAS R. STANKEWITZ,

5 Petitioner,

6  
7 On Habeas Corpus,

Court of Appeal No. \_\_\_\_\_

ON HABEAS CORPUS, COURT OF

8 APPEAL NO. \_\_\_\_\_

9  
10 J. TONY SERRA, SBN 32639  
11 CURTIS L. BRIGGS, SBN 284190  
12 3330 Geary Blvd., 3<sup>rd</sup> Floor East  
13 San Francisco, CA 94118  
14 Tel. 415-986-5591  
15 Fax 415-421-1331

16 Attorneys for Defendant  
17 DOUGLAS R. STANKEWITZ

18 **DECLARATION OF ROGER CLARK**

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. I have the following relevant experience and education:

24 Police Procedures Consultant (self-employed) – 25 years:

25 I have been certified by Federal and State Courts. I have consulted in approximately 1950  
26 cases thus far since my retirement from the Los Angeles County Sheriff's Department. I have  
27 testified as an expert on use of force, jail procedures and jail administration, investigations, police  
28 procedures, police tactics, investigative procedures, shooting scene reconstruction, and police

ON HABEAS CORPUS, COURT OF APPEAL NO. \_\_\_\_\_ - 1

*PAE*

1 administration in Arizona State Courts, California State Courts, Washington State Courts and  
2 Federal Courts in Arizona, California, Colorado, Florida, Illinois, Indiana, Louisiana, Missouri,  
3 Nevada, Ohio, Oregon, Pennsylvania, Texas, Utah, Washington, New Mexico, New York and  
4 Wisconsin.

5 Los Angeles County Sheriff's Department – 27 years 4 months:

6 Note: When I retired from LACSD in 1993, the Department had 7,000 sworn and 3,000  
7 civilian personnel and a daily County Jail inmate population of 23,000. During my 27 years of  
8 active service, I was a Line Detective for two years and a Detective Bureau Commander for eight  
9 years.

10 Service as a Lieutenant (15 years, 0 Months)

11 Service as a Sergeant (6 Years, 4 Months)

12 Service as a Deputy (6 Years, 0 Months)

13 I have the following DEGREES AND CERTIFICATION:

14 P.O.S.T. Command College (Class #5) POST 1988

15 Management Certification POST 1980

16 Advanced Certification POST 1975

17 Associate of Science Degree Chaffey College 1971

18 3. I have recently testified as an expert witness in the following wrongful conviction cases:  
19 Mullen, Herrera v. City of Brea and Vargas v. City of Los Angeles.

20 4. I have recently served as an expert in the following notable cases:

21 2015 Ohio (Cleveland) Opinion & Testimony for Grand Jury – Shooting death of Tamir Rice.

22 2015 Delaware A.G. Written Opinion regarding the shooting death of Jeremy McDole.

23 2017 New York DOJ Written Opinion regarding the death of Eric Garner (US AG)

24 2018 California D.A. Written Opinion regarding San Jose PD Lt. Richard Weger for Santa Clara  
25 County DA.

26 2018 New Mexico Written Opinion for New Mexico AG regarding the shooting death of  
27 Teresa Anaya – and requested training opinions.

28 2018 Virginia Report and Trial Testimony regarding Estate of Kager – a shooting death

ON HABEAS CORPUS, COURT OF APPEAL NO. \_\_\_\_\_ - 2

1 by City of Virginia Beach SWAT.

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

- 6 - Douglas Stankewitz (age 19)
- 7 - Billy Brown (age 14)
- 8 - Marlin Lewis (age 22)
- 9 - Tina Topping (age 19)
- 10 - Christina Menchaca (age 25)

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

16 6. It is uncontested (and a key factor in any evaluation of this case) that Billy Brown's  
17 testimony during both trials was the key factor resulting in Mr. Stankewitz' conviction (and death  
18 sentence). At both trials, Billy Brown gave specific details regarding how Mr. Stankewitz shot  
19 Ms. Graybeal. In my opinion, Billy Brown's account does not match the obvious physical facts.  
20 Additionally, it must be noted that Billy Brown recanted his testimony in 1993. In 2012, Mr.  
21 Stankewitz' penalty phase was reversed. On May 1, 2019, Mr. Stankewitz was re-sentenced to  
22 life without the possibility of parole. I have been retained to give opinions regarding the police  
23 practices in this case.

24 7. Accordingly, I have been provided the opportunity to examine the case with fresh eyes.  
25 Almost immediately during my review process, it became apparent to me that the physical  
26 evidence did not appear to support the case that was presented to the jury by the Prosecution  
27 during Mr. Stankewitz' trials. Then, upon request, on March 21, 2019, I was provided the  
28 opportunity to actually view and handle all of the physical evidence located at the Fresno Sheriff's

1 office and the Fresno County Superior Court with a defense forensic expert, Chris Coleman. I  
2 can provide a list of the evidence and photographs examined.

3 8. Upon viewing the evidence, I determined that the evidence was not kept according to  
4 acceptable standards. I see the following problems:

5 A. Key Evidence was mishandled and has disappeared. Some evidence appeared to  
6 have been inappropriately handled in violation of basic rules of evidence, assessment and  
7 accountability.

8 B. Some key items of documented evidence are now missing. For example, the jacket  
9 belonging to one of the co-defendants, Marlin Lewis, was apparently taken from evidence  
10 (it was documented and photographed) and not returned. In my opinion, such evidence  
11 should not have been removed and indicates a specific intent to remove evidence. This  
12 indicates that serious misconduct occurred in this case because Detective Boudreau  
13 initialed the property card and may have removed the jacket. Evidence should not leave  
14 the building. Based on the extensive misconduct that occurred in this case, Detective  
15 Boudreau probably took Marlin Lewis' jacket because he saw the victim's blood on it and  
16 realized that it was exculpatory for Stankewitz.

17 C. When evidence is taken out, a report must be written which explains the purpose  
18 for which it is being taken. It should also be recorded when it is returned. Additionally,  
19 the property custodian must inspect and track the evidence to be sure that it is returned in  
20 the same condition as when it left. As is their duty, the Prosecution failed to safeguard  
21 crucial evidence. These procedures were not followed in this case.

22 9. I have reviewed the police reports regarding the gun referenced in the Stankewitz Petition  
23 for Writ of Habeas Corpus.

24 The Prosecution stated that one gun was used in two episodes, the Graybeal murder and  
25 the Meras attempted murder. However, the evidence shows that there were two different guns  
26 used in the crimes. In evidence, the Sheriff's Department labeled shell casings as a .22 caliber  
27 (which are rim-fire cartridges) yet when I examined them, .25 shell casings (which are center-  
28 fire cartridges) were in their place.



1 10. Furthermore, the serial number of the alleged murder weapon appears as recovered on 6-  
2 7-1973, five years before the 1978 Graybeal case. I have reviewed a recovery report that  
3 documented the gun was recovered in Sacramento in 6-7-1973. For some yet unknown reason,  
4 the recovery was reported to the Internal Affairs unit rather than their detective bureau. (See  
5 attached trace recovery report). Also, Detective Lean's initials (T L III) and date are inscribed  
6 on the holster recovered with the murder weapon, and one date is 7-25-1973, approximately two  
7 months subsequent to the gun being recovered, and approximately five years previous to the  
8 1978 Graybeal murder. Police procedure required that Lean inscribe his initials (T L III) and  
9 date on the holster when he recovered the holster from whatever case in which it was involved.  
10 The gun and the holster are alleged to have been recovered during the Graybeal investigation  
11 and linked to Stankewitz; however, no date or other form of standard evidence tracking was used  
12 by police in 1978. This indicates the possibility of a 'throwaway' (a firearm held by police for  
13 the purpose of framing an innocent person for a shooting) which was planted to satisfy the case  
14 against Stankewitz, when it was already actually in the possession of the FPD or FCSD, before  
15 listed as evidence in the Graybeal case.

16 11. Although the Graybeal death certificate states that she was shot with a .25 caliber, there  
17 are no reports stating that testing was done to verify this.

18 12. Billy Brown, the main witness against Stankewitz, stated that Graybeal was shot in the  
19 back of the head. However, the entry wounds on forensic diagrams puts the shooter to her right  
20 and sharply below her. According to documented reports, Miss Graybeal was 5'2.5" and  
21 Stankewitz was 6'1", indicating a very awkward and therefore unlikely shooting stance by  
22 Stankewitz and more likely by a shorter person, including one of the co-defendants Brown (5'6"),  
23 Lewis (5'3"), Menchaca (5'1") and Topping (5'1"). The autopsy photos show that the bullet  
24 entered under Graybeal's right ear and exited through her left temple. The bullet trajectory was  
25 front to rear, not rear to front. The Prosecution should have understood the obvious discrepancy  
26 between how Brown said the bullet entered Graybeal and the trajectory of the bullet that went  
27 through her head at a significantly different angle. Based on second trial testimony of Dr. T. C.  
28 Nelson, who performed the autopsy, the second trial testimony of Criminologist Deputy Preheim,

1 and the autopsy report, the Prosecution knew that the victim was shot on the right side of the  
2 head or neck, which contradicted Brown's testimony. Billy Brown's versions of events do not  
3 match the physical evidence. Given these facts, the shooting theory presented to the jury by the  
4 Prosecution could not be true.

5 13. There have been significant advancements in scientific analysis 1978 and 1983. These  
6 included techniques of blood analysis, microscopic analysis and chemical analysis. In my  
7 opinion, the clothing evidence should have been tested prior to the Defendant's 1983 re-trial. If  
8 the stains on Lewis, Topping and Menchaca's clothing are in fact blood, they were probably  
9 holding her when she was shot.

10 14. Investigation Bureau Deputy Preheim testified that the victim's body was in a dirt area  
11 CT at 190 - 191, lines 22 -1. However, the Prosecution failed to examine or test victim's shoe  
12 bottoms to see whether she was standing where her body was found. In my examination of the  
13 crime scene photos and the bottom of the victim's shoes, I did not see any dirt or sand. A shoe  
14 inspection done at the time of the investigation, could have impeached Billy Brown's testimony.

15 15. All of the Defendant's clothing should have been tested prior to second trial. Proper police  
16 procedures were not followed in the keeping of evidence, maintenance of evidence room,  
17 determination of location of victim's body and murder location. Physical evidence does not  
18 match to Prosecution theory of the case and therefore the jury was given false facts to consider  
19 when deciding the facts. Accordingly, crucial evidence was withheld from the jury.

20 16. Additionally, the Prosecution never tested the car for blood, gun shot residue, or the bullet;  
21 these tests were standard procedure at the time of the incident and could have been exonerating  
22 to Stankewitz. The car was returned to victim's family on 2-10-78, 2 days after the crimes,  
23 without giving the defense the opportunity to inspect it or test it for evidence.

24 I declare under penalty of perjury that the foregoing is true and correct to the best of my  
25 knowledge. Executed in Santee, California on December 4, 2019.

26  
27   
28 \_\_\_\_\_  
ROGER A. CLARK

