

File

FRESNO COUNTY SHERIFF'S DEPARTMENT
Fresno, California

FPD 78-5819

69. CASE NO.
78-1809
78-39-26

DATE _____

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

SNOW : Hello

TOPPING: Hi

SNOW : I've gone over this, and there are a few things that have come up. We've talked to some other people, and it kind of put some doubt in our mind as to some of the things that happened as far as sequence and what not. First of all, this is Tom LEAN of the Sheriff's office, and Jim ARDAIZ, from the D.A.'s office, and they're working on this case, also.

We had an opportunity to talk to some other people, and some of these things that have come up, we've got some other questions about. I don't feel, like I explained to you earlier, I don't feel that you're the one one that pulled any trigger on anybody, but you happened to get involved because you were there at the outset; you were there when the officers made the arrest of these guys.

What I'd like to do is to ask you a few more questions on this, before we go into any of it I'm going to read your rights to you, because we are required to do that any time we take a statement, and I'm going to point out some of these other things that come to light in the last days, ever since I talked to you.

Let me first read your rights to you again. It's the same thing I read to you the other night, and if you've got any questions about

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Petition for Writ of Habeas Corpus - EXHIBITS and may not be revealed to any unauthorized persons

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them, ask me. OK?

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

TOPPING: Uh huh

SNOW : OK. If you have these rights in mind, we'll go over and answer some questions and talk to us.

TOPPING: Go ahead and ask me.

SNOW : OK. The thing that is still a little unclear in my mind is, as far as sequence, after you guys had picked up this gal in Modesto, it was, what happened after you arrived in Fresno. There were only four of you there, right? When you were in Modesto? And you made contact with this gal?

TOPPING: Uh huh

SNOW : Where did you first see this gal? Was she in the store, or was she outside K-Mart?

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TOPPING: In the store.

SNOW : Was she actually making a purchase in there?

TOPPING: Uh, uh.

SNOW : Were all of you waiting in the store--kind of out of the rain or something?

TOPPING: We were outside.

SNOW : Outside. OK. Why don't you just go through it and explain what happened from there. As far as, I know that she came outside is what you told me before.

TOPPING: Then we followed her to the car.

SNOW : You say, "we followed her;" you followed her nearer than the others didn't you?

TOPPING: I was behind her.

SNOW : You were behind her. Where was Doug, and Marlin?

TOPPING: Marvin was behind her, and so was Billy.

SNOW : OK. After, where did Bobby, where was he, Billy, I mean. Where was he at?

TOPPING: He was behind her, too.

SNOW : Behind her, too. Ok. Did she know she was being followed?

TOPPING: Uh, uh.

SNOW : OK, when she got in the car, just like you explained to me, you just

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kind of pushed her, shoved her down. And then you opened

TOPPING: Shoved her over.

SNOW : And then you opened the door, the other guys got in?

TOPPING: OK. Then, I think you said that at that time it was Doug who took out this little gun he had and, I think Marlin had a knife, right? And this gal, she was, you told her to be quiet at that time?

TOPPING: Uh huh (unintelligible) quiet.

SNOW : You told her to be quiet and she wouldn't get hurt. Is that right?

TOPPING: Uh huh

SNOW : OK. Then you said you drove--you did the driving. And you drove from Modesto ...

TOPPING: To Fresno

SNOW : To Fresno. You said it was about closing time in Modesto at the K-Mart store. It was five, five-thirty, something like that?

TOPPING: I don't think it was closing time

SNOW : What time do you think it was?

TOPPING: About five-thirty, five...I don't know what time it was.

SNOW : Was it still dark in Modesto when....

TOPPING: It wasn't dark.

SNOW : Was the idea, the plan originally to, I know you were going to

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steal a car, right?

TOPPING: Uh, huh

SNOW : Was the idea originally to kidnap her, too.

TOPPING: Uh, uh.

SNOW : Didn't Doug tell you to, to, eh, push her down and open the door for him? When she got in the car?

TOPPING: No, the door was open; I just opened it for him.

SNOW : Just opened it for him? What happened after you got into Fresno? Where did you stop first?

TOPPING: We went to Chinatown, stopped at a bar, I went in to go to the bathroom, and that's where I seen Chris.

SNOW : And, after you went in this bar and saw Chris, was she, did you ask her to do something for you, then?

TOPPING: No

SNOW : Did you ask her to score for you?

TOPPING: No.

SNOW : You didn't

TOPPING: She just wanted to ride around a bit

SNOW : OK

TOPPING: She didn't even know the car was stolen until after she got inside and we were riding around and I told her that..

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SNOW : What did you tell her?

TOPPING : I just told her that it was a stolen car (unintelligible) and let it go pretty soon.

SNOW : You told her that after she had gotten in the car?

TOPPING : Uh huh

SNOW : OK, then, after she got in the car, she come out of this bar in Chinatown, eh, was that, you said that was on Tulare between E and F? Right?

TOPPING: The Figurine or something like that.

SNOW : OK

TOPPING: Right next to the La Flor de Mexico.

SNOW : When she came out of the bar, Tina, when Chris came out of the bar, she got into this white over burgundy Cougar, was this gal that you guys kidnaped, with the red hair, was she in the car then?

TOPPING: Yeah.

SNOW : Was Doug and Marlin in the car? How about Billy? Was he in there?

TOPPING: Yeah.

SNOW : All three of them?

TOPPING: Yeah

SNOW : OK. Where did you go to? Directly after you left the bar? Now think carefully.

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TOPPING: I took Billy back to Pinedale.

SNOW : I mean, this is just after you just, right after you picked up Chris. Where did you drive to?

TOPPING: Uh, we drove to Clovis, we drove to Clovis and we came to (unintelligible). I wanted to take Billy home. His mother was worried about him.

SNOW : Maybe I got you a little confused. I don't know. After you left the bar with Chris. You met her inside, she came out and got in the car. That's the first time she got in the car; the first time that you met her in Fresno, did you go first of all over to where Chris was staying.

TOPPING: Uh, uh.

SNOW : To the hotel there in Chinatown.

TOPPING: Uh, uh

SNOW : You didn't?

TOPPING: Uh, uh, I didn't even know where Chris was staying. I just seen her at the bar.

SNOW : Did you guys drive this gal after you got in the car, did you guys drive this gal out to someplace?

TOPPING: No. After I drove Billy home, went to Pinedale first. No, it wasn't, yeah, it was about after that. I don't, that's right because

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I dropped Billy off afterwards.

SNOW : You dropped Billy off afterwards, right? OK, where did you drive to first? Did you, when Billy was in the car and Marlin and Doug and you and...

TOPPING: Chris.

SNOW : Chris. Where did you drive this gal to?

TOPPING: Out there where you found her.

SNOW : OK, and that's...

TOPPING: I don't know what streets they are, I don't even know...

SNOW : It's there where we went the other night.

TOPPING: Uh, huh. We were just riding around; I didn't even think of scoring any special places.

SNOW : You were doing the driving at that time, weren't you?

TOPPING: I was driving around.

SNOW : Were you driving?

TOPPING: Yeah

SNOW : And, who directed you out there?

TOPPING: Nobody did. I was just driving, like, we were just riding around.

SNOW : Who told you to stop there?

TOPPING: Huh?

SNOW : Who told you to stop right there? Where that happened.

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TOPPING: I just stopped. I just stopped, cause you know how it was, pouring rain. Then everybody got out of the car except me and Chris.

SNOW : OK, you say...

TOPPING: We was still talking, I didn't even know that they were going to shoot her. Neither did Chris.

SNOW : OK, when they, you say they got out of the car. You're talking about Doug STANKEWITZ, Marlin LEWIS and

TOPPING: Billy

SNOW : Billy BROWN and this ...

TOPPING: This girl

SNOW : This girl; she had the long red hair.

TOPPING: Yes

SNOW : OK. When they got out of the car

TOPPING: I thought that we was just going to drop her off.

SNOW : Who said to stop there?

TOPPING: Huh?

SNOW : Who said to stop there?

TOPPING: Well, they said...nobody really said to stop. I just stopped and they said there's nothing to do, and they got out. Everybody got.

SNOW : OK. What happened after you stopped? They all got out and what

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did you see then?

TOPPING: I didn't anything, like I just told you. Me and Chris were in the car, it was dark out, we didn't, we were just talking about how far we were going to do. We were just talking, you know. We didn't even get out of the car.

SNOW : What did you....

TOPPING: I wasn't really taking notice of what was going on because I didn't know they were going to shoot her. I thought we were just going to drop her off.

SNOW : What did you hear when you stopped?

TOPPING: What I'd hear?

SNOW : Yes.

TOPPING: I didn't really hear...nobody was talking. Cause me and Chris, we were just talking. I was, you know...

SNOW : I think you indicated the other night when I talked to you that you heard what sounded like one gunshot.

TOPPING: Yeah

SNOW : And, then you saw...

TOPPING: I didn't see what had happened. I don't even know who shot her; they all got back in the car. Me and Chris had stayed in the car; we didn't get out.

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SNOW : Did you see her lying there at that time?

TOPPING: No. I'm lucky I even found her that night when I went out to take you out there cause I don't know that part of town. I told Chris that I had taken you out there. You know, cause I said if there is any chance at all of her being alive that I would help out.

SNOW: Yes.

TOPPING: I said, what happened is wrong.

SNOW : What...after these three guys, you said, got out, and then you heard a shot. These same three, Doug, Billy and Marlin got back in the car. At that time did you see one of them with a gun?

TOPPING: No. The only thing I seen was that knife and it was still sitting in the middle, there.

SNOW : OK, but the last time you'd seen the gun was when?

TOPPING: I didn't even see the gun.

SNOW : You told me earlier that you'd seen the gun when he had it out, pointed it at her in the car.

TOPPING: OH, that was in Modesto.

SNOW : Well, yeah.

TOPPING: That was in Modesto, I thought you meant in Fresno. I didn't even see it in Fresno. I seen it in Modesto; I never seen it in Fresno.

SNOW : And who had the gun in Modesto when he was pointing it at her?

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TOPPING: Doug had it.

SNOW : Doug STANKEWITZ?

TOPPING: Uh huh.

SNOW : And can you describe that gun for me?

TOPPING: It's a little black gun

SNOW : Do you know how long Doug had that gun?

Did he have it in Sacramento when you were in Sacramento? Earlier?

TOPPING: He must have cause he had it in Modesto.

SNOW : Did you see it earlier? When he had it in Sacramento?

TOPPING: No, the only time I seen it was in Modesto.

SNOW : You knew ahead of time, before he got in the car, that he had a gun?

TOPPING: Oh, you mean, yeah, when we took the car?

SNOW : Uh huh Didn't he tell you ahead of time that he had the gun?

TOPPING: Yeah

SNOW : You knew he had the gun when he was stopped by this policeman in Manteca, didn't you?

TOPPING: What policeman? Policeman?

SNOW : Yeah. Earlier. The day before.

TOPPING: I didn't know he had it then.

SNOW : You didn't know he had it then?

TOPPING: Uh uh

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SNOW : But he told you after you were in Modesto before you got this gal that he had this gun.

TOPPING: Yeah

SNOW : Did he say how long he'd had it?

TOPPING: I didn't ask him.

SNOW : And you knew Marlin had a knife

TOPPING: Yeah.

SNOW : When you were in the car and after you pushed her down and they pointed this knife and gun at her what did you ask this girl for?

TOPPING: What did I ask her for? I just asked her if she had any money.

SNOW : And what did she say?

TOPPING: She just yeah and she gave it to me.

SNOW : And how much did she give you?

TOPPING: Just \$31, that's all.

SNOW : And did you ask her for something else?

TOPPING: No

SNOW : Did she give you something else?

TOPPING: She gave me her watch. But I don't even know what happened to that. As far as I know she might have took it back. Well what could we do with a watch. She said she could get insurance money back on it but I don't know who she gave the watch to.

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| 70. CODE SECTION 187 PC | 71. CRIME | 72. CLASSIFICATION | | |
| 73. VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS.) GREYBEAL, Theresa | | 74. ADDRESS | RESIDENCE | BUSINESS |
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SNOW: : Ok. Later on after you were going out. . . after you heard the gunshot and the three got back in the car, did you hear some conversation when they got in the car?

TOPPING: No, all they said was that. . . after that I heard the gunshot I kinda figured out what happened so I said I'm gonna take Billy home.

SNOW : Did you hear Greg, uh Doug, at that time tell everyone in the car to shut up and don't tell anybody what happened?

TOPPING: Nothing was said. I was the first one that spoke afterward I had to know what happened, I mean you hear a gun shot, I just told Chris "I'm taking Billy home."

SNOW : Did you hear later on STANKEWITZ say words to the effect that he wanted to sell the car to somebody?

TOPPING: No, he never said anything like that to me. I don't know if he said anything to anyone else but I never heard nothing like that.

SNOW : Did you hear Jim make a statement to that effect to somebody?

TOPPING: Uh uh. I never even heard nothing about that.

SNOW : Did you hear him say that he wanted to pick up some more bullets?

TOPPING: Some more bullets? No.

SNOW : Why did you go out to Clovis later on?

TOPPING: Go out to Clovis? You know, we were just riding around and stopped

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

in and were doin what we were doin.

SNOW: Tina, after you left Calwa, thats where the shooting occurred, did you come back down to Chinatown?

TOPPING: No, we went to Clovis.

SNOW : Did you stop in China town first?

TOPPING: No.

SNOW : Do you remember the police officers, two uniformed officers talking to you and Chris when you went into a bar?

TOPPING: Yeah, we did go back to Chinatown.

SNOW: This was after this long haired girl had been shot?

TOPPING: I guess. Yeah, she wasn't with us.

SNOW: She was shot then you drove back to Chinatown and you stopped and you and Chris and I think Marlin got out of the car too.

TOPPING: Marlin went in to get Chris

SNOW: First you and Chris went inside.

TOPPING: Uh huh

SNOW: And if we understand correctly the reason why you went inside there was to sell the watch and I'll explain the reason why because we talked to a couple of people and this watch apparently somebody was going to sell it in there in the Seven Seas or try anyway and the minute you walked in I think these two uniformed officers

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

started to check you out or something.

TOPPING: Uh huh.

SNOW: Do you remember what happened there?

TOPPING: All they did was ask me for my I.D. and I said I didn't have it and that I was leavin' anyhow. And they said alright.

SNOW: Ok. Did you sell the watch there?

TOPPING: Uh uh.

SNOW: You sure?

TOPPING: Positive. I don't even know what happened to it.

SNOW That's the reason why you went into this Seven Seas, though, is that correct?

TOPPING: We went in and had a beer. Uh well Chris had a beer I can't drink in there.

SNOW: But originally wasn't the reason.

TOPPING: I don't think we had the watch though.

SNOW: Wasn't the reason why you were goin' in there uh

TOPPING: I was gonna go in and have a beer too, but since the cops were there I couldn't have one and I went back out.

SNOW: Ok. It's kinda important Tina because like I said we're trying to verify some other statements that we got as to whether they're being truthful with us or not and I like you to just come right out

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Petition for Writ of Habeas Corpus - EXHIBITS

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| 70. CODE SECTION 187 PC | 71. CRIME | 72. CLASSIFICATION | | |
| 73. VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS.) GREYBEAL, Theresa | | 74. ADDRESS | RESIDENCE | BUSINESS |
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and if that's the case, fine, if you didn't have the watch.

TOPPING: Well we didn't have the watch when we went in there. I admit I had it for a while but then I just handed it back to her I don't even know

SNOW: Who did give it to at that time?

TOPPING: Huh? I gave it back to the girl. She was supposed to have had it, I remember cuz I didn't have it.

SNOW: Why did you come all the way back to Chinatown after this girl was shot and stop there and go

TOPPING: We were gonna drink but then the cops were there so we decided.

SNOW: You mean the guys stayed out in the car while you and Chris went into the bar to

TOPPING: Well Billy was under age, he couldn't go in there so Doug and Marlin they stayed out there. I think Marlin was gonna come in later on. Then I came back out and I sent Marlin back in for her.

SNOW: But she had already been shot, right?

TOPPING: I guess. She wasn't with us.

SNOW: Now this was after the shot was fired, after you stopped the car and the three of them got out and so'd the girl.

TOPPING: Uh huh.

SNOW: Well this now, we know that you and Chris had gotten out at a

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| 70. CODE SECTION 187 PC | 71. CRIME | 72. CLASSIFICATION | | |
| 73. VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS.) GREYBEAL, Theresa | | 74. ADDRESS | RESIDENCE | BUSINESS |
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hotel, that Olympia Hotel sometime before you were arrested, ok,

and I know that the two of you had apparently gone upstairs.

TOPPING: No, see that's it, I didn't go upstairs. The cop came out and he said the only one that could go up there was Chris coz that's where she's stayed and I went back and got in the car.

SNOW: Ok, now is that when the cops came and arrested you?

TOPPING: Yeah

SNOW: Tell me this, earlier before you took this girl for a ride and before she was shot, didn't you stop there at the hotel and Chris wanted to go get something?

TOPPING: Yeah

SNOW: Ok, did you go upstairs with her then when she wanted to go up there?

TOPPING: Yeah, I went up to the corridor. Then I went with her when she came back down.

SNOW: What did she do? What did she want to get up there?

TOPPING: I don't know. She didn't even tell me. She just said stop here so I stopped.

SNOW: Why did she go back up in the room?

TOPPING: I don't know, I waited for her in the corridor then I came back down and she didn't tell me.

SNOW: Did you guys score some heroin earlier or did Chris score some

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| 70. CODE SECTION PC 187 | 71. CRIME | 72. CLASSIFICATION | | |
| 73. VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS.) GREYBEAL, Theresa | | 74. ADDRESS | RESIDENCE | BUSINESS |
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herion for you in the bar there?

TOPPING: No she didn't.

SNOW: Did you go back over there to the Olympia Motel and to shoot up or to use narcotics?

TOPPING: Heck ya are you kidding she was around the pigs, everybody knows that.

SNOW: It's an everyday occurrence around there.

TOPPING: Not when the cops lay around as thick as they were that night.

SNOW: Who got out of the car when you, after you left the bar you went over to this hotel, stopped there Chris went upstairs and you say you waited in the corridor, did any of the guys get out of the car?

TOPPING: No

SNOW: Did they, did all the guys including ah Doug and ah Marlin and Bobby stay with this, Billie I mean stay with this

TOPPING: Billie

SNOW: ah girl with the long red hair in the car?

TOPPING: Uh uh

SNOW: They stayed in the car?

TOPPING: They all waited in the car.

SNOW: Did any of them get out and come up with you?

TOPPING: No

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

SNOW: Did uh, did anytime did you shoot or take any herion that night, anytime?

TOPPING: No cause I've been staying clean, I've been clean for about three (3) weeks, cause I was gonna go to Fresno City and you know, straighten up.

SNOW: And how about uh, there's no problem if you did, no there's no cause we're not you know.

TOPPING: No I didn't know.

SNOW: How about uh to your knowledge, did Chris tell you anything about using any narcotics or shooting up at anytime?

TOPPING: No cause she'd just gotten out of jail and she was clean too, I guess she said she'd just gotten out of jail the night before or something.

SNOW: Did uh you make any mention to them at all that uh you wanted this portion of narcotics or get some, what did you do with the \$30.00 that you got from ah, \$31.00 or something like that. . .

TOPPING: We jammed quite a bit, when I got the, I gonna die something to eat and shit, then the cops ran us out of town. I was just trying to help by taking the guys over there, I told Chris what happened.

SNOW: Uhm well I know, like I said I talked, just a couple of questions here that uh still seemed to be unanswered and in what you tell

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| 70. CODE SECTION PC 187 | 71. CRIME Murder | 72. CLASSIFICATION | | |
| 73. VICTIM'S NAME (LAST, FIRST, MIDDLE (FIRM IF BUS.)) GREYBEAL, Theresa | | 74. ADDRESS | RESIDENCE | BUSINESS |
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me here most of it you know I can verify but ah there's a couple of points there such as scoring herion that are important, if you'did let me know, you know.

TOPPING: Well what's that got to do with it?

SNOW: Well it has uh it enters into it that if uh somebody was under the influence at the time or if it happened ah just be truthfull with us and tell me exactly what occurred uh.

TOPPING: And that didn't happen, we didn't score.

SNOW: Well did Chris score someplace, she might have?

TOPPING: I don't know she had so much when you got her.

SNOW: Do you remember officer Mora & Webb ah after the shooting happened do you remember them checking out the Seven Seas?

TOPPING: Ya

SNOW: And do you remember telling Officer Mora & Wood, I mean Mora & Webb that ah the car belonged to your dad?

TOPPING: Uhm uh

SNOW: Ok and that you just come down from where, North Fork and that she was in the car then the girl then right, she had already been apparently shot?

TOPPING: Uhm uh

SNOW: And uh they ah, who was all in the car at that time, just yourself

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| 73. VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS.) GREYBEAL, Theresa | | 74. ADDRESS | RESIDENCE | BUSINESS |
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TOPPING: Chris, Doug & Marlin.

SNOW: Ok ah and that was that same car that you guys had stole from this girl right?

TOPPING: Yes

SNOW: Had you actually spent the \$30.00 ahead, the \$31.00 that you got from her.

TOPPING: I'm not really sure.

SNOW: Were you sober then that night?

TOPPING: Ya I didn't, hadn't been drinking.

SNOW: How about Chris and Marlin uh . . .

TOPPING: They had been drinking and I think. . .

SNOW: . . . and Doug, they had what?

TOPPING: I don't think they were drinking, the night before we were that's it.

SNOW: Cause you hadn't mentioned anything the other night about talking to officer Mora or Webb, what else did they say to you that night? Or what did you tell them?

TOPPING: They didn't do nothing to me, they just asked for my ID and everything.

SNOW: Let me show you a picture, is that about the spot that you can recall or anything about that, you know as you see the water!

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| 70. CODE SECTION PC 187 | 71. CRIME | 72. CLASSIFICATION | | |
| 73. VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS.) GREYBEAL, Theresa | | 74. ADDRESS | RESIDENCE | BUSINESS |
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next to the roadway it had been raining that night, is that the spot where she looks to you that she had gotten out of the car?

TOPPING: I can't really tell.

SNOW: Oh you remember when you & I went out there the other night and ah . . .you, you didn't

TOPPING: The only way I, that I knew it was just around that area and I seen her that night when we got out.

SNOW: You indicated that it was an intersection someplace that ah, is that the same spot where you stopped the car?

TOPPING: I can't, I don't know, I know it was by a thing like this.

SNOW: By a street sign like that?

TOPPING: Uhm Uh

SNOW: Ok uh do you ah, how far away was that car parked from that street sign when you stopped?

TOPPING: Out in front of it a ways I guess a little bit not too far in front.

SNOW: Did that gun shot sound pretty loud after uh when you heard it?

TOPPING: It didn't sound too loud, uh uh.

ARDAIZ: Tina when you went into the Seven Seas and you were stopped by Officer's Webb & Mora, did they try to call(?) you out there? OK
Where was the watch?

TOPPING: I don't even know where the watch was. I haven't seen it since

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| 73. VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS.) GREYBEAL, Theresa | | 74. ADDRESS | RESIDENCE | BUSINESS |
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half ways from Modesto & Fresno she showed it to me.

ARDAIZ: She'd given it to you?

TOPPING: Um-hum.

SNOW: What did you do with it?

TOPPING: I didn't know what to do with it because I don't know where to sell a watch, or anything like that so I just handed it back to her and from there I don't know what she did with it.

SNOW: Did you go by the Flor De Mexico?

TOPPING: Into it?

SNOW: Did you go by the Flor De Mexico?

TOPPING: We went by it, yeah.

SNOW: Did Christina go in it?

TOPPING: Go in there? That's where, I went into the bar right next to it to go to the restroom.

SNOW: Why were you going to go up to CHRISTINA's room, right before the police officer's arrested you? Why were you going up to CHRISTINA's room?

TOPPING: She wanted to go up there so she asked me so I, so she asked if I wanted to go with her, so I said yeah, I guess and I started to go with her and then the cop seen me so he told CHRIS you are the the only person that could go in there was her, so I went back to

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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 |

TOPPING: the car and sat in the car.

SNOW: You had been there earlier in the evening?

TOPPING: Just to the corridor, just to the top of the stairs.

SNOW: When was that?

TOPPING: Earlier in the evening, when she wanted to go by and get something. I don't know, so I went up to the corridor with her.

SNOW: Who was with you?

TOPPING: Just me and her.

SNOW: You usure you did'nt go in there and fix.

TOPPING: I'm positive.

SNOW: CHRISTINA or TINA the watch wasn't on the girl that was killed

TOPPING: Uhm.

SNOW: It wasn't in her purse, it wasn't on her wrist, it wasn't at the scene. The watch wasn't in the car, the watch wasn't on you, whenever you were booked, it wasn't on STEINKOWITZ, it wasn't on LEWIS, it wasn't on BILLY, and the watch wasn't on ah on CHRISTINA whenever she was booked.

TOPPING: I don't know what they did with it.

SNOW: Do you what they did with the girl's wallet?

TOPPING: Her wallet?

SNOW: Her brown suede wallet?

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TOPPING: I didn't know she didn't even....I didn't, we didn't even look in it, she's the one who handed us the money.

SNOW: Did you see where she got it out of, the money?

TOPPING: Uh-uh, I was driving.

SNOW: She's missing a brown suede wallet, it's got a driver's license and all that kind of stuff in it, you don't remember anyone talking about getting rid of that?

TOPPING: Uh-uh.

SNOW: Throwing it out the window on the way down here, ah, anything? You didn't give CHRISTINA the watch to sell?

TOPPING: No.

SNOW: CHRISTINA said that, then she's telling us something that's not true, is that what you're saying?

TOPPING: Um-hum.

SNOW: Somebody else told us that, there telling us something that's not true.

TOPPING: I didn't give her the watch.

SNOW: Why are there two who haven't talked to one another tell us the same story about you and CHRISTINA going into the Seven Seas to sell the watch?

TOPPING: I don't know.

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| REPORTING OFFICERS Snow/Lean/Ardaiz | | RECORDING OFFICER | TYPED BY lg | DATE AND TIME 2-12-78 1830 | 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"/> S.O./P.D. | <input type="checkbox"/> CII <input type="checkbox"/> PATROL <input type="checkbox"/> OTHER | REVIEWED BY of Habeas Corpus - EXHIBITS Page 2809 | | |
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FRESNO COUNTY SHERIFF'S DEPARTMENT
Fresno, California

69. CASE NO.

78-1809

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

SNOW: When DOUG got back in the car, after the three guys got out, the girl got out, and there was just bang, shot, did they come running back in? You telling me they didn't say anything?

TOPPING: No, because (end of side of tape)

TOPPING: Stopped and then, I guess, I thought, well DOUG stopped and a I thought were going to drop her off, just drop her off.

SNOW: Did DOUG stay stop?

TOPPING: Huh?

SNOW: You just told me DOUG said stop.

TOPPING: Yes.

SNOW: You didn't say that before, you just said you just stopped by yourself at the intersection, now you tell me that DOUG told you to stop.

TOPPING: Hey, I just told you, man.

SNOW: Ok, did he say anything else when he told you to stop??

TOPPING: No.

SNOW: The reason you were going to let the girl off is because you wanted to go back to Chinatown and score some heroin?

TOPPING: No, I didn't say that.

SNOW: That's why I'm asking you, is that the reason?

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| REPORTING OFFICERS Snow/Lean/Ardaiz | RECORDING OFFICER | TYPED BY lg | DATE AND TIME 2-12-78 1840 | ROUTED BY |
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FRESNO COUNTY SHERIFF'S DEPARTMENT
Fresno, California

69. CASE NO.

78-1809

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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 |

TOPPING: No, we didn't even have the watch.

SNOW: Was the reason why you went back to Chinatown was that CHRIS wanted to sell this watch?

TOPPING: No, we didn't even have the watch.

SNOW: CHRIS says she had the watch?

TOPPING: I didn't give it to her. I don't know maybe she did have the watch, but, we didn't go back to sell it.

SNOW: Were you with a, a, DOUG and MARLIN and a BILLY when, and maybe DOUG's parents when you were stopped in a white Oldsmobile in Manteca?

TOPPING: Was I with them?

SNOW: Yeah, remember the police stopping you?

TOPPING: Yeah.

SNOW: Why did they stop you?

TOPPING: Cause the guy, I guess he lent DOUG or something, he lent him the car but then he turned it in stolen.

SNOW: Ok.

TOPPING: So they just left the car out, and they got it all straightened out.

Q: Did you lie to the police officer?

TOPPING: Huh?

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| REPORTING OFFICERS Snow/Lean/Ardaiz | | RECORDING OFFICER | TYPED BY lg | DATE AND TIME 2-12-78 1855 | ROUTED BY | | |
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Petition for Writ of Habeas Corpus - EXHIBITS

FRESNO COUNTY SHERIFF'S DEPARTMENT
Fresno, California

69. CASE NO.

78-1809

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

SNOW: Did you lie to the police officer?

TOPPING: No, why?

SNOW: Did you tell the police officer that that was your uncle's car?

TOPPING: No.

SNOW: Did anybody?

TOPPING: No that I know of.

SNOW: What story was given as to how you got the car?

TOPPING: I guess they borrowed it from (unknown)

SNOW: Ok, when did they actually put you in a, detain you down at the police department, then?

TOPPING: Just for a half hour.

SNOW: A half an hour? Did a, who had the gun at that time?

TOPPING: I don't know, they only time I seen the gun was when they searched him.

SNOW: STEINKOWITZ'S parents with him when you guys were stopped in Manteca?

TOPPING: Just his mom.

SNOW: Just his mother? How did she get back to Fresno?

TOPPING: Bus, I guess, I don't know.

SNOW: Bus. You indicated to me a that a the other night when we driving out there trying to find this gal ah, didn't know if she was alive

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| REVIEWED BY | | | DATE | | |

FRESNO COUNTY SHERIFF'S DEPARTMENT
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 |

SNOW: or dead at that time, you indicated that ah ah what I asked you about her purse that she should still have it.

TOPPING: She should have.

SNOW: And ah, what a, did you see the purse there by her when you left?

TOPPING: No, but she had it on her shoulder, the time she was in the car, so I figured she had it with her when she got out.

SNOW: Did ah, didn't you hear ah, DOUG make some statement later on that we messed up or something to that effect, we we shouldn't have left her purse there and that they'll bust or something like that, or something?

TOPPING: I don't think so. I don't remember anything saying nothing like that.

SNOW: Do you remember DOUG saying something about her purse after the shot was fired after you guys left, the the the location?

TOPPING: How do you go, how do you go about getting a public defender?

SNOW: How do you go about it?

TOPPING: Um-hum.

SNOW: Well, when you're arraigned in court if you can't afford to hire any attorney the court will appoint one ah, it a, this is the first time I think you asked that question, ah, ah, if you can not afford to hire one....

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| REPORTING OFFICERS Snow/Lean/Ardaiz | | RECORDING OFFICER | TYPED BY lg | DATE AND TIME 2-12-78 1930 | ROUTED BY |
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Petition for Writ of Habeas Corpus - EXHIBITS

FRESNO COUNTY SHERIFF'S DEPARTMENT
Fresno, California

69. CASE NO.

78-1809

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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

TOPPING: Um-hum.

SNOW: The court will appoint to you and ah I think you realize, I'd like to say that when I read the rights to you that you don't have to talk with us unless you have to.

TOPPING: Um-hum, well, I'm talking because I want to.

SNOW: Ah, can you remember anything, I think you you told me the other night some of the conversation that you recall a girl talking about a, do you remember if a, was she afraid when you first got in the car, I mean was she crying?

TOPPING: No. She said we kind of scared her, but that's it, you know, we talked most of the way.

SNOW: Did she act real scared when a, when MARLIN ah, pointed his knife at her, and that when a, and when DOUG pointed a gun at ther?

TOPPING: Yeah. But then they put them away.

SNOW: Let's see now, I want to go back a minute, I want to make sure you understand something. Do you want a public defender now?

TOPPING: Well, I don't know, It depends on the next questions you ask me.

SNOW: I'm not sure I understand that. We want to be clear about what the situation is. Whatever is. Whenever Officer SNOW read you your rights you said you have the right to have an attorney present while you are being questioned. Do you want a attorney

REPORTING OFFICERS

Snow/Lean/Ardaiz

RECORDING OFFICER

TYPED BY

DATE AND TIME

ROUTED BY

FURTHER ACTION

YES
 NO

COPIES TO:

DETECTIVE

CII

JUVENILE

PATROL

DIST. ATTNX

OTHER

SO./P.D.

OTHER

Petition for Writ of Habeas Corpus - EXHIBITS

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DATE

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

SNOW: here?

TOPPING: Yeah, I think so.

SNOW: Well, we won't go into anything further, then, at this point.

A, ok.

SNOW: Thank You, TEENA.

TOPPING: Um-hum, bye.

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| REPORTING OFFICERS Snow/Lean/Ardaiz | | RECORDING OFFICER | TYPED BY lg | DATE AND TIME 2-12-78 2020 | ROUTED BY |
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| REVIEWED BY | | | | DATE | |

Petition for Writ of Habeas Corpus - EXHIBITS

FOLLOW-UP REPORT

DET HOT

| | | | | | |
|---|--|---|--|---|--|
| Date of this report 2-9-78 | | Type of Original Report ASSIST FSO (PC187, 207, CVC10851) | | Case No. 78-5819 | |
| Date crime occurred 2-8-78 | | Location of occurrence Vine & 10th, Calwa | | Reporting Division Detective | |
| Victim (as listed on orig. report) GREYBEAL, Theresa, WFA-22 | | List connecting property report(s) by type and Case No. FSO case #78-39-26, Modesto PD 78-06747, 06706 | | | |
| Persons interviewed (not on orig. report) | | Race - Sex - Age | | Residence Address | |
| 1. | | | | | |
| 2. | | | | | |
| 3. | | | | | |
| 4. | | | | | |
| 5. | | | | | |
| Persons arrested | | Race - Sex - Age | | Filed on? | |
| 1. STANKEWITZ, Douglas Raymond | | IMA-21 | | No | |
| 2. | | | | Charge | |
| 3. | | | | Date | |
| 4. | | | | H.T.A. | |
| 5. | | | | Date | |
| | | | | Court Divn. | |
| (X) Cleared | | (X) Closed | | (X) Incorrectly classified - change to: | |
| | | | | (X) Unfounded | |
| | | | | (X) Continued | |

(1) Explain investigation progress and status: (2) When victim and/or witnesses listed in crime report have not been interviewed, give reason. (3) If all or no property recovered so state. If partial recovery, list property recovered, description and value as it appears on original stolen or lost report.

PERSON ARRESTED:

- #2. LEWIS, Marlin, Edwin, IMA-22, Not filed on, charge PC836, PC187, PC211a, PC207, CVC10851.
- #3. MENCHACHA, Christina Garcia, MFA-25, not filed on, charge PC836, PC187, CVC10851.
- A
- #4. TAPPING, ~~XX~~ Teena Elaine, IFA-1-9, not filed on, charge PC836, PC187, PC211a, PC207, CVC10851.
- #5. BROWN, Billy, MMJ-14, DOB ~~XX~~ 4-9-63, not filed on, charge WIC602, PC836, PC187, PC211a, PC207, CVC10851.

* * *

2-9-78, Thursday, Approximately 1130 Hours.

RO had the above female suspect Teena FOF TAPPING transported from the PCJ to the Det. Div. for questioning. It should be noted that RO had taken a preliminary statement from the female suspect Teena TAPPING earlier that same morning. RO had the suspect TAPPING transported back to the PD in order to re-question her.

RO had advised suspect Teena TAPPING of her Constitutional rights, from off the Department-Issued Miranda Card, she ~~xx~~ stated she understood her rights and was willing to answer questions. Suspect TAPPING had admitted to RO that she was in company with suspects Marlin LEWIS, Douglas STANKEWITZ, and Billy BROWN

| | | | | |
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| If additional space is required, use Continuation Report, Form 3-C | Time Called In | Time Typed | By | TOTAL VALUE \$ |
| | | 1810 Hours | PLM | |
| Supervisor | Officer(s) Reporting | | Coded By | Filed By |
| Capt. NOCKALIS | G. SNOW #207 | | | |
| Approving Sgt. | Review Sgt. | | Xeroxed By | Total Copies |
| | | | | |

FORM 3.10

FOLLOW-UP REPORT

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FRESNO POLICE DEPARTMENT
CONTINUATION REPORT

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Case No.
78-5819

2-9-78

GREYBEAL, Theresa

ASSIST FSO

in Modesto the previous night. Suspect TAPPING stated that they were looking for a ride from Modesto to Fresno the previous night and that this is the reason why they had jumped or attacked the above female victim after she had left the K-Mart store in Modesto.

She stated that the female victim had left the K-Mart store and had walked to her vehicle, (white over burgundy Cougar). Suspect TAPPING stated that after she followed the victim to her vehicle she had pushed the ~~xx~~ victim inside and somewhat down, and had opened the other door of the victim's vehicle to let the other suspects inside.

Suspect TAPPING stated that she really did not hurt the victim at that time, and did not threaten to kill her.

Suspect TAPPING had told ROs that suspect Doug STANKEWITZ had told her previously that he wanted her to follow the victim to her vehicle from the K-Mart store and push her down and open the door to let them inside.

She stated that the attack on the victim at the K-Mart store was somewhat planned in advance. She stated that she had pushed the red-haired victim down inside the car and had opened the door for the other suspects (Douglas STANKEWITZ, Marlin LEWIS, and Billy BROWN).

Suspect TAPPING had admitted to RO that sspct Douglas STANKEWITZ had pulled out a small handgun and pointed it at the female victim after she had let the suspects in the victim's vehicle. TAPPING further advised that Marlin LEWIS also had pulled out a knife and ~~xx~~ pointed it at the victim, after getting into the car.

Suspect TAPPING admitted that the 2 suspects (STANKEWITZ AND LEWIS) had pulled out the weapons in order to scare or ~~xx~~ frighten the female victim, after they had jumped her in ~~xxx~~ her car. Suspect TAPPING had stated that she did not know where suspect STANKEWITZ had gotten the small handgun. TAPPING described this gun as being smaller than RO's department-issued weapon. She stated that STANKEWITZ carried the small gun in a carrying case. TAPPING stated that the suspects STANKEWITZ & LEWIS had only kept their weapons on the victim for a short while, and then had put them away when they were driving from Modesto to ~~xxx~~ Fresno.

Suspect TAPPING advised that she was the one who had driven the victim's vehicle from Modesto to Fresno, and advised that after the suspects STANKEWITZ & LEWIS had shown the victim the gun and knife, they had told her to be quiet. She stated the 2 suspects had put the weapons away at that time.

Suspect TAPPING admitted that she had demanded money from the above female victim. She stated that the victim had been afraid and did give her approximately \$31.00. Suspect TAPPING stated that she and the other above listed suspects had used the money later on to buy gas and food with. TAPPING admitted that she had also taken the victim's watch from her. She stated that she did not know what happened to the watch, and ~~xx~~ advised that it might still be in the victim's vehicle. TAPPING stated that she recalls taking the victim's watch from her; however, ~~xxx~~ she didn't know what she had done with it.

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Suspect TAPPING described the victim's watch as being pretty and having some diamond settings on it. Suspect TAPPING admitted that she had ordered the victim to give her her money. She stated that the victim did not resist and had turned her money over to her. She advised that the victim had removed the \$31.00 from her purse.

TAPPING advised that the victim was the one who had told them about her watch. Suspect TAPPING advised that the victim had given her the watch and had told her that she could get insurance from the watch if she reported it stolen. RO asked the suspect TAPPING if there was anything else which she had stolen from the above female victim, other than the watch and money, and she stated no.

Suspect TAPPING then spoke up moments later and stated she really didn't steal the watch, for the victim had turned it over to them, shortly after giving her the money. Suspect TAPPING admitted that she had stolen the victim's money by ordering the victim to give it to her. TAPPING advised that there was nobody in the victim's vehicle who had attempted to sexually molest the victim.

Suspect TAPPING advised that she had driven the victim's vehicle all the way to Fresno from Modesto. TAPPING advised RO that she was in a sober condition and was not ~~xx~~ under the influence of anything. She also advised that the other 3 male suspects (STANKEWITZ, LEWIS & BROWN) were also in a sober condition. She stated that they did not ~~xx~~ have any money to buy ~~xx~~ anything, and had not been doing any drinking prior to the kidnaping and robbery.

Suspect TAPPING advised that she had not made any stops from Modesto to Fresno other than possibly for gasoline. She stated that they had not committed any other shootings or robberies between Modesto or Fresno. TAPPING advised that after arriving in Fresno, they had first gone to the Chinatown area. She stated that they had stopped near a bar located on Tulare, possibly between E and F Street. Suspect TAPPING advised that she had gone into the bar merely to use the bathroom, and upon entering the bar, she had met a friend, suspect Christina MENCHACA. She stated that suspect ~~xxxxx~~ Christina MENCHACA was playing pool inside, and ~~was~~ agreed to leave the bar with her to go for a ride. Suspect TAPPING stated that she did not ask the female Chris MENCHACA if she could score or if she had any outfit for her. Suspect TAPPING at first had told ROs that she had not told the female suspect MENCHACA where she had gotten the car, or that the owner of the car was kidnapped. Moments later, the suspect Teena TAPPING admitted to RO that suspect Christina MENCHACA was aware of the vehicle (Cougar, white over burgundy,) as being stolen, prior to getting into it.

Suspect TAPPING then advised RO that she had told suspect Christina MENCHACA just prior to entering the vehicle, that the vehicle was hot, or stolen. Suspect Teena TAPPING advised that she had also told Christina MENCHACA that the owner of the vehicle (victim Theresa GREYBEAL) was inside the car with them. Suspect Teena TAPPING stated that she did not mention anything to Christina MENCHACA, at first, that Douglas STANKEWITZ had a gun. Suspect Teena TAPPING advised that after they had picked up Chris MENCHACA from the bar, they had driven over and parked near the Olympia Hotel, 1400 block of Kern Street.

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GREYBEAL, Theresa

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Suspect Teena TAPPING admitted that she had exited the victim's vehicle and had gone with Christina MENCHACA up the stairway to the hotel & room in the Olympia Hotel. She stated that Christina MENCHACA had gone to her room to get something and that she did not enter the room, but had walked back down the stairs.

Suspect TAPPING advised that there was no ~~one~~ one else who had gone upstairs to the Olympia Hotel with them, stating that the victim was held in the car and was with suspects STANKEWITZ, LEWIS & BROWN. Suspect TAPPING advised that she, along with the other suspects, MENCHACA, BROWN, STANKEWITZ, & LEWIS, had all left the Olympia Hotel in the victim's vehicle. She stated the victim was still inside the car at that time. Suspect Teena TAPPING advised that she had driven the victim's vehicle from the hotel and started driving around. She advised that they had not made any other stops to her knowledge, prior to driving to Calwa and stopping.

Suspect TAPPING advised that she had stopped the victim's vehicle near the intersection of Vine and 10th. She stated that she did not know who had actually told her to stop the vehicle; however, she had ~~stopped~~ stopped at the intersection.

Suspect Teena TAPPING advised that she did have the ~~radio~~ radio on inside the vehicle and that everybody else had gotten out of the vehicle. She advised that the victim, along with suspects STANKEWITZ, LEWIS & BROWN had ~~gotten out~~ gotten out of the vehicle while she herself waited inside the vehicle. She stated that suspect Christine MENCHACA also had possibly waited inside the victim's vehicle.

Suspect TAPPING advised that she did not realize that the other suspects were going to shoot the victim. She stated that she just thought that they were going to dump the victim at that location. Suspect TAPPING admitted that the corner of Vine and 10th is where she had stopped and the victim and other suspects had gotten out of the vehicle.

Suspect TAPPING advised that just moments after the victim was taken out of her vehicle, she had heard one gunshot. She stated that she was not certain and did ~~not~~ not see ~~exactly~~ exactly who had fired the shot. Suspect TAPPING stated that as soon as she heard the shot, she had turned her head, and tried to look the other way, for she didn't want anything to do with the killing.

RO asked suspect TAPPING if she had seen the victim drop after being shot. Suspect TAPPING had spoken up and stated, no, that it was somewhat dark outside. Suspect TAPPING stated that she did not actually see who had the gun when the above suspects had gotten out of the car with the victim. She stated that she knew that the last person she had seen with the gun was suspect Douglas STANKEWITZ; however, that was when they were in Modesto earlier that evening.

Suspect TAPPING advised that after she had heard the one gun shot, the suspects (BROWN, LEWIS & STANKEWITZ) had ~~jumped~~ jumped back into the victim's vehicle with her and Christina MENCHACA. Suspect TAPPING stated that after the suspects jumped back into the car, she had just driven off.

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GREYBEAL, Theresa

ASSIST FSO

Suspect TAPPING stated that she had told suspect Billy BROWN that she was taking him home, for he shouldn't be around seeing something like that.

Suspect TAPPING advised that she did not want to get Billy BROWN involved in the incident, for she was friends of his family. She stated that she had taken Billy BROWN to Sacramento with her without permission. She stated that Billy BROWN had gone to Sacramento, also with his other cousin, named Rosie WALKER.

Suspect TAPPING advised that she ended up trying to take the juvenile suspect Billy BROWN back home to Pinedale.

RO questioned suspect TAPPING in regards to what comments she had overheard suspects make after they had gotten back into the car, after the killing had occurred. She stated that she had heard Billy BROWN make the statement to the other suspects, "I'M NOT GONNA SAY NOTHING." Suspect TAPPING stated that this is when she had told Billy BROWN that he shouldn't be around something like that, and that she was going to take him home.

Suspect TAPPING advised that when Marlin LEWIS had gotten back into the car after the shooting, he had not said anything for quite a while. She stated that Marlin LEWIS looked somewhat ~~xxxxxx~~ stunned. She stated that suspect STANKEWITZ also was rather quiet, and did not make many comments after doing the shooting.

Suspect Teena TAPPING advised that she had asked suspect STANKEWITZ what ~~xxxxxx~~ had ~~xx~~ happened after he had gotten back into the car and they had left. She stated that suspect STANKEWITZ had told her nothing. She stated that he had told her that if he didn't tell her anything, then she wouldn't have to say anything.

Suspect Teena TAPPING advised RO that they had dropped Billy BROWN off in Pinedale, and then had driven around and returned back to the Olympia Hotel. Suspect TAPPING advised that she and Christina MENCHACA had gotten out of the victim's vehicle to walk to the hotel. She stated that a police officer had come down the stairway and she had at that time gone back to the victim's vehicle. She stated that suspect Christina MENCHACA had gone upstairs to the hotel.

Suspect TAPPING stated that this is when all of the police officers had moved in, and arrested her and the 2 suspects, Lewis and Stankewitz. She advised that the officers apparently had found the gun and knife in the victim's vehicle after they were arrested. She advised that the officers had also arrested suspect MENCHACA from upstairs.

Suspect TAPPING admitted to RO that she had aided the suspects LEWIS, STANKEWITZ & BROWN by jumping the female victim originally. She stated that she had helped them in trying to get the car, by pushing and shoving the victim down, and letting the other suspects into the vehicle.

She also admitted that she was involved ~~in~~ participated in the kidnap of the above female victim.

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GREYBEAL, Theresa

ASSIST FSO

Suspect TAPPING also admitted that she had aided and helped the male suspects by stealing property from the victim, namely money, and a watch. She also stated that she had driven the victim's vehicle away from the scene after the victim was shot and killed.

Capt. MOCKALIS
G. SNOW #207

2-9-78 POM 2010 Hours

FRESNO COUNTY SHERIFF'S DEPARTMENT
Fresno, California

69. CASE NO.

78-1809

Fresno PD No. 78-5819

DATE 2-9-78

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

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

A. LEWIS.

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

A. Sacramento.

Q. You have a middle name?

A. EDWIN.

Q. EDWIN? Okay, how old are you?

A. 22.

Q. And your date of birth?

A. 8-8-55.

Q. What's your address?

A. 1410 F Street.

Q. F?

A. Apt. 2.

Q. Is there a phone in there?

A. Huh uh.

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

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

A. No.

Q. Probation, parole?

A. I may have gone on probation.

Q. Probation? Okay, out of Sacramento?

A. Yeah.

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

A. I have some relatives here.

Q. Some relatives?

A. He came down from Sacramento.

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

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

A. Okay.

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

A. Yeah.

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

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

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

Q. You were in the car there then?

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

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

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

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

A. Seven Seas.

Q. Where's the Seven Seas at?

A. On Tulare...

Q. Tulare and E Street?

A. I guess so.

Q. What time was that?

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

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

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

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

A. Yeah.

Q. Who were you with at that time?

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A. I was by myself.

Q. What did CHRIS say to you?

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

Q. What type car was it there?

A. That purple and white one.

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

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

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

A. Huh uh.

Q. Okay. What did CHRIS tell you?

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

Q. What's TINA'S name?

A. Uhm, TOPPING. (phonetic)

Q. Hmm?

A. TOPPING.

Q. TOPPING? Where was she at?

A. In the car, driver's seat.

Q. Who also was in the car?

A. Uh, DOUG.

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Q. DOUG and who else?

A. That was it.

Q. DOUG, DOUG STANKEWITZ?

A. Yeah.

Q. (Unintelligible) happened to it, huh?

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

Q. You and TINA?

(Unintelligible, both talking at the same time.)

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

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

A. That was it.

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

A. She's with us.

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

A. Yeah.

Q. Was there anybody else in the car?

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

Q. You know what his name is?

A. No, I don't.

Q. Okay.

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A. Cause I was just with him last night.

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

A. Out in Pinedale.

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

A. We took him home to Pinedale?

Q. Took who?

A. That little guy.

Q. Who was doing the driving?

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

Q. Whose gun was this?

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

Q. Do you know where DOUG got it at?

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

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

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

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hotel.

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

A. Yeah. Me, DOUG and TINA.

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

A. I was looking at it.

Q. Where was it?

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

Q. DOUG said to hold this for you?

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

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

A. Levis.

Q. T-shirt or what?

A. I don't remember.

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

A. Not that I know of.

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

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know, that's kind of unusual.

A. (Unintelligible)

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

A. Burglary.

Q. Just a burglary, but when?

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

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

A. About maybe couple years.

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

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

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

A. I didn't even know.

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

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

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

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

Q. Why, why did DOUG do it.

A. I don't know.

Q. Did you tell him to do it?

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

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

A. No.

Q. How many times did DOUG shoot her?

A. Just that once.

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

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

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

Q. What did DOUG say after he shot her?

A. I wasn't even listening.

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

A. Yeah.

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

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

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

A. At the K-Mart Plaza.

Q. In Modesto?

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

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there.

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

A. I guess so, cause...

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

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

Q. Doug what?

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

Q. Scoped up the girl?

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

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

A. Yeah

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

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

Q. He told who, Tina?

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

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| 73. VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS.) GREYREAL, Theresa | | 74. ADDRESS | RESIDENCE | BUSINESS |
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A. Yeah. I say, all right, I go along with the plan.

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

A. Just take her riding.

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

A. Unintelligible

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

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

Q. Did Tina push her down?

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

Q. Fighting in the car?

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

Q. OK, what happened after that?

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

Q. Tell me...

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

Q. OK

A. And that's what he...

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| 70. CODE SECTION 187 PC | 71. CRIME | 72. CLASSIFICATION | | |
| 73. VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS.) GREYBEAL, Theresa | | 74. ADDRESS | RESIDENCE | BUSINESS |
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Q. OK Did you have the gun at that time? When, when this gal was pushed over, pushed down by Tina?

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

Q. The case knife? Or the...

A. Just the gun case.

Q. The gun case?

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

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

A. Yeah

Q. OK, then

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

Q. All right, who used the knife?

A. Who used the knife?

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

A. Let me think.

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

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

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

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

A. Doug was

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

A. No, just in the case.

Q. Just in the case?

A. Yeah

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

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

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

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

Q. How much did you get?

A. Nothing

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

A. Nothing

Q. Who got the money?

A. Doug

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

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

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

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

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

A. Unintelligible what they were saying.

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

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

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

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

A. Uh huh

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

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

Q. OK Was she scared?

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

Q. Relaxed?

A. Relaxed then.

Q. Was she crying at first?

A. No, not that I know of.

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

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

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

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

A. Where did we stop at?

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

A. Closing time. That was about what?

Q. Five or six?

A. Five, six.

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

A. Yeah

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

A. Where did we stop at?

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

A. Yeah

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

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

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Q. Who went up there?

A. Doug and Tina

Q. Doug and Tina?

A. Yeah, just Doug and Tina.

Q. Where did you pick up Chris at?

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

Q. Before you went to the Olympic?

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

Q. Doug, Tina, ...

A. Chris

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

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

Q. Who was driving? then?

A. Tina was

Q. OK

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

A. Me and that girl and

Q. Billie?

A. Yeah, Billie.

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

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

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

Q. After you left the hotel, who drove?

A. Tina

Q. OK, and where were you sitting?

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

Q. OK

A. smoking a cigarette.

Q. OK, what weapon did you have then?

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

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

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

Q. Front seat?

A. Yeah.

Q. Where was this redheaded girl sitting?

A. She was sitting between me and Billie.

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

A. She was sitting in the front seat.

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

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| 73. VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS.) GREYBEAL, Theresa | | 74. ADDRESS | RESIDENCE | BUSINESS |
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A. Well, Chris said she had to make a couple of stops in Calwa.

Q. Uh huh

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

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

A. I guess so.

Q. I mean, did you guys tell her?

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

Q. Yeah

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

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

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

Q. Uh huh

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

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

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

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I jumped in the car

Q. Where did he shoot her at?

A. He said ~~the temple.~~

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

A. He didn't say

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

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

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

A. No.

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

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

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

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

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

A. Yeah

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

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Q. And you drove this car where to?

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

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

A. No

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

A. I can never really tell with him.

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

A. Oh, yeah.

Q. OK Had you guys been drinking?

A. No.

Q. Had you guys been shooting any heroin?

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

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

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

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

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

Q. That in Clovis?

A. Uh huh

Q. OK, and what did you do there?

A. Talked to my aunt

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Q. Did you pick up some bullets?

A. No, not that I know of.

Q. Did you tell your aunt what happened?

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

A. Yeah.

Q. OK

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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

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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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| 73. VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS.) | | 74. ADDRESS | RESIDENCE | BUSINESS |
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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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A: Yeah, she could have, or

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

A: Yeah,

Q: What did you say to her?

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

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

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

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

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

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

A: Not ah, no.

Q: Uhm?

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

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

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

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

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

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

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

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

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

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

Q: When did you pick CHRIS up at?

A: I don't know (unintelligible).

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

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

Q: Who went up?

A: Nut?

Q: Who went up?

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

Q: What did they go up there for?

A: They did even say nothing.

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

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

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

A: Yeah.

Q: What did they do?

A: Used.

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

A: Huh?

Q: How'd you know this?

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

Q: Well just CHRIS got a buzz or?

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

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

A: About twenty minutes.

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

A: Yeah

Q: Doug and CHRIS and TIMA.

A: Yeah

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

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

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

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

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

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still had the gun?

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

Q: Did he have the gun then?

A: He must have because I had the knife.

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

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

Q: TINA driving?

A: Um huh (Positive)

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

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

Q: You mean a pick up of heroin?

A: Yeah and so . . .

Q: How did you gather that?

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

Q: What did she say?

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

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

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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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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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| 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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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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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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| 73. VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS.) | | 74. ADDRESS | RESIDENCE | BUSINESS |
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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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| 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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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: Oh, after you drove around for awhile, uh did DOUG mention to you say things to you about the, why he shot her?

A: NO, he uh

Q: Was he joking about blowing her away?

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

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

A: Yea, that sounds like something he said.

Q: I mean was he joking about it then?

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

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

A: Yes, something like that

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

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

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

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| 73. VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS.) | | 74. ADDRESS | RESIDENCE | BUSINESS |
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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 BILLIE off, did CHRIS go in there and sell the watch?

A: I wouldn't no.

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

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

Q: What she do in the Seven Seas?

A: I don't no that

Q: Why she go back in there?

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

Q: AND what happened then?

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

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

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

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

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

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

A: I didn't say nothing.

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

A: That must have been Manteca.

Q: That's right, you remember that?

A: Yea.

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

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

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

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| REPORTING OFFICERS Sproul/Leah/Ardiaz | RECORDING OFFICER | TYPED BY ch | DATE AND TIME 2-13-78 | ROUTED BY |
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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 no 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 CHARLIE MARGUS does she work someplace?

A: No not right now, she use to work at Wish-i-ah.

Q: What

A: Wish-i-ah

Q: Wish-i-ah, where's that?

A: Up at Auberry.

Q: Yea, did he make any mention, I am talking about DOUG when he stopped there at his cousin, about picking up some extra bullets?

A: Yea, he asked someone if they had any twenty-fives, and they said no.

Q: Who did he asked that, do you no?

A: Uh, uh I didn't cause I was talking to my Aunt MAGGIE, She had just pulled up, I didn't even look around I just heard it.

Q: Did he tell you, DOUG tell you at anytime that he'd used the stuff?

A: Oh, I knew he used

Q: How do you know, I mean that night did he tell you at anytime he

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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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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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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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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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| | | | | 75. PHONE |

Q: If I understand correctly the other, other night you told me that one of you were pointing the gun and one had the knife inside a case to her back, now this is what I was told the other night. Do you recall that at one time?

A: I know I had the gun, Doug had the knife.

Q: Well were you pointing it at this girl to scare her then?

A: No, I had the gun case on her, the gun was in my pocket.

Q: Was the gun out, did somebody at one point point the gun at her after you got in the car?

A: Well I did, but then I got nervous and I put it back in my pocket and I took the gun case out and Doug had the knife.

Q: You pointed the gun at her?

A: Yeah, and then I got nervous and I just went like that -

Q: She get nervous too?

A: Mhmm, she was at first.

Q: Was she, at one point you indicated she started crying, uh, and asked not to hurt her.

A: I know her voice was shaky, then Doug told her that she wouldn't be harmed.

Q: Why did you decide to kidnap her, why didn't you just kick her outta the car uh along the freeway someplace.

A: That I don't even know. You know everything was up to Doug, you know

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| REPORTING OFFICERS | RECORDING OFFICER | TYPED BY Dlc 2-14-78 | DATE AND TIME | 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"/> S.O./P.D. <input type="checkbox"/> OTHER | REVIEWED BY | | DATE |

Petition for Writ of Habeas Corpus - EXHIBITS

FRESNO COUNTY SHERIFF'S DEPARTMENT
Fresno, California

69. CASE NO.

78-5819

DATE _____

-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: 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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FRESNO COUNTY SHERIFF'S DEPARTMENT
Fresno, California

69. CASE NO.

78-5819

DATE _____

-30-

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

A: I did

Q: And you took the gun out and pointed it at her didn't you?

A: Only for a split second and then I got nervous and put it back in my pocket, and took out the gun case and you know

Q: Didn't uh, didn't uh Doug at that time have the knife out and point it at her?

A: He must have cause

Q: I mean not must have did you see him with the knife out?

A: I didn't see him with the knife out, I was in the back seat, and uh I just had the gun case against her you know, lightly, enough to warn her, you know, and she seemed all right you know, so I just put the gun case back in my pocket you know, and just acted natural

Q: She sit in the middle of the front seat?

A: Yeah

Q: It'd be a little difficult for her to go out wouldn't it?

A: Mhmm

Q: How did you, cough, maybe you went over this and I'm sorry, I apologize if you did, and I missed it. How did you originally get the gun? In Manteca?

A: I didn't have the gun in Manteca?

Q: You didn't have the gun in Manteca?

A: I didn't even know there was a gun in Manteca?

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FRESNO COUNTY SHERIFF'S DEPARTMENT
Fresno, California

69. CASE NO.

78-5819

DATE _____

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

Q: You didn't? When was the first time you saw the gun?

A: Modesto.

Q: Who gave you the gun?

A: Uh, Doug

Q: Doug did. Do you know where he got it from?

A: No

Q: Did he have it in his pocket, or did he take it out of a bag, or

A: I guess he might have just taken it out of his pocket.

Q: Did he give it to you just prior to you doing this to this gal?

A: Yeah. Cause then (unintelligible)

Q: When he was holding, and he gave you the gun at that time?

A: Yeah

Q: And this was while you were at the K-Mart store?

A: We were there you know to call my cousin Jeanette.

Q: Yeah

Q: Why didn't he keep the gun, how come he had to give it to you?

A: I don't know.

Q: How come he made uh, say made, uh how come he let uh, TINA do the work of uh getting up close to her and pushing her down? Didn't this girl try to scream?

A: Yeah, she pushed her horn and TINA pulled her hand away from the horn and

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Petition for Writ of Habeas Corpus - EXHIBITS

FRESNO COUNTY SHERIFF'S DEPARTMENT
Fresno, California

69. CASE NO.

78-5819

DATE _____

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

A: and I guess she musta opened the car when she was doing that to.

Q: Was she on top of her then?

A: Yeah

Q: Was she hitting her?

A: No just holding her down.

Q: Holding her down?

Q: Was she yelling something to her at that time?

A: No I was still coming towards the car.

Q: Did you hear her yell something when you got in the car.

A: Yeah but I couldn't understand it.

Q: Well, try your best to remember some of the words that were said.

A: I, by the time I got in the car I can remember her saying uhm, man you know this is crazy, this is the second time in one week its happened to me.

Q: Who said that?

A: The girl

Q: Which girl

A: The one that was down, uhm I guess THERESA.

Q: Yeah. Did she explain herself about that.

A: Unh unh (negative)

Q: She didn't have time to.

A: Like, I kinda gathered what she was talking about.

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FRESNO COUNTY SHERIFF'S DEPARTMENT
Fresno, California

69. CASE NO.

78-5819

DATE _____

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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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| REPORTING OFFICERS | RECORDING OFFICER | TYPED BY Dlc 2-14-78 | DATE AND TIME | ROUTED BY |
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Petition for Writ of Habeas Corpus - EXHIBITS

FRESNO COUNTY SHERIFF'S DEPARTMENT
Fresno, California

69. CASE NO.

78-5819

DATE _____

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

A: Cuz, em, either CHRIS or TINA said um, they couldn't take a whole car load.

Q: Take a car load where?

A: To go a score, and they said um, Doug got out first, wait, Chris got out first, then Doug got out, then I did, then that girl came out after me. Then CHRIS got back in the car and then one of them do, motioned to um get back in the car, and I was talking to the girl right then and she was um, I don't know the girl seemed um, I guess she (unintelligible) down the hill and get wet, starting to come back huh? I go it looks like that you know. And then when I seen Billy get back in the car you know, I was wondering how come Billys getting back in the car when we have to wait here. And about then Doug pushed me, and I was just going to fall in the water puddle and thats when I heard the gun shot and and then they jumped in the car, and then the car returned around and when they were taking off I turned around, she was lying there.

Q: From all indications did it look like to you that uh maybe this was a planned in advance?

A: It couldn't have been.

Q: Why did you stop then in the first place, who's idea was it to stop, who said stop?

A: I think it was Chris. She said wait here. And so we all got out of the

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FRESNO COUNTY SHERIFF'S DEPARTMENT
Fresno, California

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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 | 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 thats when I heard the gun shot. So I just jumped in the car

Q: You heard a gun shot, the minute you heard a gun shot, you uh, did you look, see the gun, uh Dougs hand at that time.

A: No I didn't even look, I just seen the car door open I just

Q: They had the car door open, you got in

A: No the car was always open, already open

Q: Alright

A: Okay now Ah

Q: Was the gun handed to you then?

A: After I got in the car it was

Q: Who handed it to you

A: Doug did

Q: And after you got in the car he was telling everyboydy to just keep their mouth shut about this. Right?

A: Something like that.

Q: Didn't he also mention uh, that he shot her in the head?

A: Yeah. Nobody said nothing.

Q: He also made some comment out there, uh just before he shot her, right after he shot her, "did I drop her or did I drop her". Was to that effect huh?

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Petition for Writ of Habeas Corpus - EXHIBITS

FRESNO COUNTY SHERIFF'S DEPARTMENT
Fresno, California

69. CASE NO.

78-5819

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DATE _____

70. CODE SECTION

71. CRIME

72. CLASSIFICATION

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

74. ADDRESS

RESIDENCE

BUSINESS

75. PHONE

A: Something like that. Nobody did smile or nothing.

Q: Do you have any idea where this watch went to?

A: Mhmm (negative) I don't know where it went to.

Q: How about her wallet.

A: I don't know about no wallet.

Q: Her mother says she had in her purse, you know, a suede colored brown wallet, and this would have had her drivers license and all that kinda stuff in it and it wasn't found in her purse next to her body there.

A: I don't, I don't know, somebody must have taken it from her. I know the money and the watch. I don't know about that.

Q: See anybody go through her purse at all? While she was in the car?

A: No nobody went through her purse.

Q: But she did uh, did make some comment uh, after you left there after the shooting occurred uh, you guys had made a mistake in not taking, in not taking her purse.

A: Yeah.

Q: Why do you think it was important to take her purse?

A: I guess because they could identify her.

Q: Okay uh the , if theres anything you can think of as far as conversation that might uh be important, I'd like to , you to get a hold of uh , us I'll be working here tomorrow, Sunday, and also Monday, so if something comes up

REPORTING OFFICERS

RECORDING OFFICER

TYPED BY

DATE AND TIME

ROUTED BY

Dlc 2-14-78

FURTHER ACTION

YES

NO

COPIES TO:

DETECTIVE

CII

JUVENILE

PATROL

DIST. ATTNV.

OTHER _____

SO./PD.

OTHER _____

REVIEWED BY

DATE

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: where you can remember any other details in this thing that you think is important, uh, uh, get back with me, just let one of the bailiffs know, I'll leave a card okay. I can't think of anything else right now. No. Thank you.

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|---|--|--|--|--|--|
| 1229 Date & Time Reported to P. D. 2-8-78, 2304hrs | | Type: (Stolen or Embezzled) STOLEN VEH. (OUT OF TOWN) | | Case No. 78-5819 | |
| Date and time occurred** 2-8-78, 1700-2304hrs | | Location of occurrence** Modesto California | | Reporting Division** B/01 | |
| Present Owner (or Firm name) PAWLOWSKI, Gerald, Charles | | Res. Address (or Bus. Address) [REDACTED] | | Res. Phone unk | |
| Person last driving vehicle unk | | Residence Address [REDACTED] | | Bus. Phone | |
| Person reporting occurrence to P. D. RO | | Residence Address | | Res. Phone | |
| Legal Owner PAWLOWSKI, Gerald, Charles | | Res. Address (If individual) [REDACTED] | | Bus. Address (If firm) | |
| Witnesses: Name Race - Sex - Age 1 N/A | | Residence Address [REDACTED] | | Res. Phone | |
| 2. | | | | | |
| 3. | | | | | |
| Type of premises (location of vehicle) City street | | Year Make 1971 Mercury Cougar, 2dr | | Body Type White over Burgundy | |
| License No. State Year [REDACTED] California 79 | | Motor No. [REDACTED] | | Color or color combination White over Burgundy | |
| Recovered and/or Impounded Vehicles: Describe condition only (include evidence of stripping, tampering, etc.) Accessories (See inventory report form) | | Ignition locked? Yes | | Doors locked? NO | |
| If impounded, give reason Involved in PC 187 (Homicide) | | Available for release? (If not, explain) NO (Involved in Homicide) | | Keys in vehicle? YES | |
| Disposition of vehicle (If impounded, name and location of garage) In cust FSO basement garage | | Regis. in vehicle? UNK | | | |
| If recovered vehicle, date & time of theft 2-8-78, 1700hrs | | Location of theft & type of premises Modesto California, nfi | | Reporting Division FIELD | |
| Identify suspects by number, give name - address - sex - race - age - height - weight - hair - eyes - compl. - clothing (See Body of Report) | | | | | |

(1) Circumstances surrounding occurrence(s). (2) Stolen Vehicles - (describe any property in vehicle at time of theft which suspect might pawn or sell.)
 (3) Impounded vehicles - (describe any physical evidence that may connect vehicle with a crime).

(See body of Report)

RELEASE AND WAIVER

Know all men by these presents: That I, _____ of the city of _____ County of _____, State of California, do by these presents, for myself, my heirs, executors, administrators or assigns, release each, every and all duly appointed Peace Officers of any city, county or city and county of the State of California, or of the California Highway Patrol of the State of California, from any claim, action, demands, dues, sums of money, controversies, trespasses, judgments, executions, claims and demands whatsoever, in law or in equity. I ever had or now have or which I, or my heirs, executors, administrators or assigns, hereafter can, shall or may have against any Peace Officer or Peace Officers, for, upon or by reason of any matter, cause, or thing whatsoever, as a result of said Peace Officer or Peace Officers recovering, holding, storing, or conveying, the above described vehicle, which I have this day reported as stolen and which is now out of my possession. This release and waiver will remain in effect until such time as above described vehicle shall be recovered and again be in my possession.

SIGNATURE OF PERSON MAKING REPORT

** If a stolen and recovered are incorporated in one report, enter data pertaining to the recovery.
 If additional space is required, use Continuation Report, Form 3.C

| | | | | | |
|---|--|-----------|---------|--------------|------|
| Supervisor Approving LT LARGE | Officer(s) Reporting J. CALLAHAN 386/RODRIGUEZ 342 | B. C. No. | Date | A. P. B. No. | Date |
| | | Indexed | Checked | | |

STOLEN VEHICLE REPORT

FRESNO POLICE DEPARTMENT
CONTINUATION REPORT

Page Number

2

Case No.

78-5819

2-8-78

(Owner) PAWLOWSKI, Gerald, Charles

STOLEN VEH

VICTIM:

GREYBEAL, Theresa, Kay, WFA21, CDL: [REDACTED]
[REDACTED] St, Modesto Cal. 5-6, 135, brn/red
(Deceased)

REFERENCE CASES:

#1: Modesto PD, Case number 78-06706
#2: FPD Standard Crime Report number 78-5819

SUSPECTS:

TOPPING, ~~ZZA~~ Teena, Elaine, Indian FA, 19yrs,
[REDACTED], SSN: [REDACTED], Resides at [REDACTED]
[REDACTED], Cal. 5-1, 130, brn/brn,
blu levis, pink sweater, brn thongs, IN cust
FCJ, PC 187, PC 211, PC 207, CVC 20851.

SUSPECT #2:

STANKEWITZ, Douglas, Raymond, Indian MA21, [REDACTED]
resides at 4th & Auburn, Clovis, Cal. 6-1, 190,
brn/brn, Blu cords, white sleeveless t-shirt, blk &
white shoes, In Cust FCJ, PC 187, PC 211, PC 207,
CVC 10851.

SUSPECT #3:

LEWIS, Marlin, Edwin, Indian MA, 22, 3-8-55,
SSN: [REDACTED], Resides at 1410 #F/3rd st, Sacramento
Calif. 5-3, 122, brn/blk, wearing blu levis, blu
cloth jacket, blu t-shirt, tan suede shoes, In cust
FCJ, PC 187, PC 211, PC 207, CVC 10851.

SUSPECT #4:

MENCHASE, Christina, Garcia, AKA: Chris, MFA25,
[REDACTED] Resides at [REDACTED] Cal. 5-1,
135, brn/blk, wearing rust pants, rust & tan sweater,
brn sandals, In cust FCJ, PC 187, CVC 10851.

SUSPECT #5:

BROWN, Billy, Willis, Indian MJ14, [REDACTED]
[REDACTED], Cal. 5-6, 129, brn/blk, Blu levis,
gold shortsleeve shirt, In custody (See FSO Report for
disposition)

WITNESSES:

GONZALES, Resendo, Viva, MMA48, 3-5-29, [REDACTED]
[REDACTED] employed as Security [REDACTED]
[REDACTED] st, Bus Dr: [REDACTED], Night
Security, Olympic Hotel [REDACTED]

WITNESS #2:

HERNANDEZ, Patricia, mmn, [REDACTED]
[REDACTED] brn, wearing brn
shoes, brn pants, blu sweatshirt, ylw blouse.

ASSISTING OFFICERS:

#1: R.H. RODRIGUEZ #342
#2: Sgt Ron DOWNS #54
#3: Det G. SNOW #207
#4: Det L. BROWN #189
#5: W. MC DANIEL: FSO

CONTINUATION REPORT

2-8-78

(OWNER) PAWLOWSKI, Gerald, Charles

stolen VEH

TOW SERVICE:

MEL West Towing, [REDACTED],
[REDACTED] towed to FPD for processing, later
transported to FSO garage for safekeeping.

2-8-78, ²²³⁰ 2304hrs, Detailed to the area of 310 S 'G' st to meet with deputy Willie McDANIEL of the FSO re a poss 187 vict. 2035hrs, contacted det MC DANIEL who advised RO that he had a witness/susp with him who had witnessed a homicide earlier this date. He stated that the witness advised him that the homicide had taken place within a 3blk radius of the downtown china town area of Fresno. At this time McDANIELS requested our assistance in checking the area for the remains of the deceased. MC DANIELS explained to ROs that the area details of the area that we should be looking for would be a rail searching in would be near railroad tracks, however with some residential dwellings nearby. At this time ROs began searching the SP RR tracks from Fresno S/B to Church for the deceased.

MC DANIELS informed ROs that the deceased was poss a WF, with red hair wearing blu clothing, nfd. ROs assisted det MC DANIEL & his witr- susp for approx 30min covering several areas in the downtown chinatown area that met the description given by the susp.

After a 30min search, ROs stopped & recontacted det MC DANIELS & the witr/susp BROWN & it was agreed tht all should return to the area of the Olympic Hotel at 1435 Kern st where they had originally left frm. ROs proceeded back to the area & upon arr in the area of [REDACTED] while W/B on Kern st, RO noted what appeared to be 2 MFs standing in the doorway of the Olympic hotel. Upon passing by, one of the MF subjects ran upstairs & the other ran across the street to a veh. At this time MC DANIELS noticed to ROs tht rolled down his window & advised ROs that those females were poss involved in the homicide & requested that we stop them. At this time ROs made a U-turn in the middle of the 1400 blk of Kern & proceeded E/B & positioned themselves behind the veh that the MF subj had gotten into, this being the above listed 1971 Mercury Cougar. At tht

ROs effected a fel car stop & removed the susps in the following order; from the right front passenger seat came susp STANKWITZ, From the right rear passage seat came susp TOPPING, From the left rear passenger seat came susp LEWIS. All of the subjects were at this time taken out of the veh & placed into custody. At tht

At this time, it should be noted that ROs recognized the veh as one being BC earlier in the shift as a poss missing person in veh.

RO was contacted at this time by security off GONZALES who advised RO that he is a night watchman at the Olympic Hotel, [REDACTED] Kern st. GONZALES stated that the other female had run upstairs & into room #5 of the hotel. At this time RO proceeded into the Olympic Hotel & went to the 2nd floor into the area in which room #5 was. At this time RO knocked on the door accompanied by the security g & the door was open by witr HERNADEZ. At this time RO noted the MF later IDE

FRESNO POLICE DEPARTMENT
CONTINUATION REPORT

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Case No.

78-5819

2-8-78

(OWNER) PAWLOWSKI, Gerald, Charles

Stolen VEH

as Christina MENCHACA laying on the bed & recognized her as being the from the clothing as being the MF that had ran into the motel upon ROs arr. This was further confirmed by GONZALES who stated that she had run past him & into the room. At this time MENCHACA was also taken into custody.

RO questioned GONZALES further re the incident & stated that he had been standing in the doorway at approx the 4th or 5th step up & had observed the 2 female walk into the doorway of the Motel. He stated that they stopped & talked for a minute & he asked them if they lived there. GONZALES stated that MENCHACA stated she lived in room #5. GONZALES stated at this time, ROs veh past by & that the susp later IDed as MENCHACA ran upstairs to room #5 & that the 2nd girl was being susp TOPPING ran back across the street & got into the veh prior to ROs stopping them.

RO contacted Patricia HERNANDEZ in rm #5 asking her when the MF had arr. HERNANDEZ stated that she had just just run into the rm a few min before & related the following info, HERNANDEZ stated that MENCHACA had said to her that they had just killed a girl for her money & that her car was across the street from the Olympic Hotel. At this time HERNANDEZ further advised RO that a knife & a gun were still in the veh at this time, RO advised off RODRIGUEZ that there was still poss a weapon outstanding in the veh. HERNANDEZ further advised RO that the MENCHACA had told her that the body was either in Calwa or Malaga, she couldn't remember which. At this time HERNANDEZ was released pending further investigation.

All suspects transported to FPD for booking prior to being lodged in FCJ.

Upon arr at the PD, RO contacted det SNOW, det BROWN & advised them of the circumstances surrounding the case at which time they began a separate investigation.

Off RODRIGUEZ advised RO that upon checking the interior of the veh, that he opened the drivers door & observed what appeared to be a 25 automatic revolver to be lying on the floor just under the partially concealed by the drivers seat also laying next to the gun was a black holster with a metal belt clip. ROs could not remove the gun observed leaving this for the IB to handle. (See IB follow-up)

ROs then continued search for poss vict in this case & was later advised by det SNOW that the body might poss be in the Calwa area. Det SNOW & BROWN & ROs along with Sgt DOWNS proceeded to the Calwa area to begin checking for the poss vict. Victims body was recovered at the corner of 10th & Vine at approx 0123hrs, 2-9-78. (See DET SNOWs Standard Crime Report form same case number)

ROs then requested the SO respond to the loc as it was in the county & were released at the scene by FSO Sgt GADDY.

LT LARGE

CALLAHAN 386/RODRIGUEZ 342

CONTINUATION REPORT

0402/RH

FOLLOW-UP REPORT

| | | | |
|--|--|--|--------------------|
| 1228/HOT | | Type of Original Report (PC 187) | Case No. |
| 2-15-78 | | STOLEN VEHICLE RECOVERED | 78-5819 |
| 2-8-78 | | Location of occurrence | Reporting Division |
| | | Tenth & Vine | Patrol |
| GREYBEAL, Theresa Kay | | Last connecting property reported by type and Case No. | |
| Race Sex Age | | FSO 78-1879 & Modesto PD 78-06706 | |
| Personal information from prior report | | Residence Address | |
| Name arrested | | Date | Court Date |
| POPPING, Teena Elaine IFA-19 | | | |
| STANKWITZ, Douglas Raymond IMA-21 | | | |
| LEWIS, Marlin Edwin IMA-22 | | | |
| MENCHACA, Christina Garcia MFA-25 | | | |
| BROWN, Billy Willis MMJ-14 | | | |

ASSISTING OFFICER:

- #1 SGT R. DOWNS, 54
- #2 CASE/232
- #3 DANISI/371
- #4 MATULICH/411

2-18-78 at approx 2220 hrs, Wednesday

RO along with Officer J. CALLAHAN, badge number 386, were working uniform patrol on the westside area, when dtld to the area of 300 S. G street to await the arrival of a FSO deputy who had information on a poss 187 vict.

FSO DET W. McDaniel, arrived at approx 2235 hrs and in his company was the susp #1, Billy BROWN. ROs obtained information that the body of the vict was possibly located in the area of [redacted] street and a search was started. ROs followed directions provided by the susp #5, BROWN, however, were unable to locate the vict's body. ROs feeling that the search could be expedited if the susp BROWN will return to the area of the Olympic Hotel, 1435 Kern, where he remembered being earlier.

ROs along with DET MCDANIEL, and the susp BROWN, drove to Kern & S street, proceeding w/b in front of the Olympic Hotel. ROs at this time observed two females later IDed as the susp #1, POPPING & susp #4, MENCHACA, standing

| | | | |
|-----------|------------------------------|-----|----------------|
| 1945 hrs | 0300 hrs | rad | TOTAL VALUE \$ |
| LT PESOLA | CALLAHAN/386 & RODRIGUEZ/342 | | |

FOLLOW-UP REPORT

7-15-78

GREYBEAL, Therese Kay STOLEN VEH RECOVERED

in front of the Olympic Hotel. ROs and DET Mc DANIEL, continued w/b at which time DET Mc DANIEL advised by voice that the two females in front of the hotel were wits to the PC 187.

Officer CALLAHAN turned RO's patrol veh proceeding e/b on Kern. ROs then observed the veh described in a broadcast, made by FPD dispatcher as belonging to a missing person from Modesto, poss PC 187 vict, parked against the south curb of Kern, west of F street, facing eastbound. The veh was described in the prior broadcast as a 1971 mer cougar, white over burgundy, Calif lic 429DAY. Officer CALLAHAN at this time positioned RO's patrol veh approx 15 ft behind the susp veh, off set to the left. ROs observed three persons inside the veh, two in the rear seat area and one in the right front passenger area.

PO RODRIGUEZ positioned himself on the sidewalk area, approx 15 ft and to the right side of susp veh to provide cover. Officer CALLAHAN positioned himself to the left of RO's veh, then made a radio broadcast as regarding the stop and requesting assistance. Officer RODRIGUEZ remained in his position while officer CALLAHAN utilized the P.A. system in RO's vehicle to order occupants of the veh to place their hands in plain view, all three occupants were observed to immediately comply with officer CALLAHAN'S orders. Officer CALLAHAN then ordered the passenger in the right front seat to open the door and get out with his hands raised. (Assisting officer later arriving at this time.) PO observed the 1st person to exit the veh, to be a male, later filed as susp STANKWITZ. Susp STANKWITZ, after exiting the veh, from the right passenger door was ordered to turn around with his back to PO RODRIGUEZ. STANKWITZ immediately turned around as ordered. STANKWITZ was then ordered to walk backwards, (approx 6 steps) stop, kneel down, cross his feet, place his hands behind his head, interlacing his fingers in his hair. STANKWITZ complied with each command given by officer CALLAHAN and only had to yell once on each movement. PO observed STANKWITZ to have no difficulty in exiting the veh, turning around when ordered without difficulty and walked backward with ease in a straight line. No unusual actions were observed made by STANKWITZ. STANKWITZ was then ordered to remain in this position as the 2nd susp was ordered from the veh. The 2nd susp, later filed as susp PERRIN, was ordered to exit the right rear door of the veh. Officer CALLAHAN then gave the same commands to PERRIN as were given to STANKWITZ. PERRIN complied with each command and had no difficulty or unusual actions. Susp PERRIN was ordered to remain in this position while the 3rd susp was removed.

The 3rd susp in the veh exited from the left rear area through the right passenger door. This susp was later filed as Verlin LEWIS. LEWIS was ordered to exit in the same manner as the 1st two susp and ordered to make the same turning movements and positioned himself in the same manner as the other susp. LEWIS turned and walked without difficulty and no unusual movements or actions were observed.

GREYBEAL, Theresa May

STG VEH RECORD 211

At the orders of officer CALLAHAN, assisting officer D. CASE, was told to handcuff all susps. Susps STANKWITZ, POPPING, LEWIS, were handcuffed and separated. Officer CASE took custody of susp LEWIS, assisting officer RODRIGUEZ, took custody of POPPING & assisting officer MATULICH took custody of susp STANKWITZ. All susps were then searched for weapons and were kept separated and no talking was allowed.

Officer CALLAHAN & officer DANISI then entered the Olympic hotel, 1435 West 1st for the purpose of locating the second female observed outside of the hotel. Within approx 5 minutes, officer DANISI, exited the Olympic Hotel with a female, later IDed as susp MENCHACA. All susps were then placed into separate patrol vehs for transporting and security purposes. PO RODRIGUEZ then received a radio broadcast from officer CALLAHAN, advising him that the weapon used in the PC 187 was possibly still in the vict's veh. PO checked the interior portion of the veh, through the passenger door and observed two cartons of camel cigarettes on the right rear floorboard area and three papers. PO observed a red & white bandanna in a blk denim jacket on the right front passenger seat, which had been occupied by susp STANKWITZ. PO then went around to the driver's door, opening same. PO RODRIGUEZ observed a small holster with a metal belt clip attached on the left rear floorboard area. PO further observed the barrel portion of the gun, sticking out in plain view, from beneath the rear portion of the driver's seat. No evidence of alcoholic beverages or any other contraband were observed at this time inside of the veh. All items observed were left in their positions, pending removal by the I. E. personnel. (See IB follow-up, this case.)

Victim's veh was then inventoried and towed to SPD basement by Mel WEST Towing, 1244 N. Thosta.

Was transported sus P. PHILL, after receiving a tire and mileage check to the I. E., pending further investigation. Susps STANKWITZ, LEWIS, & MENCHACA were transported to I. E. in separate vehs. Upon arrival at the I. E., they were met with DET STEWART & DET BROWN/129 who were assigned to handle the transportation and interviews.

Officer PHILL was instructed by Sgt. J. DAVIS of which ID information was given. Sus P. PHILL was the 1st identified as PO RODRIGUEZ and was cooperative. P. PHILL observed no unusual items or information by POPPING and a 1st detect of hair of black color. PHILL was on the person of POPPING. PHILL observed the eyes of PHILL and PHILL observed the hair to be of normal color. PHILL after obtaining this information on susp PHILL, went to the location of the susp PHILL.

Sus STANKWITZ was observed sitting down inside of a holding cell, located within the DET division and this time was contacted by P. RODRIGUEZ. Sus STANKWITZ immediately responded to P's inquiry as to being interviewed and walked from the rear portion of the holding cell to the bars where P.

2-15-78

GREYBEAL, Theresa Kay

STOLEN VEH RECOVERED

was standing. STANKEWITZ answered all questions regarding his identity to ROs and RO RODRIGUEZ could observe no signs of intoxication on STANKEWITZ. RO noted that he spoke in a clear voice and that no odor of alcohol was detected on the person of STANKEWITZ and that his manner of walking and did not appear unusual. ROs in looking at the eyes of susp STANKEWITZ could observe no unusual condition.

RO RODRIGUEZ then contacted susp #3, LEWIS, who was being detained in a DET's interview room in the company of assisting officer CASE. LEWIS responded to RO's questions, RE: His identity and RO could observe no unusual actions or signs of intoxication on the susp #3, LEWIS. LEWIS was observed to answer quickly to RO's questions and was cooperative at this point. RO noted no unusual action or gestures made by susp #3, LEWIS.

RO contacted susp #4, MENCHACA, who was being detained in a det's office in the company of assisting officer DANISI. MENCHACA 1st furnished RO with IDing information and RO could observe no odor of alcohol about the person of susp MENCHACA and noted her speech to be clear and that she answered all questions, promptly. RO observed no other signs of alcoholic or drug influence on susp MENCHACA.

RO along with officer CALLAHAN then returned to the Olympic Hotel for the purpose of picking up an additional wit. ROs contacted and advised WIT HERNANDEZ that her presence was requested at FPD HQ at which time ROs transported WIT HERNANDEZ to the DET's division for further interview.

Upon arrival at FPD HQ, ROs were advised to place the WIT HERNANDEZ in the DET division and immediately respond to the area of Railroad & Van Ness, to resume the search for the vict's body. ROs responded to the area and were later summoned to the Calwa area by DETs BROWN & SNOW. ROs in responding assisted in the field search for the vict's body and were notified that the vict's body had in fact been located at the corner of Vine & Tenth Street.

ROs remained at this location until relieved at the scene by FSO deputies and FSO sergeant GADDY.

LT PESOLA
RODRIGUEZ/342
CALLAHAN/386

rad

Declaration of Laura Wass

I, Laura Wass, under penalty of perjury, declare as follows:

1. On or about 1998 to present I worked as the Central California Director of the American Indian Movement. In the course of my profession, I assisted Indigenous Persons with issues pertaining to American Indian rights including but not limited to, land protection, religious and spiritual rights, CDCR Native inmate rights, and Indian Child Welfare.
2. On or about 1998, I assisted Marlin Lewis in securing his tribal membership into the Table Mountain Rancheria Tribe.
3. Between 1998 and 2000, I spoke with and/or met with Marlin approximately 30 times. Throughout this time, as a part of my duties, I gathered a lot of data from Marlin regarding his family history and its relationship with the tribe.
4. My phone calls with Marlin varied in length from several minutes to an hour or so.
5. I met with Marlin in Fresno many, many times over the two-year period. Our meetings lasted from a few hours to a day.
6. The process culminated in Marlin and other family members being accepted as members of the tribe.
7. On or about October 5, 2000, Marlin and his sister, Bernice Grubbs, were invited to attend the General Council meeting at the Table Mountain Tribal Building for the purpose of being formally accepted as members of the tribe, along with a few other families from our group. On information and belief, Marlin and Bernice lived in Sacramento at the time and had no transportation, so I purchased tickets for Greyhound for them to travel to Fresno and brought them to my home to prepare for the meeting.
8. Before the meeting began, I received a phone call from William Stankewitz, Douglas Stankewitz's brother, who was incarcerated. As a part of my professional responsibilities, I assisted William with his criminal case for a few years. I told William that Marlin and Bernice were there, and William asked to talk to Marlin. Based on information and belief, I overheard a good exchange between "Native brothers". Part way through the call, William brought up Douglas's name, and Marlin got a little quieter. After a few more words, Marlin handed me the phone. Then, William, referring to the Graybeal kidnapping, robbery and murder crimes, stated to me that "he knows what he did", and the call ended shortly after. When I hung up, I told Marlin that I didn't know he was that close with William. I also told him that as a part of my professional duties, I'd been working with Douglas on his criminal case. Marlin just stared at me and shrugged his shoulders as I talked. Referring to the Graybeal crimes, I then stated

"you're the one that did it" and Marlin shook his head yes. He then said that he had already paid for his actions, and that he was sorry Doug was still paying for Marlin's actions. I then told Marlin to consider coming forward, that Marlin had done his time, so Doug should not be paying the price for what Marlin did.

9. On information and belief, Douglas's penalty phase was reversed in 2012, and his case was returned to Fresno Superior Court. On or about September 19, 2013, I attended a court hearing in his case and was interviewed by Pablo Lopez, of the Fresno Bee. The article published by the Bee on September 19, 2013, which includes a quotation from me, accurately reflects my statements to Mr. Lopez and is Attached as Exhibit A.

I have given this three-page statement of my own free will. I have had an opportunity to review and revise this declaration. I swear under penalty of perjury that the above statements are true.

Executed on January 8, 2020, at Fresno, California.



Laura Wass