

2-8-78
Jesus

STATE DEPARTMENT OF JUSTICE
OF CRIMINAL IDENTIFICATION AND INVESTIGATION
A. L. COPPEY, Chief of Bureau
P. O. Box 1859, Sacramento, California

1. CASE NO.
78-1995

CRIME REPORT
COUNTY SHERIFF'S DEPARTMENT

1000

3. CRIME Attempt Murder/Kidnap/ Armed Robbery		4. CLASSIFICATION Vehicle/Roadway		5. REPORT AREA	
6. DATE AND TIME OCCURRED - DAY 2-8-78 approx 2200 hrs		7. DATE AND TIME REPORTED 2-13-78 0900		8. LOCATION OF OCCURRENCE Hayes Avenue 1/2 Mile North of California Avenue	
9. VICTIM'S NAME LAST, FIRST, MIDDLE (FIRM IF BUSINESS) MERAS, Jesus Rodriguez				10. RESIDENCE ADDRESS [REDACTED]	
12. OCCUPATION Labor		13. RACE - SEX MM		14. AGE 38	
15. DOB [REDACTED]		16. BUSINESS ADDRESS (SCHOOL IF JUVENILE) Giusti Farms, Inc.		17. BUS. PHONE [REDACTED]	
CODES FOR BOXES 20 AND 30 V-VICTIM W-WITNESS P-PARENT RP-REPORTING PARTY DC-DISCOVERED CRIME					
19. NAME - LAST, FIRST, MIDDLE		20. CODE		21. RESIDENCE ADDRESS	
23. OCCUPATION		24. RACE - SEX		25. AGE	
26. DOB		27. BUSINESS ADDRESS (SCHOOL IF JUVENILE)		28. BUSINESS PHONE	
29. NAME - LAST, FIRST, MIDDLE		30. CODE		31. RESIDENCE ADDRESS	
33. OCCUPATION		34. RACE - SEX		35. AGE	
36. DOB		37. BUSINESS ADDRESS (SCHOOL IF JUVENILE)		38. BUSINESS PHONE	
MODUS OPERANDI (SEE INSTRUCTIONS)					
39. DESCRIBE CHARACTERISTICS OF PREMISES AND AREA WHERE OFFENSE OCCURRED Rural bar, vehicle on county road, rural agricultural area					
40. DESCRIBE BRIEFLY HOW OFFENSE WAS COMMITTED Suspect #1 solicits victim for act of prostitution, victim agrees and upon entering suspects' vehicle in parking lot is pushed into back seat. Suspect #2 places knife at throat and suspect #3 holds pistol on him while being robbed.					
41. DESCRIBE WEAPON, INSTRUMENT, EQUIPMENT, TRICK, DEVICE OR FORGE USED Victim ordered out of vehicle and suspect fires 3 shots at him.					
42. MOTIVE - TYPE OF PROPERTY TAKEN OR OTHER REASON FOR OFFENSE Monetary gain					
43. ESTIMATED LOSS VALUE AND/OR EXTENT OF INJURIES - MINOR, MAJOR \$20.00 cash, payroll check \$163.12, hat, boots and belt					
44. WHAT DID SUSPECT/S SAY - NOTE PECULIARITIES "In Spanish, Don't move and keep quiet."					
45. VICTIM'S ACTIVITY JUST PRIOR TO AND/OR DURING OFFENSE Drinking in bar					
46. TRADEMARK - OTHER DISTINCTIVE ACTION OF SUSPECT/S AFTER kidnapping prior victim and killing same attempts to kill second victim					
47. VEHICLE USED - LICENSE NO. - ID NO. - YEAR - MAKE - MODEL - COLORS (OTHER IDENTIFYING CHARACTERISTICS) [REDACTED], California license [REDACTED] over maroon					
48. SUSPECT NO. 1 (LAST, FIRST, MIDDLE) MENCHACA, Christine		49. RACE - SEX MF		50. AGE 25	
51. HT.		52. WT.		53. HAIR	
54. EYES		55. ID NO. OR DOB [REDACTED]		56. ARRESTED YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
57. ADDRESS, CLOTHING AND OTHER IDENTIFYING MARKS OR CHARACTERISTICS					
58. SUSPECT NO. 2 (LAST, FIRST, MIDDLE) LEWIS, Marlin Edwin		59. RACE - SEX Ind M		60. AGE 22	
61. HT. 5-3		62. WT. 120		63. HAIR brn	
64. EYES brn		65. ID NO. OR DOB [REDACTED]		66. ARRESTED YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
67. ADDRESS, CLOTHING AND OTHER IDENTIFYING MARKS OR CHARACTERISTICS					
68. CHECK IF MORE NAMES IN CONTINUATION <input checked="" type="checkbox"/>					
REPORTING OFFICERS Dets. Christensen/Lean		RECORDING OFFICER Christensen		TYPED BY vk	
DATE AND TIME 2-14-78 0920		ROUTED BY [REDACTED]		[REDACTED]	
FURTHER ACTION <input type="checkbox"/> YES <input type="checkbox"/> NO		COPIES TO: <input type="checkbox"/> DETECTIVE <input type="checkbox"/> CII <input type="checkbox"/> JUVENILE <input type="checkbox"/> PATROL <input checked="" type="checkbox"/> DIST. ATTNY <input type="checkbox"/> OTHER <input type="checkbox"/> SD./PD. <input type="checkbox"/> OTHER <input type="checkbox"/>		REVIEWED BY [REDACTED]	

FRESNO COUNTY SHERIFF'S DEPARTMENT
Fresno, California

69. CASE NO.
78-1995

-2-

DATE _____

70. CODE SECTION PC 217/207/211a	71. CRIME	72. CLASSIFICATION		
73. VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS.) MERAS, Jesus Rodriquez		74. ADDRESS	BUSINESS	75. PHONE

Suspect #3: STANKEWITZ, Douglas Ray Ind Male DOB [REDACTED] Arrested

Suspect #4: TOPPING, Teena Ind Fem DOB [REDACTED] Arrested

1130 hours, 2-10-78. Det. T. LEAN received from Mr. PAWLOWSKI a check which was found in the victim's vehicle, THERESA GREYBEAL, case #78-1809, PC 187. The check was issued by Giusti Farms, Inc., [REDACTED], Suite [REDACTED] Fresno, California, to JESUS MERAS and drawn on the Security Pacific National Bank, Fresno Center Office, check #7520. Det. Sgt. J. HAMILTON was contacted in an attempt to determine if any reports reflected a theft of the above-listed check. Det. HAMILTON contacted the Giusti Farms office and was referred to a Mr. ROCKO DINUBILO, the foreman for the firm. It was also learned that the check had been reported stolen by the victim JESUS MERAS, but not reported to any law enforcement authority.

Mr. DINUBILO was contacted by phone and learned that the victim had been robbed and arrangements made to have the employee brought to this Department on 2-13-78, to be interviewed.

0900 hours, 2-13-78. Mr. ROCKO DINUBILO, the foreman for Giusti Farms, residence phone [REDACTED] business phone [REDACTED] brought the victim, Mr. JESUS MERAS, to this Department and contacted the undersigned. In addition Mr. MERAS also had an interpreter, Mr. MORRIS RAMIREZ, [REDACTED] phone [REDACTED].

REPORTING OFFICERS. Dets. Christensen/Lean		RECORDING OFFICER Christensen	TYPED BY vk	DATE AND TIME 2-14-78 0950	ROUTED BY
FURTHER ACTION	<input type="checkbox"/> YES <input type="checkbox"/> NO	COPIES TO:			
		<input type="checkbox"/> DETECTIVE	<input type="checkbox"/> CII		
		<input type="checkbox"/> JUVENILE	<input type="checkbox"/> PATROL		
		<input type="checkbox"/> DIST. ATTNY.	<input type="checkbox"/> OTHER		
		<input type="checkbox"/> SO./P.D.	<input type="checkbox"/> OTHER		
REVIEWED BY				DATE	

FRESNO COUNTY SHERIFF'S DEPARTMENT
Fresno, California

69. CASE NO.
78-1995

-3-

DATE _____

70. CODE SECTION PC 217/207/211a	71. CRIME	72. CLASSIFICATION		
73. VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS.) MERAS, Jesus Rodriguez		74. ADDRESS	RESIDENCE	BUSINESS
		75. PHONE		

Mr. RAMIREZ related the following information obtained from the victim.

The victim had gone to the Rolinda Bar around 9:30 PM, Wednesday, February 8th, 1978, and had two beers when he was approached by a Mexican female he described as approximately 23-25 years, 5-4, 135 lbs., brown hair and brown eyes, wearing blue jeans and a black 3/4 length coat. The victim advised that the female (later identified as CHRISTINE MENCHACA) came in with another female which he paid no attention to. He advised that MENCHACA asked him if he wanted to go out with her and told him her price was \$10.00. He continued that he followed her out to a car which was parked near the west end of the bar and described the car as being a two door, possibly a Monte Carlo, and believed it was dark in color, possibly blue. He advised he opened the passenger door and as he did so he was pushed into the back of the car and a male subject came in from the drivers side and placed a knife at his throat. This male subject (suspect #2) crawled in and sat behind the driver and the female suspect (MENCHACA) sat in back with him and they placed him in the middle. He related that a second male subject entered the front and sat on the passenger side and held a pistol on him and a second female subject entered the vehicle and began driving.

The victim advised that the female (MENCHACA) spoke to him in Spanish and ordered him DON'T MOVE AND KEEP QUIET and while the knife was held at his throat she began removing his boots and belt and wallet. He continued

REPORTING OFFICERS Dets. Christensen/Lean	RECORDING OFFICER Christensen	TYPED BY vk	DATE AND TIME 2-14-78 1000	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. ATTNY <input type="checkbox"/> SO./P.D.	<input type="checkbox"/> CII <input type="checkbox"/> PATROL <input type="checkbox"/> OTHER <input type="checkbox"/> OTHER	REVIEWED BY	
			DATE	

FRESNO COUNTY SHERIFF'S DEPARTMENT
Fresno, California

69. CASE NO.
78-1995

-4-

DATE _____

70. CODE SECTION PC 217/207/211a	71. CRIME La	72. CLASSIFICATION		
73. VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS.) MERAS, Jesus Rodriguez		74. ADDRESS	RESIDENCE	BUSINESS
		75. PHONE		

that they drove to the vicinity of California and possibly Garfield and ordered him out of the car and he related he pushed the front seat back forward and as he exited he slammed it back and started running and he related that three shots were fired at him.

The victim advised that he ran from the area and reported the incident to his boss, Mr. DINUBILO.

The victim was unable to describe the male subject who held the knife to his throat or the female who drove the vehicle.

The victim did give the following description on the suspect who held the gun on him.

Possibly a Mexican male, shoulder length dark hair, wearing a headband, had a headband which measured approximately 1½ to 2 inches in width, a light mustache which drooped around the edges of the mouth and wearing an army colored shirt (green).

The undersigned requested that the victim attempt to locate the scene where he was ordered out of the vehicle and with the assistance of Mr. DINUBILO drove to the area of Hayes and California Avenues. The scene was located on Hayes Avenue approximately 1/2 mile north of California Avenue and the scene was found on the east side of the road. At this location the undersigned located three spent casings and the I. Bureau was requested 1045 hours, 2-13-78, and Criminologist W. SARMENT responded and photographed

REPORTING OFFICERS Dets. Christensen/Lean		RECORDING OFFICER Christensen	TYPED BY vk	DATE AND TIME 2-14-78 1014	ROUTED BY
FURTHER ACTION	<input type="checkbox"/> YES <input type="checkbox"/> NO	COPIES TO:			
		<input type="checkbox"/> DETECTIVE	<input type="checkbox"/> CII		
		<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.
78-1995

-5-

DATE _____

70. CODE SECTION PC 217/207/21	71. CRIME 1a	72. CLASSIFICATION		
73. VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS.) MERAS, Jesus Rodriquez		74. ADDRESS	RESIDENCE	BUSINESS
		75. PHONE		

the scene and secured the spent casings.

See attached property loss.

REPORTING OFFICERS Dets. Christensen/Lean		RECORDING OFFICER Christensen	TYPED BY vk	DATE AND TIME 2-14-78 1050	ROUTED BY
FURTHER ACTION	<input type="checkbox"/> YES <input type="checkbox"/> NO	COPIES TO:			
		<input type="checkbox"/> DETECTIVE	<input type="checkbox"/> CII		
		<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.

78-1995

-6-

DATE _____

70. CODE SECTION PC 217/207/211a	71. CRIME	72. CLASSIFICATION		
73. VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS.) MERAS, Jesus Rodriguez		74. ADDRESS	RESIDENCE	BUSINESS
				75. PHONE

PROPERTY REPORT

1. One pair Western boots, brown in color
2. One grey felt western style hat
3. One black belt with white colored buckle with a green stone in center.
4. Approximately \$20.00 in currency and one payroll check (recovered)
amount of \$163.12

REPORTING OFFICERS Dets. Christensen/Lean		RECORDING OFFICER Christensen	TYPED BY vk	DATE AND TIME 2-14-78 1055	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. ATTNY <input type="checkbox"/> SO./P.D.	<input type="checkbox"/> CII <input type="checkbox"/> PATROL <input type="checkbox"/> OTHER	
REVIEWED BY Petition for Writ of Habeas Corpus - EXHIBITS Page 2420				DATE	

Marshall, Clements 1-4-80

FRESNO COUNTY SHERIFF'S DEPARTMENT
Division of Identification and Records
Technical Service Report

D & T RPT. TO ID 2-13-78, 1109 Hrs.	SPECIFIC OFFENSE UNDER INVESTIGATION PC 211a, Armed Robbery		CR NO. 78-1995
D & T ID OFF. ARR. 2-13-78, 1115 Hrs.	ID NO.		
D & T OCCURRED-DAY OF WEEK Approx. 2200 Hrs.; Wed.; 2-8-78		LOCATION OF OFFENSE Hayes Ave. approx. 200 yds north of Calle Ave.	
VICTIM'S NAME Jesus R. Meras	VICTIM'S ADDRESS 3761 S. Golden Rod	RES. PHONE	WEATHER Cold Rain
BUSINESS NAME	BUSINESS ADDRESS	BUS. PHONE	

EVIDENCE: PHOTOS (X) TRACKS () LATENTS () PHYSICAL (X) WHEEL MARKS () DIAGRAMS ()

DETAILS: SYNOPSIS, EVIDENCE OBTAINED & COMMENTS

Synopsis: Follow up to a armed robbery occurring on 2-8-78, Dets. Lean and Christensen located the area where suspect fired a .22 Cal. gun at victim. Recovered three (3) empty .22 Cal. cartridge cases alongside the blacktop on the east side of the roadway.

Evidence:

- Photos:
- 1/2. Views of the cartridge cases recovered.
 - 3. View east of the above location.
 - 4. View west of the above location.

Physical:

Three empty cartridge cases; see photo 1/2. (INTD BUIA WS)

Diagram:

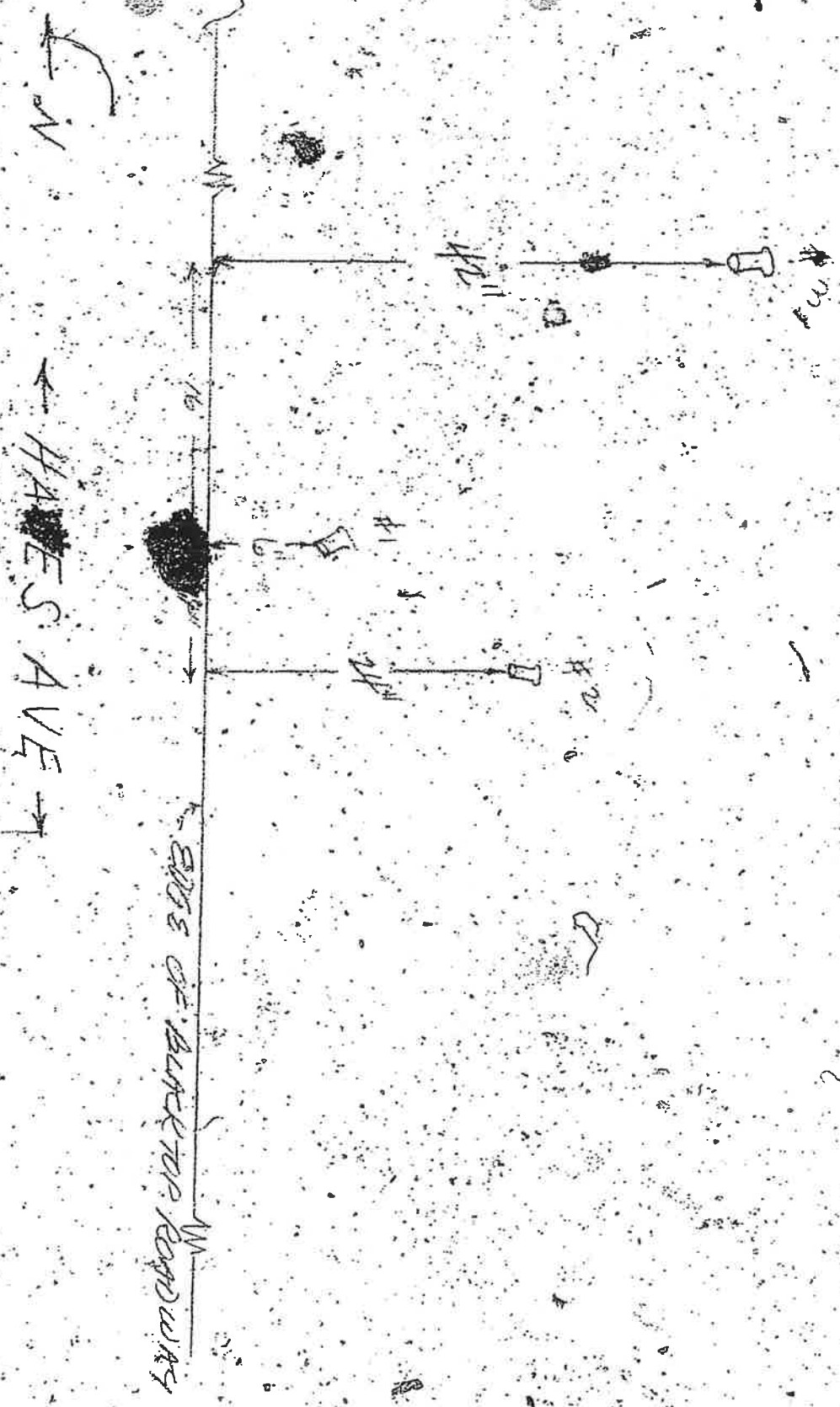
Of the location of the recovery of the above cartridge cases.

Note: Refer to case 77-1809, above cartridge cases may be from the gun involved in this case.

INVESTIGATING OFFICER Dets. Lean & Christensen ID OFFICER W. Sarment, Crim.

SO-85

Arnold, Clements 1-4-80



2-13-78
 PC 211A
 78-1995
 WJS

RELATED TO

Suspect:	City & Address:	Case #:	
Victim:	Offense:	Date:	
Officer:	Remarks:	Page:	
PROPERTY DESCRIPTION	OUT BY	RET BY	LOCATION
	2-16-78 3:20 pm	Blm 2-15-78	Evidence
			From Conv.
			Cabinet
Rec'd By:	City & Address:	Release Authorized By:	
Date:	Released By:	Date:	
FRESNO COUNTY SHERIFF'S DEPT. - PROPERTY RECORD			

RETAIN + EVALUATE: none

CLATSOP COUNTY SHERIFF'S DEPARTMENT
REQUEST FOR EVIDENCE EXAMINATION

202

77-1709 PLEASE TYPE OR PRINT 77-1705

DATE 2-2-78
TIME 1:00 PM

TIME CLASSIFICATION PC 172.207, 207.207, 207.207, 207.207 DATE COMMITTED 2-2-78
OFFICER J. [unclear] / J. [unclear] / J. [unclear] / J. [unclear] CASE NO. 77-1709

ITEM NO.	DESCRIBE EACH ITEM OF EVIDENCE TO BE EXAMINED
(1)	Expanded shell casing found ^{near} at ⁷⁷⁻¹⁷⁰⁹ 77-1705 ^{Remains}
(2)	Expanded shell casing recovered 2-2-78 - call # 77-1705

TYPE OF TESTS, ANALYSIS, OR EXAMINATION REQUESTED
COMPARE ITEMS 1 + 2 TO SEE IF THEY MATCH.

INVESTIGATING OFFICER T. [unclear]
AGENCY 50

FOR LABORATORY USE ONLY

EXAMINATION RESULTS
NEG 10-20
[unclear]

EXAMINER'S SIGNATURE

001827

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.

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 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

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

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

From: alexandra cock <alexandraatty@wealthplusinc.com>
Sent: Monday, January 13, 2020 7:50 PM
To: Devins, Frances <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.

From: Devins, Frances <Frances.Devins@fresnosheriff.org>

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

To: 'alexandraatty@wealthplusinc.com' <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.
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 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.

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

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).

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.

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

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

From: alexandra cock <alexandraatty@wealthplusinc.com>
Sent: Saturday, May 30, 2020 12:36 PM
To: Kimberly Hernandez <Kimberly.Hernandez@fresno.gov>
Cc: Francine Kanne <Francine.Kanne@fresno.gov>; Romi Morgan <Romi.Morgan@fresno.gov>; Jennifer Davis <Jennifer.Davis@fresno.gov>; Ricardo Farfan <Ricardo.Farfan@fresno.gov>; Kathleen Abdulla <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.

From: Kimberly Hernandez <Kimberly.Hernandez@fresno.gov>
Sent: Thursday, April 02, 2020 4:37 PM
To: alexandraatty@wealthplusinc.com
Cc: Francine Kanne <Francine.Kanne@fresno.gov>; Romi Morgan <Romi.Morgan@fresno.gov>; Jennifer Davis <Jennifer.Davis@fresno.gov>; Ricardo Farfan <Ricardo.Farfan@fresno.gov>; Kathleen Abdulla <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

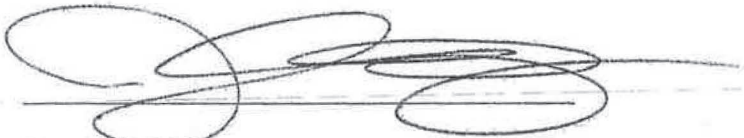
Thank you,

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

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.

Superior Court State of California
County of Fresno
1100 Van Ness Ave
Fresno CA, 93724

I, the undersigned, do hereby swear, certify, and affirm that: I, Jacquelin Curry, worked as a law clerk for Peter Jones, on the case of *People v. Stankewitz*. (Case Number CF78227015.) I personally searched every document, in all fifty-eight (58) boxes of known discovery. I created a one hundred and eighty-seven (187) paged index and catalogue of all the documents contained therein. I have no recollection of ever indexing and cataloguing a casings comparison report dated 2/13/78 (Report # 292, Case No. 78-1809/ 78-1995), which was analyzed by I. Bureau Tech Wes Sarment and Preheim.

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

Jacquelin Curry

I declare under penalty of perjury under the laws of the State of California that the forgoing is true and correct.

Executed this 14 day of October, 2016 in Fresno California.

DECLARATION OF PETER JONES

I, Peter M. Jones, declare as follows, except as to those items below which I indicate to be based on information and belief. If called to testify, I would testify as follows:

1. I am an attorney admitted to practice in the State of California.
2. In 2015, I entered my appearance on behalf of the Defendant, Douglas R. Stankewitz, in the matter of *People of the State of California v. Douglas Ray Stankewitz*, Superior Court of Fresno County case number CF78227015.
3. As a component of the defense of Mr. Stankewitz during the preparation for the penalty phase of his anticipated trial in which I served as his appointed counsel, Defendant sought the discovery of evidence related to an uncharged allegation against Mr. Stankewitz by the State involving the attempted murder, kidnapping and robbery of Jesus Meras (hereinafter “Meras allegation”). The State used the Meras allegation as a factor in aggravation in his first and second trials. The Meras crimes were, in my opinion, the most significant factor in aggravation offered by the prosecution to have Mr. Stankewitz sentenced to death.
4. On or about May 5, 2016, after several unsuccessful attempts to contact an attorney in the District Attorney’s Office to submit my discovery requests, I prepared and caused to be served a Subpoena Duces Tecum upon the Fresno County Sheriff’s Office, directly.
5. Said Subpoena sought production of documents, evidence and other records related to the Meras allegation, including reports by investigating officers and criminologists, physical evidence such as shell casings, interview notes, diagrams, and all other records. See attached copy of Subpoena.
6. Prior to August of 2017, the Fresno County Sheriff’s Office failed to comply with the Subpoena on the Meras allegations, as no documents or evidence were produced by the Sheriff’s or District Attorney’s Offices before that date.
7. In August of 2017, Defendant’s counsel was provided a report prepared by W. Sarment (hereinafter “Sarment reports”), a Sheriff’s officer/criminologist investigating and collecting

evidence on the Meras allegation. The Sarment report included a diagram of his work at the Meras crime scene.

8. Pursuant to the Sarment report, three .22 caliber casings had been collected at the crime scene, however, to date, none of those casings have ever been produced to the defense. Also pursuant to the Sarment report, photos were reportedly taken of the recovered .22 casings. No photos have ever been produced to the defense.

9. When the defense viewed the evidence at the Fresno's Sheriff's office on August 24, 2017, for both the Theresa Graybeal homicide and the alleged kidnap, robbery and attempted murder of Jesus Meras, an envelope purporting to contain the .22 caliber casings from the Meras crime scene was discovered, inside of it, however, were three .25 caliber casings, that had been test-fired from a Titan .25 caliber firearm. It appeared that the three .22 caliber casings Meras reported to have been collected at the Meras crime scene, had been removed and disposed of and three .25 caliber casings matching casings fired by the alleged homicide weapon, had been substituted in their place. None of the reports or documents provided to the defense made reference to the recovery of a .22 caliber firearm.

10. On or about May 23, 2016, I was informed that the Court was in possession of a stack of documents six to eight inches thick. These documents were reviewed in court by myself and D.D.A. Noelle Pebet. Some of the reports and documents contained in this material had not previously been provided to the defense.

11. Among the documents was a sealed envelope marked "Confidential", which contents were never revealed. I asked to have duplicated all the documents in the Court's possession with the exception of the contents of the sealed "Confidential" envelope.

12. Given the assertions made in the unadjudicated Meras allegation, and the prosecution's subsequent use as evidence of that allegation to show an alleged pattern of behavior by the Defendant to support the prosecution's depiction of him, all investigative documents and evidence should have been made available pursuant to the Subpoena and subsequent discovery requests in order for the defense to challenge the legitimacy and accuracy of the allegations.

13. As of Mr. Stankewitz's sentencing date in May of 2019, my last day representing him, I was still of the opinion that the Fresno County Sheriff's Office had failed to fully comply with the Subpoena Duces Tecum served upon it and the District Attorney's Office by the Defendant. What had been produced did not include items of evidence which had either been disposed of and no longer existed (for example, the three .22 caliber casings), or were never produced in violation of the Subpoena Duces Tecum.

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

6/15/2020 Fresno, CA
Date and Place


PETER M. JONES

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Peter M Jones Wanger Jones Helsley PC 265 E. River Park Circle, #310 Fresno, California 93720 TELEPHONE NO.: 559-233-4800 FAX NO. (Optional): 559-233-9330 E-MAIL ADDRESS (Optional): pjones@joneshelsley.com ATTORNEY FOR (Name): DOUG STANKEWITZ	FOR COURT USE ONLY CASE NUMBER: CF8277015
SUPERIOR COURT OF CALIFORNIA, COUNTY OF FRESNO STREET ADDRESS: 1100 Van Ness Avenue MAILING ADDRESS: CITY AND ZIP CODE: Fresno, California 93721 BRANCH NAME: Central	
CASE NAME: The People of the State of California vs. Doug Stankewitz	
ORDER TO ATTEND COURT OR PROVIDE DOCUMENTS: Subpoena/Subpoena Duces Tecum	

You must attend court or provide to the court the documents listed below. Follow the orders checked in item 2 below. If you do not, the judge can fine you, send you to jail, or issue a warrant for your arrest.

- To: (name or business) Fresno County Sheriff's Department, Custodian of Records
- You must follow the court order(s) checked below:
 - Attend the hearing.
 - Attend the hearing *and* bring all items checked in c. below.
 - Provide a copy of these items to the court (Do not use this form to obtain Juvenile Court records):
 - Any and all photographs of crime scene and (3) shell casings taken by Criminologist W. Sarment
 - FSO, Case #78-1995
 - Any and all evidence log(s) relating to Case #78-1995.
 - If this box is checked, provide all items listed on the attached sheet labeled "Provide These Items."
 - If someone else is responsible for maintaining the items checked in c. above, that person (the Custodian of Records) must also attend the hearing.
 - If this box is checked and you deliver all items listed above to the court **within 5 days of service of this order**, you do not have to attend court if you follow the instructions in item 5.

Court Hearing Date: Date: <u>May 23, 2016</u> Time: <u>09:00 a.m</u> Dept.: <u>#62</u> Rm.: _____	The court hearing will be at (name and address of court): <u>Superior Court of California, County of Fresno,</u> <u>1100 Van Ness Avenue, Fresno, California 93721</u>
Call the person listed in item 4 below to make sure the hearing date has not changed. If you cannot go to court on this date, you must get permission from the person in item 4. You may be entitled to witness fees, mileage, or both, in the discretion of the court. Ask the person in item 4 after your appearance.	

4. The person who has required you to attend court or provide documents is:
 Name: Peter M. Jones, Attorney at Law Phone No.: 559-233-4800
 Address: 265 E. River Park Circle, #310
Number, Street, Apt. No.
Fresno, California 93720
City State Zip

FOR COURT USE ONLY

Date: March 29, 2016 Signature: 
 Name and Title

CASE NAME: The People of the State of California vs. Doug Stankewitz	CASE NUMBER: CF8277015
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- 5 a. Put all items checked in item 2c and your completed *Declaration of Custodian of Records* form in an envelope. (You can ask the person in item 4 where to get this form.) Attach a copy of page 1 of this order to the envelope.
- b. Put the envelope inside another envelope. Then, attach a copy of page 1 of this form to the outer envelope or write this information on the outer envelope:
- (1) Case name
 - (2) Case number
 - (3) Your name
 - (4) Hearing date, time, and department
- c. Seal and mail the envelope to the Court Clerk at the address listed in item 3 or The court address in the caption on page 1. You must mail these documents to the court within five days of service of this order.
- d. If you are the Custodian of Records, you must also mail the person in item 4 a copy of your completed *Declaration of Custodian of Records*. Do not include a copy of the documents.

— The server fills out the section below. —

Proof of Service of CR-125/JV-525

1. I personally served a copy of this subpoena on:
 Date: _____ Time: _____ a.m. p.m.
 Name of the person served: _____
 At this address: _____
 After I served this person, I mailed or delivered a copy of this Proof of Service to the person in item 4 on (date): _____
 Mailed from (city): _____
2. I received this order for service on (date): _____ and was not able to serve (name of person) _____ after (number of attempts) _____ attempts because:
- a. The person is not known at this address.
 - b. The person moved and the forwarding address is not known.
 - c. There is no such address.
 - d. The address is in a different county.
 - e. I was not able to serve by the hearing date.
 - f. Other (explain): _____
3. Server's name: _____ Phone no. _____
4. The server (check one)
- a. is a registered process server.
 - b. is not a registered process server.
 - c. is a sheriff, marshal, or constable.
 - d. works for a registered process server.
 - e. is exempt from registration under Business and Professional Code section 22350(b).
5. Server's address: _____
 If server is a registered process server:
 County of registration: _____ Registration no.: _____

I declare under penalty of perjury under the laws of the State of California that I am at least 18 years old and not involved in this case and the information above is true and correct.

Date: _____

TYPE OR PRINT NAME OF SERVER SIGNATURE OF SERVER

MEMORANDUMS

TO : PETE JONES, ATTORNEY AT LAW
WANGER, JONES, HELSLEY PC

FROM : DAVID V. SCHIAVON
D. SCHIAVON INVESTIGATION

DATE : SEPTEMBER 12, 2016

SUBJECT: DOUG STANKEWITZ

RE : FSO CASE #78-1995

Attempts to located and obtain records relating to (3) Shell Casings referenced in Detectives Christensen/Lean report, FSO, Case #78-1995 found the following;

A Subpoena Duces Tecum for Criminologists W. Sarment's report(s) including but not limited to, photographs of incident location, evidence logs indicating the (3) cartridge casings collected at the crime scene were booked into evidence was forwarded to District Attorney's Office.

Recently your office discovered a Forensic Report indicating a comparison of the (3) cartridge casings relating to the Meras matter, FSO Case #78-1995 was made to the cartridge casing relating to Greybeal's matter, FSO Case #78-1809.

The cartridge casing were found not to match.

No other records have been located.

Detective Christensen and Criminologist W. Sarment are now deceased.

Detective Lean is retired and has not yet been located.

DAVID V. SCHIAVON, #PI 13508.

MEMORANDUMS

TO : PETE JONES, ATTORNEY AT LAW
WANGER, JONES, HELSLEY PC

FROM : DAVID V. SCHIAVON
D. SCHIAVON INVESTIGATION

DATE : APRIL 25, 2016

SUBJECT: DOUG STANKEWITZ

RE : SUBPOENA DT RE: FSO CASE NUMBER 78-1995

On May 24, 2016 met with Ms. Yang at FSO HQ Records regarding Subpoena DT that was severed for records on May 5, 2016.

Ms. Yang advised she recalled receiving Subpoena DT from the Court Liaison's Office.

Ms. Yang related after receiving the Subpoena DT, she forwarded the it to Sargent Alvarado.

Ms. Yang said Sargent Alvarado's Office door was closed and she did not know if he was available.

Ms. Yang requested my contact information and mentioned she would forward the Subpoena DT for records to Deputy DA Chris Gularte with the Fresno County District Attorney's Office.

I requested Ms. Yang to inform Deputy DA Gularte to contact me or Attorney Peter Jones's office at phone number listed on the Subpoena DT.

DAVID V. SCHIAVON, #PI 13508.

DECLARATION OF ALLEN J. BOUDREAU

I, Allen J. Boudreau, declare under penalty of perjury the following, except as to those items below which I indicate to be based on information and belief. If called to testify, I would testify as follows:

1. I was employed as a criminalist and later as Supervising Criminalist, by the Fresno County Sheriff's Department (FCSD) – June 12, 1972 – March 29, 2001. I was the only criminalist working for FCSD in 1978. After 29 years, I retired, in 2001. Between 2002 or 2003 and present, I have worked as a defense consultant. During my career, I have assisted in the investigation of about 1,000 homicides. Prior to signing this declaration, I have reviewed copies of some of the reports which bear my signature, provided to me by the investigator for defense counsel. I have also reviewed my testimony from the First Trial in 1978 and Second Trial in 1983, also provided by said investigator. Additionally, I reviewed a "Report of Investigation," "Bureau of Investigations," "Fresno County District Attorney", prepared by Mike Garcia, Senior Investigator, 7-20-2017.

2. In 1978, I worked on the Theresa Graybeal homicide case. My job was to do evidence examination, as requested by case detectives and investigators from FCSD. I was not necessarily doing a lot of communications with others in the Sheriff's Department, other than the detectives, in order to determine what testing could be done on particular physical evidence. The standard procedure at FCSD was that homicide detectives always worked in a team.

3. In the Graybeal homicide, I recall analyzing casings and a .25 caliber Titan pistol. I recall that the deceased died of a gunshot wound from a hand gun. At both trials, I testified about the bullet trajectory. Forensically, the height of the victim may or may not matter because it depends upon the relative position of the shooter. When you have witnesses or anecdotal evidence regarding a shooting, the trajectory and distance of the shooter to the victim are all estimates. Given that they are estimates or reported as a range of metrics, there is a broad latitude regarding the specifics of what actually occurred. These things may be hypotheticals,

unless working with empirical data rather than testimonial evidence. Although I testified regarding the trajectory of the bullet that killed the victim, I did not state the victim's height listed in autopsy report during my trial testimony. The autopsy report was not admitted into evidence as a part of my testimony.

4. In reviewing Document No. 272 - Request for Evidence Examination, dated 2-10-78 Time 1454, Bates Stamp 00328, under For Laboratory Use Only, Examination Results, I wrote those results on 2-11-78 and that is my signature.

5. In reviewing Document No. 273 - Request for Evidence Examination, that is my signature at the bottom. I do not remember what FPD Case #75-41415 was about or why I was requested to compare the casing from that case to the .25 Titan pistol.

6. In reviewing Document No. 292 – Request for Evidence Examination dated 2-12-78, Time 1340 (?), Bates Stamp 001827, I did not perform the requested evidence testing. Examination Results not filled in. Hand written lettering of “Neg” , “10-22” and an apparent signature. Under the language ‘For Laboratory Use Only’, the word ‘Neg’ is short for negative. I do not recognize the signature in that section. In looking at it more closely, however, if, the first vertical line of the signature were crossed at the top it would be the letter “T”. The next three letters appear to be “lea”. A fourth possible letter could be an “n”. If that is the case the signature would be “Tlean” , Detective Tom Lean. The same Detective that submitted the Request For Evidence Examination, would be the person to cancel the request. I remember a lot of the people who worked in the FCSD Field Identification Bureau in 1978. In thinking about who was working in the FCSD Field Identification Bureau in 1978, I cannot think of any other person who would have signed the form. The only other person that did firearm analysis for FCSD at that time, was my late father-in-law, Edward F. Lamb. That is not his signature. FURTHER, THE CRIME SCENE INVESTIGATION REPORT of case 78-1995 DATED 2-13-1978, BY CRIMINOLOGIST W. SARMENT (LISTED BELOW UNDER DOCUMENTS REVIEWED), RECORDS THREE 22 CALIBER CARTRIDGE CASES RECOVERED. 22 CALIBER CARTRIDGE CASES CANNOT BE COMPARED TO 25 CALIBER CARTRIDGE CASES.

7. Regarding the evidence and testing procedures, all evidence was stored in the Property & Evidence room. I do not know what happened to missing evidence because I was not responsible for storing evidence. The Supervisor of the Field Identification Unit also supervised the Crime Lab and the Property & Evidence Unit. Those deputies were trained and experienced in photo documentation, measurements, sketches and diagrams, collecting and packaging physical evidence at the crime scene.

8. Blood evidence came into my hands for testing. For example, FCSD Request for Evidence Examination Property and Evidence envelope No. 271, requesting comparative blood tests, bears my signature. In 1978, we did not write formal reports, we stated our examination results on the bottom of the Request form. The Request for Evidence Examination forms were one page and printed in pads. A detective or investigator would tear off a form, fill out the top portion and submit it to the ID Unit or crime lab for analysis of some physical evidence.

The procedure that I used was to retrieve the blood from the evidence room and take it to the lab, where we had a refrigerator. The liquid blood sample would go into the refrigerator and then when we were done with testing it, it would be returned to the Property & Evidence room. I would have signed it out on a sheet that shows that it went from Property & Evidence to me at a particular date and time. Then I would return it and it would be signed back in from me to Property & Evidence at a particular date and time. I was not responsible for maintaining the evidence records. For evidence that I checked out, I do not know why it does not list that I returned it. If it is missing, I do not know what happened to it.

9. In reviewing Document #749 - Request for Examination, dated 4-12-78 Time 11:45 am, under For Laboratory Use Only, Examination Results, I wrote those results on 6-14-78 and that is my signature.

10. In reviewing the Evidence cards which contain my initials, they show that I checked out the following evidence on the dates listed below, but did not return it:

Evidence Card: Victim: Teresa Graybeal, Case No. 78-1809, dated 3-8-78, 1-Levi type jacket – checked out 3/23/1978

Evidence Card: Suspect: M. Lewis Case No. 78-1809, dated 2-10-78, (1) Blue jacket – checked out 3/23/1978

It is my recollection that I returned the items. However, apparently, the FCSD property officer did not document that I returned them. I do not recall why I checked these items out.

11. Regarding whether I did a comparison of .22 casings to .25 casings, I would not have done that because the class characteristics are substantially different. You cannot shoot rim fire ammunition in a .25 caliber pistol and you cannot fit .25 caliber bullets into the chamber of a .22 caliber pistol. So, at most, I would open both envelopes with the .22 casings and .25 casings and determine that there was nothing to test. They are not compatible in either direction.

12. At the time that I testified at the trials, I was not aware of Document #292. Regarding the prosecution theory that the same gun was used in both the Graybeal and Meras crimes, prosecutors are licensed but they are not forensic scientists. So, what a prosecutor thinks might be something to explore is not really something to explore because it is excluded on the face of it. If .22 casings were recovered from the Meras crime scene, and Theresa Graybeal was shot with a .25 caliber pistol, the same gun could not have been used in both crimes.

13. I have read the report from Mike Garcia, DA Investigator, dated 7-20-2017, stating that an Evidence Property Card referencing '3 Empty .22 Cartridge Cases' was attached to a container bearing my initials with the date 2-11-78, #78-1809, and the words 'Test Fired Cases'. I have no knowledge regarding the Empty .22 Cartridge Cases or how the Evidence Property card became attached to the cannister with the Test Fired Cases.

14. I never went to the crime scene in the Graybeal homicide case, nor the Meras crime scene. I was not present for the autopsy. I remember going to trial and testifying in the People v. Stankewitz case.

15. As I testified at the second trial, the purpose in determining the height up to the defendant's shoulders was to provide information that DDA James Ardaiz wanted to present as part of his case in chief. The autopsy report prepared by Dr. T. C. Nelson shows that

the height of the victim was 160 cm, approximately 5'3". This refers to her height from head to toe. When DDA Warren Robinson asked me to assume that the victim was 5'7", I did not correct him despite the actual height of the victim as stated in the autopsy report.

16. DOCUMENTS REVIEWED:

First Trial Testimony, Bates Stamp Pages 3512 thru 3537

First Trial Testimony, Bates Stamp Pages 4415 thru 4420

Second Trial Guilt Testimony, Bates Stamp Pages 144 thru 171

County of Fresno – Office of Sheriff Coroner, Post Mortem Record, Five Pages. Hand numbered Pages 252, 253, 254, 255 and 263.

Report of Investigation, Bureau of Investigations, Fresno County District Attorney. Investigator, Mike Garcia, Senior Investigator. Dated 7-20-2017.

Crime Lab Report, No. 272 Titan Pistol v. Cartridge Case, 2-11-1978

Crime Lab Report, No. 273 Fresno P.D. Case 75-41415, Cartridge Case, 2-11-1978

Document No. 292 Fresno County Sheriff's Department, Request For Evidence Examination. Submitted by Det. T. Lean. Comparison of cartridge case from FCSD 78-1809 to cartridge case from FCSD 78-1985 (? Hard to read) could be 78-1995, see below.

Fresno County Sheriff's Department, Division of Identification and Records, Technical Services Report. Dated 2-13-1978. Case number 78-1995, by Deputy Sheriff, Criminologist W. Sarment. Reports recovery of three 22 caliber cartridge cases.

Crime Lab Report, No. 271 vials of Blood and Bag of Clothing, Request for Blood type Comparison. 3-16-1978.

Crime Lab Report, No. 749 Titan Pistol and autopsy photographs of gunshot residue on the face of the deceased. A distance determination of firearm muzzle to target.

17. IMAGES REVIEWED:

Property Card, Clothing

Property Card, Clothing

Property Card, Three 22 Caliber Cartridge Cases

Photograph of the rear of small evidence envelope with Chain Of Custody adhesive label attached, first entry "FROM PROP", "TO M.GARCIA", "7-19-17", "0910". I have no photograph of the front of the envelope which could well have case number, names, dates, description and so on.

Photograph of small metal container with writing – "AJB", "2-11-78", "78-1809" AND "TEST FIRED CASES."

Photograph of same container opened to show three center fire cartridge cases.

16. Until now, I have never been contacted by any attorney, investigator or anyone representing Douglas Stankewitz.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge. Executed in Fresno, California on March 14, 2020.


Allen J. Boudreau



Report of Investigation Bureau of Investigations Fresno County District Attorney



[\[Email Me\]](#) Double click!

Date of Report: 7-20-2017	DA Report #: 1978H001	Agency Report#: Fresno SO 78-1809
Date of Incident: 1978		
Unit: Homicide Unit	Code: pc 187(A)	Description/Classification: Homicide

<u>Suspect / Defendant Information</u>											
[Add New Section] [Remove This Section]											
Suspect 1	Last: Stankewitz	First: Douglas	Middle: Ray	DOB: 5/31/1958	Age: 59						
Residence Address California Department of Corrections				City/State/Zip		Phone		Prim Lang. Eng			
Race Hispanic	Sex M	Eyes Brn	Hair Blk	Hgt. 6-1	Wgt. 170	SSN	CDL	CII A04958460	CDC B097879	FBI	
Miscellaneous Descriptors (Aka's, Scars, Tattoos, Etc.)											
Work Address				City/State/Zip		Phone					
Vehicle	License	State	Make	Model	Year	Color	Style				

<u>Victim / Witness Information</u>											
[Add New Section] [Remove This Section]											
Victim	Last: Graybeal	First: Theresa	Middle:	DOB:	Age:						
Residence Address				City/State/Zip		Phone		Prim Lang.			
Race Select	Sex	Eyes	Hair	Hgt.	Wgt.	SSN	CDL	CII	CDC	FBI	
Miscellaneous Descriptors (Aka's, Scars, Tattoos, Etc.)											
Work Address				City/State/Zip		Phone		Willing To Testify Select One			
Vehicle	License	State	Make	Model	Year	Color	Style				

SOURCE:

On 12-19-12, case was assigned for any other possible investigation or contact with possible witnesses. On 7-15-17 a request was received from SDA Pebet to view and document evidence that had been booked at the Fresno County Sheriff's Office. An appointment was made and on 7-19-17, I met with Evidence Technician Lisa Barretta at the Property Room of the Sheriff's Office.

INVESTIGATION:

Lisa Barretta had already had contact with SDA Pebet regarding several items needing to be documented and examined by this investigator. Barretta already had the items in question selected and we went into the evidence room for the viewing and documentation. All of the items viewed were photographed by this investigator. There were photographs in one of the items and those photographs were scanned and placed onto a CD disc by another Evidence Technician. Audio tapes were also found and a work order was completed to have them copied for further use.

SUSP/DEF: **Stankewitz, Douglas Ray** DA CASE #: **1978H001**
 INVESTIGATOR: **Mike Garcia, Senior Investigator** DATE: **7-20-2017**
 APPROVED BY: **Kevin Wiens, SSI, DA08, 07/20/2017**

PAGE: 1 of 3

Listed below are the items viewed by this investigator:

Item #27 was a small brown paper bag with the Sheriff's Office property tag affixed. Inside the paper bag I found a pair of sunglasses, a crayon drawn picture of an Indian riding on a horse, a small paper lunch bag decorated into a hand puppet, a payment stub from Best Chevron for R. Gonzales, and a pay stub for Gerald Pawlowski from Modesto Welding and Tank Works.

Item #26 was a small brown paper bag with the Sheriff's Office property tag affixed. Inside the paper bag I found a wood handle Vinyl Guard brush, 2 DMV vehicle registration suspense receipts for a vehicle belonging to G. Pawlowski, a black vinyl eyeglass case and a brown vinyl eyeglass case, 2 Inland Electronics Suppliers receipts, a receipt from Auto Lube for Jerry Pawlowski, a receipt from Welders Supply Service, a receipt from Sears for a timer, a receipt from Paul Hughes Chevron in the name of Jerry Pawlowski, a receipt from Lee Jewelers for Jerry Pawlowski, an unopened piece of mail for Gerald Pawlowski with a return address of 117 W. Main Turlock CA. 95380, 2 pay stubs for Gerald Pawlowski from Modesto Welding and Tank Service, an unopened roll of Pep O Mint Life Savers, a partial roll of Spearmint Certs and a blue/white dish towel.

Item listed as 2 – 8 was a small brown paper bag with the Sheriff's Office property tag affixed. Inside the paper bag I found a crushed Pepsi can and an open pack of Virginia Slims cigarettes.

Item listed as a Dagger type knife found in the trunk of a 1971 Mercury vehicle having a Sheriff's Office property tag attached by a metal wire. The knife had a single blade edge and brown wood handle. Using a measuring stick, the knife overall length was 10" with a 6" blade.

Item listed as 3 empty .22 Caliber cartridge casings was found to be a small yellow evidence envelope with the Sheriff's Office property tag affixed. On the copy of the property booking card I was given had the victim listed to be Jesus R. Meras who was a victim of a PC 211a under Sheriff's Office case #78-1995. Also found on the booking card is a reference of this item being related to the Graybeal PC 187 investigation. On the outside of the envelope was written case #78-1809 AJB 2-11-78 3 test fired cases from Titan 25 auto #146425. I cut the top end of the envelope open with a pair of scissors and found a silver tin container inside. On the top of the container was written 78-1809 AJB 2-11-78 test fired cases. When I opened the container there was cotton that appeared to be protecting objects within the container. I removed the top portion of the cotton and found 3 spent cartridge casings. In checking the head stamp of the casings, using a magnifying glass I found the stamp R-P (Remington Peters) 25 auto. After photographing the casings, they were placed back into the tin container along with the cotton.

All items viewed and photographed were placed back into their appropriate bags and those bags were sealed and returned to the custody of Technician Barretta. There was also an evidence envelope, which was not opened. This envelope was to have been property obtained from the Fresno Police Department and was listed under their case #78-5819 and being related to this case. This envelope was referenced for viewing due to a possibility items found in items listed as

26, 27 and 2-8 might have originally come from this envelope and were mismarked. This was not found to be true and none of the listed items were from this envelope.

ADDITIONAL INFORMATION:

Defendant had been arrested for the homicide of this victim. Defendant was found guilty and sentenced by the court. Evidence collected during the investigation was viewed and documented.

PICTURES/EVIDENCE: Yes See Attachment

Photographs were placed onto a CD disc and given to SDA Pebet. CD disc with the scanned photographs was also given to SDA Pebet.

Approvals

Mike Garcia, Senior Investigator

Reporting Investigator:

Kevin Wiens, SSI, DA08, 07/20/2017

Approved By:

Superior Court State of California
County of Fresno
1100 Van Ness Ave
Fresno CA, 93724

I, the undersigned, do hereby swear, certify, and affirm that: I, Salvatore Sciandra, was the attorney for Douglas Ray Stankewitz in his 1978 trial, from his arraignment, through the preliminary hearing, motions, jury trial and sentencing. I do not have any independent recollection of what discovery (Including police reports and lab reports) I had, or did not have concerning or related to the charges involving Mr. Jesus Meraz.

A handwritten signature in cursive script that reads "Salvatore Sciandra". The signature is written in black ink and is positioned above a horizontal line.

Salvatore Sciandra

I declare under penalty of perjury under the laws of the State of California that the forgoing is true and correct.

Executed this 27 day of October, 2016 in Fresno California.

8/29/79

TO: THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF FRESNO.

I Mike Hernandez, (AKA), Douglas Raymond Starkewitz,
is requesting and demanding a fast and speedy trial to the
charges pending against me in the county of Fresno, Califor-
nia.

This court's resourcefulness would be appreciated
in this matter. Thank you.

Respectfully submitted,

Douglas R. Starkewitz 8-29-79
Mike Hernandez (AKA),

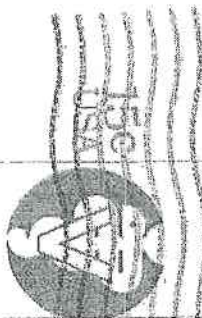
Douglas R. Starkewitz
B-97879

1 Witness:

2 Witness:

Mr. Douglas Stankewitz
P. O. Box B-37879
Fremont, Ca. 94564

Mr. William Smith, District At
County of Fresno
Court House 7th Floor
Fresno, Ca. 93721



Veterinary Medicine

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 were 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

TYPED BY

Is

DATE AND TIME

2-11-78

ROUTED BY

FURTHER ACTION YES NO

COPIES TO:

DETECTIVE

CII

JUVENILE

PATROL

DIST. ATTNY.

OTHER

SO./P.D.

OTHER

REVIEWED BY

DATE

FRESNO COUNTY SHERIFF'S DEPARTMENT
Fresno, California

69. CASE NO.

78-5819

-2-

DATE _____

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

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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: 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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REVIEWED BY _____ 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?

REPORTING OFFICERS Stow/Lean/Ardiez	RECORDING OFFICER	TYPED BY jac	DATE AND TIME 2-13-78 0209	ROUTED BY
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FRESNO COUNTY SHERIFF'S DEPARTMENT
Fresno, California

69. CASE NO.

78-5819

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: 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.

REPORTING OFFICERS Snow/Lean/Ardiez		RECORDING OFFICER	TYPED BY iac	DATE AND TIME 2-13-78	ROUTED BY
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<input type="checkbox"/> NO	<input type="checkbox"/> JUVENILE <input type="checkbox"/> PATROL				
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FRESNO COUNTY SHERIFF'S DEPARTMENT
Fresno, California

69. CASE NO.

78-5819

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: 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.

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

89. CASE NO.

78-5819

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: 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

REPORTING OFFICERS Gron/Lean/Arriaz	RECORDING OFFICER	TYPED BY jac	DATE AND TIME 2-13-78	ROUTED BY
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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)

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

69. CASE NO.
78-5819

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

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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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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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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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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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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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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73. VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS.)		74. ADDRESS	RESIDENCE	BUSINESS
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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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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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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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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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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 ^{were} 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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73. VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS.)		74. ADDRESS	RESIDENCE	BUSINESS
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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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73. VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS.)		74. ADDRESS	RESIDENCE	BUSINESS
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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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Q: Communicate alright?

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

Q: Ok, 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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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 BELLIE 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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73. VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS.)		74. ADDRESS	RESIDENCE	BUSINESS
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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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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 do 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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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 CHARLES MARCUS 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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Petition for Writ of Habeas Corpus - EXHIBITS

FRESNO COUNTY SHERIFF'S DEPARTMENT
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69. CASE NO.

78-5819

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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

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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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

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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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69. CASE NO.

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

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

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

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70. CODE SECTION	71. CRIME	72. CLASSIFICATION		
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				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.

REPORTING OFFICERS	RECORDING OFFICER	TYPED BY	DATE AND TIME	ROUTED BY
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FRESNO COUNTY SHERIFF'S DEPARTMENT
Fresno, California

69. CASE NO.

78-1809

DATE 2-11-78

Interview with Billy Brown

-1-

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

Q: Okay Billy what we've done is we've turned on a tape recorder so we can record the conversation and I'm sure you recall talking to a Detective Snow?

A: Yeah

Q: Okay he had a tape recorder on.

Q: Billy, uh I'm gonna ask the officers to read you your rights again and uh, Officer Christensen and Lean.

Q: Billy this is in regards to uh a situation that developed out in Modesto and ended up here in Calowa and uh theres some information that uhm we'd like to clarify before we go ahead, hu, we wanta advise you of your rights, 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 your being questioned. 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. Do you understand each of the rights I have explained to you?

A: Yes

Q: Uh having these rights in mind do you wish to talk to us now?

A: Yes

Q: Okay, Billy, I wanta ask you a few questions, and you, you when you talked to Detective Snow here today you gave a pretty detailed statement but theres

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Fresno, California

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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: a couple of things I wanta clear up. Now, Billy you recall, you recall do you know, do you recall seeing a girl named Christine?

A: Yeah

Q: Okay, you know who she is?

A: Yeah she looks like an injun broad.

Q: Okay, now where'd you first see her.

A: Went with some guy, named a Fresno there, joint there, some bar downtown

Q: Think it was joint here?

A: Some bar downtown.

Q: Okay, you remember the girl you talked about the red headed girl, the girl that got shot, was she with you at that time?

A: Yea

Q: Okay, now Billy I'm gonna go through a sequence of events based on what you previously stated and I'm gonna ask you a few questions about that. Okay you picked up Christine Menchaka, when I say you, she got in the car. Okay, and the girl who's car it was was in the car with you, Right. Okay than according to your statement you went by a place, the Olympic Hotel or something, and then you went out onto the west side where the girl was shot, is that right.

A: Yea thats right

Q: Yeah I understand, and then after that happened you went back for some, where, Clovis?

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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: Yeah

Q: And then they took you home

A: Yea

Q: Where you talked to your parents. All right now Billy, we have some police officers who were on the west side that night about 8:00 p.m. and they say that they saw some people in a car just like this and that they stopped, they stopped and talked to them.

A: Yeah

Q: Okay, okay now, what what is that, do you recall how many officers it was.

A: There was two of em

Q: Were they on foot

A: Yes

Q: And uh where was the car when they talked to em?

A: When they talked to uh, we were in front there

Q: In front of what

A: In front of the Seven seas resteraunt

Q: The Seven seas

A: Uh huh (positive)

Q: Well was that when you picked up Christine Menchaka?

A: No we didn't pick, she was already in the car. They told her, to go

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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

inside and see if they could sell that watch, that that girl had

Q: Okay now, okay lets back up Billy, whenever, when the police officers came up they asked you how old you were right?

A: Yeah

Q: And where were you seated in the car?

A: I was seated on the, on the drivers side, no I was sitting right in the middle on that little lump on the in the car.

Q: In the back or the front?

A: In the back

Q: Okay where was the girl who's car it was?

A: THEY already shot her.

Q: They already shot her?

Q: Okay, thats what were trying to clear up, cause you know whenever you said you'd go on back to Clovis with us you know, where's the Olympic Hotel then in relation to the Seven Seas?

A: Well it in, cause the deal with the thirty dollars and the watch, and when they got in to Fresno, they were to pick up Christine at that bar, some bar, (unintelligible) and then we went to the Olympic Motel to pick up a the Heroin I think thats what they were talking about, and we stopped there and from there they, from there they jammed out, and they drove, they go lets go pick up at Calwa, you know, and then they drove out to Calwa and I

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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: thought we were in Fresno cuz I was tired and then they musta shot her out there and then they go alright lets head back to Chinatown cuz they had the watch and the thirty dollars and

Q: Okay let me stope you a minute, when you say they musta shot her, you mean, your talking about the location, you weren't too sure about the location

A: No man cuz I was sleeping see, they drove all that way, and

Q: You saw Zankowicz shhoot the girl, you've already told us about that okay, let me get my sequence of events straight because its important to us exactly what happened. You stopped off and you picked up CHRISTINE MANCHAKA at the Joy Joy, which you think is the Joy Joy. The girl, then you all got into the car and you went out to Olympic Motel and Zankowicz and who else got out of the car?

A: CHRISTINE and TIMA, in there, and then they drove uh, Lewis, they gave LEWIS the gun and told LEWIS to watch the car. And the girl, and I was sitting on this side and then the girl, and then right, then the guy with the gun was right here and then the girl was talking and she goes uh I hope there ain't no shooting down, and I go yeah I know cuz I don't wanta get shot and she said the same thing. And then they played, then Stakowitz' came back down, down then he got the gun and she asked him again is there anything that she (unintelligible). And then Zankowitz said I don't know. But he got the gun and stuck it in his pants and they called him back up again and he went

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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

back up there.

Q: Whos they?

A: Tina and Christine called him back up there again. So he went back up there and about five minutes later he came down and then they we split to Calwa and then that when they shot her, right there on the corner of 10th & 9th they said.

Q: Okay, you know now that it was Calwa. That night you weren't to sure it was. Okay, Okay so who got out of the car when the girl was shot?

A: Uh, lets see, I was in the car, passenger, this side, on the drivers side on the drivers side towards the front, and Christine and the girl and the wait a minute, TINA, CHRISTINE, Larry and the girl that was sitting in the middle and I was sitting they were ther, and he goes uh, they were asking some kinda question, if we were hungry or something you know.

Q: Who was?

A: TINA, she goes you hungry Billy? Because Tina, TINA was supposed to make sure I was home that night, cause my mom said she was gonna call the cops, and I said yeah I'm hungry and she told the other guys, she told Doug and that Lewis and her to get out of the car cuz they were gonna go pick up some Herion so you know, some more Heroin so they got outta the car and then I seen Lewis come walking back to the door and then I looked over at Doug and that girl and I seen Doug point the gun at her head and go "POW" and she dropped and thats

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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: When Doug come over to the car.

Q: Okay let me ask you a question. Now I understand you described how he pointed the gun. Now when he pointed the gun, did he hold his hand out straight and point it, did he hold it with two hands and point it?

A: No, he couldn't.

Q: Okay could you show me how?

A: Yeah, it was like this (demonstrates) cause I seen his wrist pop up like that.

Q: Okay what your describing to me, let me see if we get it correct, what your describing to me is holding his gun in his right hand, the arm extended straight out, like this (demonstration), and then taking the left hand, the palm under what would be the grip of the gun and holding it like that.

A: Yeah and when he shot it popped up like that. Just a little bit.

Q: Popped up a little bit of recoil.

A: Yeah, he only just shot once.

Q: Where was the girl looking whenever he fired the gun.

A: Looking the other way, the opposite way

Q: Okay, you told us you heard uh, him uh make a statement to Lewis about how he really dropped her. Where was Lewis standing when Zankowitz shot the girl.

A: All right. The girl was standing there, Zankowitz standing there.

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70. CODE SECTION	71. CRIME	72. CLASSIFICATION		
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		RESIDENCE		

Lewis was still kinda making the L.

Q: Kind of in a L shape if you connected the dots up.

A: Yeah, then Lewis was standing there. Lewis started walking to the car, and then two guys started getting in and I looked over like that and I seen him shoot her, and then he came running to the car.

Q: Okay, when Lewis was out there, did he have any kind of a weapon with him.

A: He had his knife.

Q: Was the knife out?

A: The knife was out of the case.

Q: How was he holding the knife.

A: He (stuttering) was holding it like this (demo).

Q: Now your describing in your right hand with the blade up in the air?

A: Yeah, no he had it on his leg like, like this.

Q: And he was just holding it?

A: Uh huh (affirmitave)

Q: Knife was out, you could see the blade? Did he have it with him whenever he got out with the girl?

A: Unh unh (negative) I don't think so.

Q: You think he was unarmed?

A: Yeah

Q: You know where the knife was?

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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 think at that time it was right where the console was. You know what a console is? I think in between the seat the console.

Q: The console that goes down the middle of the car?

A: Unh huh (affirmitave).

Q: Okay. Now Billy when you uh, okay so the girl, the girl was shot, okay Zankowitz got back in the car, Lewis was in the car talking, Mancheka Manchaka and you right?

A: Mhmm

Q: Now anybody else in the car?

A: Nmhm (negative)

Q: Okay where did you go then?

A: Thats when I went to that bar.

Q: That when you went back to the Seven Seas, or went to the Seven Seas.

A: Yeah, yeah and they tried to sell it.

Q: Okay, who's they?

A: Uh, TINA, and TINA, wait a minute, CHRIS IS the one that walked in to see if she could see it.

Q: CHRISTINE MENCHAKA?

A: Yeah. And then she asked a Lewis, she goes, Lewis, why don't you go in and see whats taking her so long you know, and thats when the two Sheriffs came up and then TINA seen em come up you know and I was really scared, and

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Petition for Writ of Habeas Corpus - EXHIBITS

FRESNO COUNTY SHERIFF'S DEPARTMENT
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70. CODE SECTION

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72. CLASSIFICATION

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

74. ADDRESS

RESIDENCE

BUSINESS

75. PHONE

I thought they were going to shoot me, so Tina goes, "Billy, you'd better tell them that your name is Billy LEWIS. So, I told them, I go, I go, they ask Tina what's her name, and they ask Doug, and then they ask me, and I go, "Billy LEWIS." Cause they would have took me out and shot me, too.

Q. Who?

A. STANKEWITZ, man. They were driving through all kinds of dark streets. That's how come I didn't say nothing.

Q. All right, now Billy, when the police officers came up to the car. TOPPING was in the car, Tina and you were in the car...

A. Uh huh

Q. Where was STANKEWITZ?

A. Doug was on the passenger side of the front seat.

Q. He was sitting on the right front passenger seat when the police officer came up to the car?

A. Uh huh

Q. OK. Had LEWIS gotten out of the car and gone into the bar?

A. Yeah, LEWIS, and then she said...

Q. Who's she?

A. Tina goes, yeah, she goes to the officer, will you go in there and see what's taking them so long. And then she goes, that officer goes, why

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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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don't you have your brother to go in and see. So STANKEWITZ was getting out of the car and he just opened the door and looked over and they were coming so he got back in the car, and then they got back in their car. And then that's when uh, TINA went over, and we took off when TINA was handing the gun back to STANKEWITZ. Then STANKEWITZ put it, put it right here on his lap. And then that's when we went out to Clovis to, over to someone's house to see if he got any, anymore 25 shells. And that's when, uh, someone told them out in Clovis that my Mom was uh, she, she had put a, what do you call that?

Q. A missing persons data?

A. Yeah, yeah

Q. For you?

A. Yeah. Then I told them, I go, that's why I wanted to go home, so then they took me home. That's when I told my probation officer and I told some detectives out there what happened.

Q. OK, now, BILLY, when you picked up CHRISTINE MANCHAKA, at the, what you think was the JOY, JOY, did anybody tell CHRISTINE MANCHAKA that the car was stolen, that the car was hot?

A. I think TINA did.

Q. OK, did anybody tell you who the girl with the red hair was ..

A. TINA did.

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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 did, what did she tell her?

A. TINA, I think TINA told her that got the car from Modesto, and they had brought her down with the car, and she still got in the car. But then when they brought her down, when they were bringing her down they told her to go, when we get downtown JOY, JOY we'll let you out of this car in back and then we're gonna go on our own, and go back. So when we got downtown, right there where CHRISTINA was picked up, I started getting out of the car, because they said when we got to JOY, JOY they were gonna let her have it, you know, so I started getting out of the car. Then STANKEWITZ told me to get back in the car, so I just got back in the car and I sat down, and then that's when CHRISTINE came out, let's see, yeah that's when TINA went in to get CHRISTINE, and then CHRISTINE came out, TINA got back in the car and then that's when we left.

Q. That was right before the girl was shot?

A. That was, yeah, right before.

Q. OK, now you say when you went to the SEVEN-SEAS, the time whenever the Police officers came up, that you went in to get rid of the girl's watch, is that it? Not you, but CHRISTINE and TINA went in to see about getting rid of the girl's watch?

A. Uh-uhm (YES)

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Q. OK, who had the watch, when they went in there, do you know?

A. CHRISTINE did.

Q. Now who gave the watch to CHRISTINE?

A. TINA

Q. What about, was there money, you said there was money taken from uh, I'm gonna call her THERESA, that's the name of the girl that was killed, OK? Now did TINA give CHRISTINE any of the money that was taken from THERESA?

A. She gave, when we made a stop at the OLYMPIC MOTEL she gave her, gave her, let's see, I think it was twenty (20)

Q. Who did?

A. Uh, TINA did.

Q. OK

A. (unintelligible)

Q. Alright, so, when the officers, do you know or not whether they ever got rid of the watch?

A. No I don't, I don't, they might of, because they dropped me in Pinedale when they left again. You know, I don't know if they got rid of it or not, because all I seen, they didn't get rid of it at the SEVEN-SEAS though.

A. You know they didn't get rid of it at the

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A. I know that, cause they said no, nobody to buy it, so we went to Clovis and, see if they had anymore 25 shells and then they took me home, and they still had the watch, so I don't know if they got rid of it.

Q. OK, did anybody ever have any sex with the girl?

A. Huh-uh (negative)

Q. Anybody ever threaten to have any sex with the girl?

A. NO

Q. OK, now ART you have one question that I can't, right above the sexual activity, I can't read it.

Q. Uh, when you were stoped in Manteca, I believe it was, in the white Oldsmobile, uh, did STANKEWITZ have the gun on him at that time?

A. No I don't think so, I think it was inside the bag, one of those bags you carry your cloths and stuff in, I think it was in there.

Q. BILLY I wanted to ask you about (unintelligible). Now you went up to Sacramento with TINA?

A. Uh-uh (yes)

Q. OK

A. And (unintelligible) WALKER.

Q. And WILLIE WALKER, OK, now when your on your way back, uh, from Manteca, your on your way back, your on your way back from Sacramento

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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

you were in a car, an Oldsmobile, remember that white Oldsmobile?

OK, what kind of, where'd they get that car?

A. I don't know, the other guys, they had it when they came down to Fresno, when we came to Fresno.

Q. Who was in the car?

A (unintelligible)

Q. When you stoped in Manteca?

A. Alright, there was me, STANKEWITZ, TINA, and MARY, uh STANKEWITZ's mother, and this guy we call ROGER DODGER, that's STANKEWITZ's brother, and LEWIS.

Q. OK, ROGER DODGER, how old is he, about 17?

A. Yeah.

Q. Alright, and LEWIS, was there another man there about 30 or so years old?

A. Oh yeah, J.C.

Q. What's his name?

A. I don't know his name, they just started calling him J.C.

Q. OK, now BILLY, when you stoped, OK, you got stoped by the police, right

A. Uh-huh

Q. In some little town, right?

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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=huh

Q. The officer got everybody out of the car?

A. Uh-huh.

Q. And took you in and put you in the holding tank, holding cell?

A. They, they, yeah, they

Q. What did they do with you?

A. They had us up in the front, right there you know, and they were trying to clear it, we were sitting there for about an hour, about an hour and a half, and then they told us that, I told them that I had to use the restroom, STANKEWITZ, they took all three of us, ME LEWIS & STANKEWITZ back to use the restroom, and then, uh, they brought us out and then he, that officer comes up and says we got some good news and we got some bad news. The officer goes, well the good news is you guys can go, he says, the bad news, the car stays. He says, because we haven't got hold of your Uncle, talking about TINA's uncle, and that's all he said and then we left.

Q. Alright, BILLY, now, that was early in the morning, that was real early in the morning.

A. Uh, about 4:30

Q. Yeah, it's still dark outside. OK, now you got a whole bunch of you people, did you try to hitch-hike somewhere?

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73. VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS.)		74. ADDRESS	RESIDENCE	BUSINESS
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A. Huh-uh, we just walked over, they told us where a bus depot was and we walked about 2 blocks to the bus depot, but it was closed so we sat right there in the donut shop til about 6:00 in the morning then we missed that bus, and then there was another one at 9:00 something, we missed that one, and then we missed them all the way up til about, it was about 10:00, they wanted to stay and catch the 2:00 bus.

Q. Whose they?

A. MARY, ROGER DODGER and his date. And then LEWIS goes, MARY Asked me, MARY asked me if I was going to hitch hike, I go Yeah, and then LEWIS goes (unintelligible), so STANKEWITZ and TINA they started out first. And then we started in and we got a ride, and then we got right up there and we asked them to stop and pick up them two, they said yeah, so they gave us a ride up to the freeway, and then from there..

Q. Who hitched that ride up to the freeway?

A. Me, TINA, STANKEWITZ and LEWIS, we were, well me and LEWIS asked them if they would stop up there and pick up our friends, you know.

Q. Which friends?

A. STANKEWITZ and TINA.

Q. OK, where was the guy you call ROGER DODGER, MARY STANKEWITZ AND JC.

A. They stayed at the bus stop.

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Q. OK

A. They were going to wait for a bus, to come here I guess, or Sacramento.

Q. OK, did you every see them again that night?

A. (unintelligible)

Q. OK, now you, we're gonna back up again a little bit, when you were stopped by the police officer, when we asked you about the gun that STANKEWITZ had, you say it was in a bag? You think it was in a bag?

A. No it was inside of a case, I told him.

Q. OK, but whenever the officer, remember when the officer kind of searched people, you know when they stopped you guys. Did the officer search you?

A. No, did the officer search us when, when we're here?

Q. No, when the officer, remember whenever the officer stopped the car in that little town, the Oldsmobile, remember the officer stopping you?

A. Uh-huh

Q. And taking you out of the car there?

A. Uh-huh.

Q. Were you searched then?

A. No, no

Q. Did they take you to the police station after that?

A. Yeah.

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73. VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS.)		74. ADDRESS	RESIDENCE	BUSINESS
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Q. OK, were you searched there?

A. No

Q. Where was the gun?

A. The gun was in that little bag I guess, that, that sack thing.

Q. What kind of sack was it?

A. It was like uh, you know that decorated sacks where you put cloths and stuff in the plastic ones.

Q. Oh you mean just a little, like a plastic bag.

A. Plastic sack with designs on it.

Q. Shopping bag?

A. Yeah

Q. OK., you mean the whole time that you, was that, STANKEWITZ was holding that gun that whole time that you were in the police station?

A. It was in the police station but he wasn't holding it, MARY was holding the bag.

Q. MARY STANKEWITZ?

A. Yeah

Q. DOUG's mother?

A. Uh-hum

Q. And she left the bag with who?

A. And then when we got over to the donut shop, DOUG, DOUG said, uh

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73. VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS.)		74. ADDRESS	BUSINESS	75. PHONE
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we're not gonna wait here forever, so, they uh, he, he told LEWIS, hand him that bag. So he got the gun out and stuffed it in his pants and him and J.C. went out somewhere. They come back about an hour and a half later and says it's no good, they waited about a half hour and they went out again, they came back and they said nothing. So we were sitting there waiting for the bus.

Q. Did they have any money when they came back the second time?
A. No, I don't think so.

Q. Did they ever talk about, uh, robbing a man, a Mexican man of his, of his money, shooting at him?

A. (unintelligible) all I heard was he was talking to his Mom, said they were going to go rob somebody, that's all I heard. And then I was just sitting there, I was, what I was going to do I was going to wait there for the bus, but then MARY came up with this idea saying, well you guys better, she told us she wasn't gonna let us ride on the bus, then she told us, she told, this way, well you guys better start hoofen it.

Q. MARY is DOUG STANKEWITZ's mother. OK, so now, I think I understand, you guys clear on that? You don't recall anywhere between Manteca and Chinatown, here in Fresno, of DOUG robbing a man?
A. No

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73. VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS.)		74. ADDRESS	BUSINESS	75. PHONE

Q: Firing a shot at him?

A: No.

Q: If he did you weren't there is that it?

A: Right

Q: Okay, so now I'd like, its like, its about, you've hitchhiked over to the freeway about what time is this?

A: Uh, we got a ride from uh Sacramento to Modesto, that was, that was about, lets see, uh about 10:00 or 11:00 we got a ride from Sacramento to Modesto, uh me and

Q: Wait a minute you were already you, you got stopped in a town called uh, Manteka.

A: Yeah

Q: And you had come from Sacramento in the Oldsmobile right?

A: Oh yeah, we uh we come from Sacramento in the Oldsmobile and then the Oldsmobile started messing up you know, and like and everybody said it needs oil, it needs oil so we bought some oil and put it in it and it still clanged you know so we go it needs transmission fluid, it needs transmission fluid, so Larry opened up the hood and a poured transmission fluid in, no and Larry stabbed a hole in the deal, in the can with the knife and then thats when uh the cop says STANKEWITZS., put your hands on the hood, so he did and thats when they took his (unintelligible) and then from there were at the bus, were at

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81. VICTIM'S NAME - LAST, FIRST, MIDDLE (FORM IF BUS.) _____ 74. ADDRESS _____ RESIDENCE _____ BUSINESS _____ 75. PHONE _____

A: the bus stop and the bus stop was closed so we went to the Donut shop and we stayed there from about two or three hours and then from there we moved to the bus stop in the morning and we were sitting around there for about three or four hours and then thats when me, Stankewitz, TINA and LEWIS started hitchhiking.

Q: Where did you hitchhike to?

A: From that little town we hitchhiked to Modesto.

Q: You hitchhiked to Modesto. Now what time did you get to Modesto?

A: Uh, we got there about 1:00 or 2:00

Q: Okay, and what kind of a car did you get a ride in?

A: Uh, lets see, a brown truck, I think it was a Dodge.

Q: Okay, did you talk to a man at all.

A: Nah, me and LEWIS were in the back,

Q: Was there anything unusual about the truck.

A: NO

Q: I mean was ah, was it a new truck, and old truck.

A: No a new truck

Q: And was it a little pickup or a big truck?

A: Big truck. It was like uh a large pickup. It was brown and it was

Q: Where did the man go after he dropped you off?

A: Uhm, we were in Modesto, and we pulled up on the exit and he dropped us off

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

74. ADDRESS

RESIDENCE

BUSINESS

75. PHONE

A: and then he went thataway you know, down toward, thataway.

Q: He turned off the freeway?

A: Yeah, and then uh, and then over towards this side so me and uh LEWIS said we'll keep on hitchhiking cause see, so we stuck our thumb out we needed to get a ride.

Q: Let me, let me ask, let me back up and ask you, he turned thataway you said, you mean he turned, he took the right right exit off the freeway.

A: Yeah

Q: Okay. In Modesto?

A: Mhmm (positive)

Q: What'd the man look like?

A: I dont, I didn't even look at him. We were way in the back, in the back of the truck.

Q: Okay, do you know, do you have any idea wether he was Mexican, uh

A: He was white

Q: He was white?

A: Yeah, when he stopped and pulled over I seen his face was, I don't know what he looked like, I know he was a white guy though.

Q: Could you tell wether or not he was a young man an older man, was he did he have long hair, short hair, anything about him.

A: He had short hair, sorta like his.

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73. VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS.)		74. ADDRESS	RESIDENCE	BUSINESS 75 PHONE

Q: Like um, Detective Leans?

A: Mhmm

Q: Okay, so when you were dropped off there, what did you do?

A: We just started hitchhiking down the freeway, and DOUG looks down at us and goes like this and goes like that.

Q: You mean he motioned with his head for you to come over to him,

A: Yeah so we walked up there to where, we walked across the freeway, to that store K-Mart and then he told us first were right here and then the little, the other thing like right here, me and LEWIS was standing here and he told us to wait here don't move, so TINA and him were walking through the parking lot and they walked all around K-Mart parking lot, so I told him come on lets go over to hitchhike, me and LEWIS did, so me and LEWIS started walking and they were right behind us so, we started hitchhiking again and he called us back up again and then we came back and we started looking around this other deal other parking lot and there was no, me and LEWIS was back over hitchhiking, they were right behind us and it started raining real hard so we went back and thats when I was standing, you know, in fron of K-Mart right there by a telephone, and then thats when that lady walked out, uh, that one that got shot. She walked out and uh TINA was walking right behind her and then STANKOWITZ was walking on the other side of the road, so when they, when she got in the car she didn't get time to shut the door yet, TINA had pushed her

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73. VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS.)		74. ADDRESS	RESIDENCE	BUSINESS
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A: over and that girl was honking her horn and then STANKOWITZ went around this side and then LEWIS got in an unlocked the door, and then I was still standing there they had her in the car and everything and then they kept calling my name, come on, come on, you need to walk, so I didn't wanta walk so I went over and got in the car I didn't see nothin, I didn't do nuthin.

Q: Did you see STANKOWITZ with the gun? Whenever the girl got in the car? When they forced, when TINA forced the girl into the car?

A: Yeah

Q: STANKOWITZ had the gun?

A: Mhmm (positive)

Q: What did LEWIS have?

A: LEWIS had that knife.

Q: He had that knife?

A: Yeah

Q: Okay.

A: What do they got me in here for anyway?

Q: Well the whole point is , is uh Billy to be honest with you uh because uh everybody who is involved in a, in a trial, in the murder of the girl, thats why your here, were trying to weed through this to see who did what when.

A: I didn't do nuthin man, I was just settin back.

Q: Well I understand you were you know, that you were in the car, and that

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73. VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS.)		74. ADDRESS	RESIDENCE	BUSINESS
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you didn't shoot the girl or anything like that, I understand all that, but uh, I want you to understand that what were trying to do is were trying to go through this and figure out what happened, okay, and were trying to make that decision as reasonably as we can, and as fairly as we can.

A: So when will all this be cleared up?

Q: Well, I don't know how long its gonna take, us Billy, we gonna go talk to some other people, and see whats going on. Billy, what happened to your uh what happened to your lip?

A: Umintelligible)

Okay, we finished side one of the tapes, starting side 2.

Q: Alright now, Billy uh when the girl was shot you previously stated that uh Stankowicz made a statement, uh to the effect that he really, really dropped her, and LEWIS said something?

A: Yeah, yeah LEWIS goes man you dropped her then he started laughing.

Q: LEWIS laughed?

A: Yeah

Q: How about STANKOWITCZ?

A: STANKOWITCZ was laughing anyway. He's physco

Q: So what about the, did they talk about it anymore after it was done? After the girl had been shot? How about you, did you say anything?

A: I told them, I go you know it was cold, don't talk about it man, its over

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73. VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS.)		74. ADDRESS	RESIDENCE	BUSINESS
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A: Thats all I said.

Q: What about TINA?

A: TINA didn't say nuthin. Told CHRIS she outa sell that watch

Q: What did CHRIS say to her.

A: We went over to Seven Seas, and we went over there to try and sell it and then we went over to CLOVIS and dropped me off.

Q: Okay, I think I've finished my questions.

Q: Billy, at anytime when they took the young lady out of the car where was she at in the back seat?

A: Mhmm (positive)

Q: When they took her out and you saw what transpired out there uh what did TINA and CHRISTINE say at that time?

A: They didn't say nuthin, TINA was sitting there getting ready to drive off, I guess. Thats when LEWIS came came walking up to the car, and STANKOWITCZ shot her and then they they got in the car and then TINA just drove off and then DOUG goes, drive slow, drive slow somebody will think something, so she just drove off.

Q: But they hadn't uh, she didn't say anything about the, when they took her out of the car. Did CHRISTINE say anything?

A: No, I don't think so.

Q: You can't recall anything?

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BUSINESS

75. PHONE

A: No

Q: Okay, yeah uh, during the course of the events from the time of the kidnapping of the girl there in Modesto, till the time of the killing, had you or any other member of the party involved in this thing been drinking?

A: No

Q: You hand't had anything to drink? You didn't see anybody else drink?

A: No, till after

Q: After, okay. After that time, up till that time again, from the time of the kidnapping to the killing of the girl, did you see anybody take any narcotics. Actually see anybody see anyone take narcotics? Anybody smoke any marijuana?

A: No

Q: Nothing, everybody was straight?

A: Mhmm

Q: Your shaking your head you mean no you didn't see anything

A: That what, no I didn't see anything

Q Okay

A: But they woulda, they woulda in the motel, I don't know what they did up there.

Q: But you did not personally see any member of this party that was involved in the killing of this girl take any alcohol or drugs in your presence?

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DATE

Petition for Writ of Habeas Corpus - EXHIBITS

FRESNO COUNTY SHERIFF'S DEPARTMENT
Fresno, California

69. CASE NO.

78-1809

DATE _____

-29-

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

Q: And neither did you?

Q: When they came back from the Olympic Motel Billy were they acting alright?

A: Nah, they were acting kinda goofy to me.

Q: What do you mean kinda goofy?

A: They were, she was driving crooked, and she was closing her eyes every once in awhile,

Q: TINA

A: Yeah, and then DOUG would do the same thing, so I don't know

Q: Yeah, but you, I mean

A: I, I can't say they took anything, to me it looked like they did, I just can't say anything, I didn't see em.

Q: They didn't say anything?

A: Mhmm, they didn't, they had to go pick up in Calwa.

Q: So it was your impression they hadn't even scored, they hadn't been able to buy any vet, is that what you assumed?

A: I think they got some at the Olympic Motel, but I think they was just using Calwa for, to do her in there, you know, uh,

Q: But they said that they were gonna go score in Calwa.

A: Yeah

Q: Who said that?

REPORTING OFFICERS		RECORDING OFFICER	TYPED BY Dlc	DATE AND TIME 2-15-78	ROUTED BY
FURTHER ACTION	<input type="checkbox"/> YES <input type="checkbox"/> NO	COPIES TO:			
	<input type="checkbox"/>	<input type="checkbox"/> DETECTIVE	<input type="checkbox"/> CII		
	<input type="checkbox"/>	<input type="checkbox"/> JUVENILE	<input type="checkbox"/> PATROL		
	<input type="checkbox"/>	<input type="checkbox"/> DIST. ATTN.	<input type="checkbox"/> OTHER		
	<input type="checkbox"/>	<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

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

A: DOUG and CHRIS. DOUG asked CHRIS "you know of any other place?" and then CHRIS goes yeah in Calwa.

Q: DOUG asked CHRIS do you know of any other place?

A: Yeah, and she said Calwa so they already had it planned out when they came, when they were walking down the stairs.

Q: Where they were going out there to get something and uh they decided to kill her along the way.

A: Mhmm

Q: Okay, I don't have any more questions.

The time is uh 1035 hrs. Today is the 11th February, 1978. Uh this is case #78-1809 and this interview is conducted in Room 2 at Juvenile Hall Present is Detective Tom Lean, uh Mr. James Ardiaz, District Attorneys Office and myself Christensen. Okay were gonna shut off the tape.

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. ATTNY. OTHER

SO./PD. OTHER

REVIEWED BY

DATE

Petition for Writ of Habeas Corpus - EXHIBITS

4

5 Held In Kidnap, Slaying Of Woman

FEB 10 1978

FEB 10 1978

By LOUIS GALVAN
Bee Police Reporter

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

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

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

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

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

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

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

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

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

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

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

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

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

E-1 Front Page

*Continued
E-3*

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

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

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

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

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

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

P-2

MAR 2 1978

MAR 2 1978

Quartet Will Face Trial For Woman's Slaying

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

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

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

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

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

notified police.

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

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

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

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

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

3-1-78

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

7/5A 3-1-78 Bow

11

(FRESNO) -- FOUR PEOPLE CHARGED WITH KIDNAPING DEATH OF A MODOIST WOMAN NEAR FRESNO HAVE BEEN FOUND GUILTY OF MURDER AND KIDNAPING. AS A RESULT OF YESTERDAY'S PRELIMINARY HEARING, MARLIN LEWIS OF SACRAMENTO AND DOUGLAS STANKEWITZ OF ELOVIE WILL STAND TRIAL IN THE FEBRUARY TENTH SHOOTING.

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

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

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

(STANKEWITZ) (STANISLAUS STATIONS NOTE)

505 8-7-78

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

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

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

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

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

Weatherman is Gary ...

42

NON

LA...

INVESTIGATION OF MRS. GRAYBELL'S MURDER.
 THE FOUR AND A 14-YEAR-OLD PINEBLENDE YOUTH WERE ARRESTED FOR
 TAPPING OF PINEBLENDE; AND 23-YEAR-OLD CHRISTIAN MEMBER OF PINEBLENDE,
 OF CLAVIS; 22-YEAR-OLD MARLIN LEWIS OF SPOKANE; 19-YEAR-OLD LINDA
 DEPUTIES BELIEVE HIS ASSAULTS WERE 21-YEAR-OLD DOUGLAS STANKEWITZ
 FARMER SAID HIS CAPTORS FIRED SHOTS AT HIM AS HE FLED.
 WAS ORDERED OUT OF THE CAR AT GUMPOINT AND HE THEN RAN AWAY. THE
 THE CHECK AND HE WAS DRIVEN TO AN AREA WHERE THE CAR WAS STOPPED. HE
 THE FARMER SAID ONE OF THE MEN REMOVED HIS WALLET CONTAINING
 VEHICLE.
 IN TWO MEN -- ONE ARMED WITH A KNIFE -- AND FORCED HIM INTO THE
 HE SAID HE ACCOMPANIED THEM INSIDE IN A CAR WHERE HE WAS CONFRONTED
 THE SAME NIGHT WHEN HE WAS APPROACHED BY TWO WOMEN WHO SOLICITED HIM.
 THE FARMER TOLD INVESTIGATORS HE WAS THINKING IN A ROLLING BAR
 9401 AND KILLED HER.
 AND PERSONAL POSSESSIONS AND DROVE HER TO THE FARM AND WHERE THEY
 9401 BELIEVE THE FOUR KIDNAPED AND GRAYBELL STOLE HER CAR
 FARMER OF MODESTO.
 LEGAL ACTION FROM THE ROLLING BAR IN THE CAR OF 21-YEAR-OLD THRESE
 INVESTIGATORS SAID THEY FOUND A CHECK BELONGING TO A 38-YEAR-OLD
 LINKED TO ANOTHER KIDNAPPING, ROBBERY AND MURDER ATTEMPT.
 HURDLED IN THE FARMER'S BIRTH MURDER OF A DOMESTIC WOMAN HAVE BEEN
 FARMER -- FARMER COUNTY SHERIFF LINDA SAID SHE ~~KNOWS~~ PEOPLE

20

Four

715 2-16-78

ROBBERY LINK

STANKEWITZ MURDER CASE

28/78

Length

13:52

B.H. LS

Newscast

11

(Handwritten scribbles)

FILM *(circled)*

(Handwritten circled text)

15
Page

ALL FOUR
PEOPLE CHARGED

WITH THE SHOOTING
DEATH OF A MODESTO
WOMAN HAVE BEEN
HELD FOR TRIAL.

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

SOE BG VO:

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

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

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

ANKWITZ ADD ONE

28/78

Length

BAN

Newscast

11

IN FRESNO.

76

Page

Study (S) Bill

FILM ENDS

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

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

6 DOLLARS

6 DOLLARS

11

17

MURDER CASE

3/1/78

Length

140

bd

Newscast

Noon

541
CK/SLIDE
"murder"

FILM:

(HOLD CK)

7:27

IF NEEDED:

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

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

SOF/BG w/V.O.:

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

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

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

Ms. Mancheca was
not involved in the

Mul

ed 1-1-1-1-1

Length

Newscast

27

Call if needed

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

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

8
Page

MORNING TOPS
3-1-78/ BW

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

-0-

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

-0-

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

-0-

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

-0-

TV News
Fresno, California

Story: STANKEWITZ TRIAL 2A
Total Length: 1:16 Film: XXX EJ
Date: 7-6 Newscast: ER
Writer: MJH Photographer: LS

FILM
SUPER 528 HARTMAN

(DMG
TIGH)

34
33

FILM
SUPER SCIANDRA

117

SOF-BG W/CART-TAPE

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

SOUND

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

D-2

FEB 15 1978

Kidnap-Killing Brings Pleas Of Innocent

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

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

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

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

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

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

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

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

FEB 16 1978

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

Four Held In Kidnap-Slaying Are

Douglas R. Stankewitz

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

The farmworker, investigators

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

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

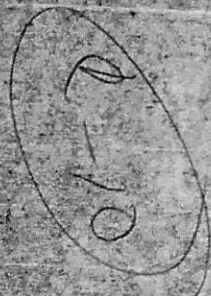
He said one of the women removed his wallet, which contained the

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

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

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

FEB 16 1978



FEB 16 1978

Suspects In Robbery That Night

the incident because of his illegal alien status.

Deputies believe his assailants were Douglas R. Stankewitz, 21, of Clovis; Martin E. Lewis, 22, of Sacramento; Teena E. Topping, 19, of Pinedale and Christina G. Menchaca, 25, of Fresno.

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

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

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

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

the four several hours after the killing.

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

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

FILED.

HIM TO THEIR CAR WHERE THEY ROBBED HIM AND FIRED SHOTS AT HIM AS HE
THAT SAME NIGHT, JESUS WEREZ, A RANCH EMPLOYEE, SAID THE FOUR TURNED
WHEN MISS GRABERL WAS ROBBED AND SHOT TO DEATH.

AUTHORITIES SAY SHE WAS PICKED UP LATER IN FRESNO AND WAS PRESENT
PARKING LOT OF A MODESTO STORE.

NOT WITH THE OTHERS WHEN THEY KIDNAPPED MISS GRABERL FROM THE
TESTIMONY AT A PRELIMINARY HEARING ESTABLISHED THAT MS. MENCHACA WAS
OTHER FELONY COUNTS.

ALL BUT MS. MENCHACA ARE CHARGED WITH KIDNAPPING, AS WELL AS THE
MENCHACA OF FRESNO.

19-YEAR-OLD TEEN TAPPING OF PINEAPPLE AND 25-YEAR-OLD CHRISTIAN
DEFENDANTS IN THE CASE, 22-YEAR-OLD ARLIN LEMIS OF SACRAMENTO;
STANKWITZ ALSO WILL BE TRIED SEPARATELY FROM THE OTHER FOUR

TRIED SEPARATELY.

OF KIDNAPPING, ROBBERY AND ATTEMPTED MURDER OF ANOTHER VICTIM WILL BE
MURDER, JUDGE SIMON MARGOLIAN RULED ~~SEPARATELY~~ THAT ADDITIONAL CHARGES

BECAUSE THE DEATH PENALTY IS BEING SOUGHT IN THE MODESTO WOMAN'S
EIGHTH MURDER, KIDNAPPING AND ROBBERY OF TERESA GRABERL OF MODESTO.
TWENTY-ONE-YEAR-OLD DOUGLAS STANKWITZ IS ACCUSED IN THE FEBRUARY

SEPARATE TRIAL (FOR THREE OF SIX FELONY COUNTS AGAINST HIM.

CLOVIS MAN CHARGED WITH THE MURDER OF A MODESTO WOMAN WILL HAVE A
-- (FRESNO) -- A FRESNO COUNTY SUPERIOR COURT JUDGE HAS RULED THAT A

(TRIAL)

1705
5-5-78

KMT Cali News time is 22 minute
after 7:00 9 7/8

(STANKWITZ)

(FRESNO) -- JURY SELECTION CONTINUES TODAY IN THE FRESNO COUNTY SUPERIOR COURT MURDER TRIAL OF 20-YEAR-OLD DOUGLAS STANKWITZ. JURY SELECTION BEGAN YESTERDAY AFTERNOON AFTER JUDGE BLAINE PETTIT DENIED A DEFENSE MOTION FOR A HEARING TO DETERMINE IF STANKWITZ IS MENTALLY COMPETENT TO AID IN HIS DEFENSE. STANKWITZ IS CHARGED WITH KIDNAPPING 22-YEAR-OLD THERESA GRAYSON, OF CODESTA, BRINGING HER TO FRESNO AND THEN FATALLY SHOOTING HER. THREE OTHER PERSONS ALSO ARE ACCUSED IN THE MURDER, BUT THEIR TRIALS WILL BE HELD SEPARATELY AT A LATER DATE.

-7-

(RAY)