

Date of this report 2/9/78		Type of Original Report MVA (OR FORM)		Case No. 78-5010	
Date crime occurred 2/8/78		Location of occurrence 3300 HIGHWAY 99		Reporting Division Duluth	
Victim (as listed on orig. report) Theresa Theresa		List connecting property report(s) by type and Case No.			
Persons interviewed (not on orig. report)		Race - Sex - Age		Residence Address	
1.				Res. Phone	
2.				Bus. Phone	
3.					
4.					
5.					
Persons arrested		Race - Sex - Age		Filed on?	
1. STANKWITZ, Douglas Raymond				Charge	
2. ██████████		I M 21		Date	
3. SEE BELOW				H.T.A.	
4.				Date	
5.				Court Divn.	
<input checked="" type="checkbox"/> Cleared		<input checked="" type="checkbox"/> Closed		<input checked="" type="checkbox"/> Incorrectly classified - change to:	
				<input checked="" type="checkbox"/> Unfounded	
				<input checked="" type="checkbox"/> Continued	

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

- PERSONS ARRESTED:
- STANKWITZ, Douglas Raymond; IMA-21; DOB ██████████; 6'1"; 190 lb; brown eyes; brown hair (in custody; PC 836, PC 187, PC 211, PC 207, CVC 10851).
 - LEWIS, Marlin Edwin; IMA-22; DOB ██████████; address 1410 F St., Sacramento, Calif. (in custody; PC 836, PC 187, PC 211, PC 207, CVC 10851).
 - TOPPING, Teona Elaine; IFA-19; DOB ██████████; address 272 W. Pinedale St. (in custody; PC 836, PC 187; CVC 10851, PC 211, PC 207).
 - MENCHACA, Christina Garcia; MPA-25; DOB ██████████; res address 3455 E. Liberty, Fresno (in custody; PC 836, PC 187, CVC 10851).

ASSISTING OFFICERS: SGT R. BOWEN, OFFICERS R. RODRIGUEZ #342, J. CALLAHAN #386, PSO deputy G. ELLIOT #245, PSO detective MC DANIELS

2/8/78, approx 1125 hours, Wednesday

RO and detective SNOW were dispatched from their residences to FPD HDQ in regards to the possible PC 187 vict not found at this time. At this time ROs arrived at HDQ and received details from SGT R. BOWEN in regards to a missing person missing from the Modesto area and her veh being recovered in the Fresno area as a recovered 10851 by officers, with susp in custody.

If additional space is required, use Continuation Report, Form 3-C	Time Called In	Time Typed	By	TOTAL VALUE \$
		2/9/78	HW	
Supervisor	Officer(s) Reporting	Coded By	Filed By	
CAPT. MOCKALIS	RODRIGUEZ, R. #342			
Approving Sgt.	Review Sgt.	Xeroxed By	Total Copies	

FOLLOW-UP REPORT

CONTINUATION REPORT

Page Number

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Case No.

73-5610

2/3/73

~~73-5610~~, Theresa
GREVIALCVC 10851/RECOVERED
(OUT OF TOWN)

The preliminary information in regards to this investigation will be given on detective Gary SNOW's follow-up report and patrol officers R. RODRIGUEZ and J. CALHOUN's reports.

It should be noted that the above susps listed in this case were arrested in the vict's veh in the ~~area~~ at approx 2304 hrs on 2/3/73.

Accompanying Det. Gary SNOW to FPD interview room where an interview was done, was susp in this case Teena TOPPING. During the process of this interview the susp TOPPING related information to RO as to where the vict's body could possibly be located in regards to this case.

At this time, RO, in conjunction with detective G. SNOW in company with the susp Teena TOPPING, proceeded to check the area in Calawa ~~area~~ the vict in this case's body. Details of the interview will be ~~for~~ covered in the det G. SNOW's follow-up report. Upon RO following det SNOW in the Calawa area, the vict's body was located at Tenth and Vine St.s. The body was originally found by det G. SNOW at approx 0123 hrs. RO was directly behind officers G. SNOW upon finding the body, and the crime scene was turned over to det L. BROWN to handle and process untill FSO units could be dispatched to the crime scene as this was their jurisdiction as it is in the Fresno County area.

Upon RO's original viewing of the crime scene area, RO noted the vict to be laying face up on the shoulder of the road at the S.E. corner of Tenth and Vine St. It should be noted that she was laying approx 15 feet south of the south curb line of Vine and approx 3 feet east of the east curb line of Tenth St. Vict was laying face up with her head in an easterly direction and her feet in a westerly direction. It should be noted that the vict had extremely noticeable red hair, very long. Also RO noted that the vict had blood around her ear area and it possibly appeared to be the origin area of the wound that had possibly killed her. RO then viewed the vict and noted that she was clothed in a gray coat, under the coat area RO noted that she had on a blue sweater with a multi colored print on a stripe on the bottom area of the sweater. Subj had on a red shirt underneath the sweater and had on blue jeans and possible navy blue socks. She further had on brown shoes. Subj's purse was draped over her left shoulder and laying on the ground directly next to vict's left side. The purse was red and brown in color, made of a vinyl looking leather. It should be noted that the change flap on the outside coin section of the purse, was unshaped and open. Subj had on a turquoise ring on her right hand, the second finger. Vict also had, on her left hand, another ring on her middle finger. It should be noted that; in viewing the area around the vict's body, a filter tip cigarette was found laying next to the vict's right arm. Also found, approx 15 feet west of the vict's body, was a 25 caliber shell casing.

Approx 0200 hrs, deputy Sheriff G. ELLIOT arrived at the crime scene and the security of the scene was turned over to deputy Sheriff ELLIOT. At this time deputy Sheriff advised RO that det ~~W. DANIELS~~ would be en route to that location to handle the crime scene investigation for their office. It should

CONTINUATION REPORT

CONTINUATION REPORT

Page Number

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Case No.

78-5019

2/9/78

GREVEAL, Theresa

CVC 10251/RECOVERED

(OUT OF TOWN)

Further be noted that the FSG dispatched their own IB unit to process the crime scene.

It should be noted that RO only contact with the body was when RO approached the body, checked the body for signs of life. RO's heel print was left in the damp ground, just north of the vict's body when RO checked the body for signs of life.

Approx 0230 hrs Deputy Sheriff de tective MC DANIELS arrived at the crime scene and the crime scene was again turned over to him for his investigation.

At this time RO proceeded to FPD HDQ where RO assisted det G. SNOW in the interriqation of the susps in regards to this case. The results of those interroqations will be on his reports, same case number.

RO also took all 4 of the susps directly to the IB where at his request had the susps hands all processed by IB tech J. BONESIDEL. The processing of their hands consisted of swabs, done, the details of that will be on IB tech J. BONESIDEL's follow-up report, same case number.

This report will be continued.

CAPT. MOCIBALIS
BROWN, L. #189

2/9/78 twd

CONTINUATION REPORT

Petition for Writ of Habeas Corpus - EXHIBITS

Page 114

FOLLOW-UP REPORT

FROTH DET Date of this report 2/9/78 Date dictated 2/8/78		Type of Original Report CVC 10851/RECOVERED (OUT OF TOWN)		Case No. 78-5819	
Name of person GREVEAL, Theresa GREVEAL		Location of occurrence 1400 block of Kern		Reporting Division Detective	
Race Sex Age [Blank]		Residence Address [Blank]		Reg. Phone [Blank]	
Date arrested STANKEWITZ, Douglas Raymond (DOB 5/21/56) SEE BELOW		Race Sex Age I M 21		Date [Blank]	
Charge [Blank]		Date [Blank]		Court Div. [Blank]	

- PERSONS ARRESTED:
1. STANKEWITZ, Douglas Raymond; IMA-21; DOB 5/21/56; 6'1"; 190 lb; brown eyes; brown hair (in custody; PC 836, PC 187, PC 211, PC 207, CVC 10851).
 2. LEWIS, Marlin Edwin; IMA-22; DOB [redacted] address [redacted] (in custody; PC 836, PC 187, PC 211, PC 207, CVC 10851).
 3. TOPPING, Teena Elaine; IFA-19; DOB 5/20/58; address [redacted] (in custody; PC 836, PC 187; CVC 10851, PC 211, PC 207).
 4. MENCHACA, Christina Garcia; MEA-25; DOB [redacted] res address [redacted] (in custody; PC 836, PC 187, CVC 10851).

ASSISTING OFFICERS: SGT R. DOWNS, OFFICERS R. RODRIGUEZ #342, J. CALLAHAN #386, FSO deputy G. ELLIOT #245, FSO detective MC DANIELS.

2/8/78, approx 1125 hours, Wednesday

Officer and detective SNOW were dispatched from their residences to FPD HDQ in regards to the possible PC 187 vict not found at this time. At this time SNOW arrived at HDQ and received details from SGT R. DOWNS in regards to a missing person from the Modesto area and her veh being recovered in the Fresno area as a recovered 10851 by officers, with susp in custody.

Date dictated 2/9/78		Total value \$ [Blank]	
Dictated by APT. MOCKALIS		Reviewed by BROWN, L. #189	

FOLLOW-UP REPORT

FRESNO POLICE DEPARTMENT
CONTINUATION REPORT

Page Number

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Case No.

78-5819

2/9/78

~~XXXXXXXX~~, Theresa
GREVEAL

CVC 10851/RECOVERED
(OUT OF TOWN)

The preliminary information in regards to this investigation will be given on detective Gary SNOW's follow-up report and patrol officers R. RODRIGUEZ and J. CALLAHAN's reports.

It should be noted that the above susps listed in this case were arrested in the vict's veh in the 1400 block of Kern St. at approx 2304 hrs on 2/8/78.

Accompanying Det. Gary SNOW to FPD interview room where an interview was done, was susp in this case Teena TOPPING. During the process of this interview the susp TOPPING related information to ROs as to where the vict's body could possibly be located in regards to this case.

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FRESNO POLICE DEPARTMENT
CONTINUATION REPORT

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Case No
78-5819

2/9/78

GREVEAL, Theresa

CVC 10851/RECOVERED
(OUT OF TOWN)

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This report will be continued.

CAPT. MOCKALIS
BROWN, L. #189

2/9/78 twd

CONTINUATION REPORT

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FRESNO COUNTY SHERIFF'S DEPARTMENT
Fresno, California

78-39-26

DATE 2/9/78

Follow up

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

0156 Hrs. 2/9/78 REQUESTED TO ASSIST CRIM PREHEIM
I.T. 24 WITH A PC 187 VICTIM LOCATED A NINE AND TENTH ST.
RIO ARRIVED AT THE SCENE AT 0201 HRS AND AT THE DIRECTION
OF CRIM. PREHEIM. PHOTOGRAPHED AND ASSISTED WITH THE
DIAGRAM OF THE SCENE.

EVIDENCE

PHOTOS (15)

- 1-10. COLOR PHOTOS OVERALL OF VIC AND SCENE
- 11-12. B&W PHOTOS OF 25 CAL SHELL CASING FOUND IN
THE STREET (TENTH)
- 13. B&W PHOTO OF VIC. FROM THE LOCATION OF THE
SHELL CASING
- 14-15 B&W PHOTOS OF A CIGARETTE LIGHTER FOUND UNDER
VIC'S RIGHT LEG.

SEE DIAGRAM BY CRIM. PREHEIM.

REPORTING OFFICERS J. Duty 3I18	RECORDING OFFICER	TYPED BY	DATE AND TIME	ROUTED BY
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FURTHER ACTION	<input type="checkbox"/> YES	COPIES TO:	<input type="checkbox"/> DETECTIVE	<input type="checkbox"/> CII
	<input type="checkbox"/> NO		<input type="checkbox"/> JUVENILE	<input type="checkbox"/> PATROL
			<input type="checkbox"/> DIST. ATTNY	<input type="checkbox"/> OTHER
			<input type="checkbox"/> SO./PD.	<input type="checkbox"/> OTHER

REVIEWED BY	DATE
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- 39-26
3/2/02



Fresno, California

78-39-26

DATE 2/9/78

Follow up

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

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SEE DIAGRAM BY CRIM. PREHEIM.

REPORTING OFFICERS J. Duty	3 I 18	RECORDING OFFICER	TYPED BY	DATE AND TIME	ROUTED BY
FURTHER ACTION <input type="checkbox"/> YES <input type="checkbox"/> NO	COPIES TO: <input type="checkbox"/> DETECTIVE <input type="checkbox"/> G11 <input type="checkbox"/> JUVENILE <input type="checkbox"/> PATROL <input type="checkbox"/> DIST. ATTN. <input type="checkbox"/> OTHER <input type="checkbox"/> SO./P.D. <input type="checkbox"/> OTHER	REVIEWED BY			DATE

TABLE OF MISSING EVIDENCE– STANKEWITZ HABEAS

Row Order	Description	Where Documented	Evidence Custodian	Material Relevance	Exculpatory Value
1	Property card/Log showing chain of custody for .25 caliber guns, holster, magazine, bullets (serial number removed)	FPD Property/Evidence Report, Case No. 78-5819, dated 2-9-78 Bonesteel, J; Follow Up Report, Case No. 78-5819, IB dated 2-9-78 Bonesteel & Garnsey; FCSD Request for Evidence Examination No. 272, Case No. 78-1809, dated 2-10-78, Lean	FPD & FSO	Would prove the existence of the Meraz robbery weapon and accompanying evidence.	Establish that gun in evidence was not the murder weapon or gun used in robbery or kidnapping; establish lack of reliability of prosecution theory; establishing investigatory misconduct or incompetence.
2	Property card/Log showing chain of custody for .25 caliber guns, holster, magazine, bullets (serial number 146425)	FCSD Request for Evidence Examination No. 272, Case No. 78-1809, dated 2-10-78, Boudreau	FSO	Would prove the existence of the Meraz robbery weapon and accompanying evidence.	Establish that gun in evidence was not the murder weapon or gun used in robbery or kidnapping; establish lack of reliability of prosecution theory; establishing investigatory misconduct or incompetence.
3	Photo of gun shown to Meras	Meras Preliminary Hearing testimony RT@348	FSO	Establish that the Meras robbery weapon was not	Establish that gun in evidence was not the murder weapon or

TABLE OF MISSING EVIDENCE– STANKEWITZ HABEAS

				the same as the Graybeal murder weapon	gun used in robbery or kidnapping; establish lack of reliability of prosecution theory; establishing investigatory misconduct or incompetence.
4	Shell casings recovered from Meras crime scene	Sarment/Lean/Christensen 2 reports; FCSD Request for Evidence Examination No. 292, Case No. 78-1809 & 78-1995, dated 2-13-78, Lean & illegible/unknown	FSO	Show that gun used in Meras was a .22 caliber	Establish that gun in evidence was not the murder weapon or gun used in robbery or kidnapping; establish lack of reliability of prosecution theory; establishing investigatory misconduct or incompetence.
5	.22 gun used to test Meras casings		FSO	Show that gun used in Meras was a .22 caliber	Establish that gun in evidence was not the murder weapon or gun used in robbery or kidnapping; establish lack of reliability of prosecution theory;

TABLE OF MISSING EVIDENCE– STANKEWITZ HABEAS

					establishing investigatory misconduct or incompetence.
6	Photos of Meras crime scene – shell casings	2/13/1978 Sarment report	FSO	Show that gun used in Meras was a .22 caliber	Establish that gun in evidence was not the murder weapon or gun used in robbery or kidnapping; establish lack of reliability of prosecution theory; establishing investigatory misconduct or incompetence.
7	Photos of Hays Ave. – scene of Meras crime	5/5/78 Spradling Request for Evidence Examination	FSO	Show the layout of the crime scene	Could be used to challenge Meras’s narrative that he was robbed and shot at.
8	Photos of Meras cartridge cases recovered	2/13/1978 Sarment report	FSO	Show that gun used in Meras was a .22 caliber	Establish that gun in evidence was not the murder weapon or gun used in robbery or kidnapping; establish lack of reliability of prosecution theory; establishing

TABLE OF MISSING EVIDENCE– STANKEWITZ HABEAS

					investigatory misconduct or incompetence.
9	Photos of .25 test fires	Boudreau testimony 2d trial CT p 161, line 1 and line 15	FSO	Shows misconduct of prosecution in losing evidence.	
10	Bullet which killed the victim	Boudreau testimony CT p 160, line 12 – 13; Ardaiz 4-2020 interview	FSO	Demonstrate a ballistic profile of the weapon that actually killed Graybeal and the distance at which she was shot.	Establish that gun in evidence was not the murder weapon or gun used in robbery or kidnapping; establish lack of reliability of prosecution theory; establishing investigatory misconduct or incompetence; establish that Billy Brown’s testimony pertaining to the firearm and the distance, angle, and position of shooter, were all inconsistent with the slug that was located.
11	X-rays of victim	Evidence Property card dated 3-6-78	FSO	Determine what caliber of gun	Establish that gun in evidence was

TABLE OF MISSING EVIDENCE– STANKEWITZ HABEAS

				killed the victim .and trajectory of the slug	not the murder weapon or gun used in robbery or kidnapping; establish lack of reliability of prosecution theory; establishing investigatory misconduct or incompetence; establish that Billy Brown’s testimony pertaining to the firearm and the distance, angle, and position of shooter, were all inconsistent with the slug that was located.
12	Car seat pad blue per Property & Evidence Record dated 8-18-82 Officer: Property Clerk	Evidence Property Card	FSO	Existence of victim’s blood on interior vehicle contents	Used to impeach prosecution eye witness’s account of the shooting by demonstrating it happened in the car which would impeach Billy Brown.
13	Defendant’s Blood sample drawn 2/9/78	Police Reports by Satterberg	FSO	Determine if Petitioner was	Establish alibi and diminished capacity

TABLE OF MISSING EVIDENCE– STANKEWITZ HABEAS

				under the influence	
14	Defendant’s Blood sample drawn 3/4/78	Evidence Property Card	FSO	Existence of and level of narcotics in Petitioner’s system.	Used to support Petitioner’s alibi that he was ingesting drugs at a particular location at a particular time.
15	Square taken from Petitioner’s t- shirt to type blood	Evidence Property Card and Lean/Boudreau Evidence Examination report No. 271, Case No. 78-1809, dated 2-10-78, Boudreau	FSO		Testing for DNA, blood type of codefendants and victim
16	Menchaca, Lewis, Topping (Co-defendant’s) blood samples	Evidence Property Card and Lean/Boudreau Evidence Examination report	FSO	blood type	Comparison of blood on clothing of codefendants to blood of victim would show that victim’s blood was on co-defendants.
17	Victim’s Vial of Blood sample – listed on evidence property card	FCSD Request for Evidence Examination No. 271, Case No. 78-1809, dated 2-10-78, Lean	FSO	DNA	Comparison DNA testing of clothing of codefendants to blood of victim would show that victim’s blood was on co-defendants.

TABLE OF MISSING EVIDENCE– STANKEWITZ HABEAS

18	Victim’s Watch	Property Record card (Lean took the watch from Court after the Prelim for safekeeping, Prelim Exam @428); Court Evidence log	Unknown	Establish existence of recovered watch	Used to undermine Billy Brown’s account of the robbery
19	Marlin Lewis jacket - listed on evidence property card, mug photo of Lewis	Evidence property card, shown on mug shot in court evidence	FSO	Existence of victim’s blood	Would demonstrate that Billy Brown’s account was not accurate and that Marlin Lewis had close physical contact with victim at or near the time of the injury. This
20	Car photos showing Meras paycheck	Bonesteel report	FPD	Would show whether the paycheck was, or was not, in the car when recovered by police	A photo showing the paycheck was not in the car would support evidence that Petitioner was framed and would erode confidence in the prosecution narrative and demonstrate that police lied.
21	Fingerprint dusting results of items removed from the vehicle	Bonesteel testimony CT at 137, lines 8 – 9	FPD	Fingerprint existence.	would show that Petitioner did not handle any of the items in the car and

TABLE OF MISSING EVIDENCE– STANKEWITZ HABEAS

					his fingerprints were not on the murder weapon.
22	Exhibits 46 A – F of vehicle	Smith report dated 2-9-78; Smith 1 st trial testimony @3510	FSO	Show what the content of vehicle was at the time Officer Smith photographed it.	Photos showing that a gun was not in the car would undermine the credibility of the prosecution.
23	Court Exhibits 8P (with Billy’s markings @388-389), 8O (with markings by unknown @388), 8Q, 8R, 8S (Note: there are photos of Kmart provided in discovery in 8-2017 but they are not labeled, so we do not know which were introduced at second trial)	1 st trial Exhibit list, 2d trial Exhibit list, FCSD Req for Evidence Exam #910 dated 5-5-78; Smith, R testimony 1 st trial @3507 & 2d trial: 2d trial @263; Billy Brown 2d trial testimony @387 - 389	FCSC	Show Billy Brown’s actual location during the taking of the car.	Show that Billy Brown’s testimony was falsified and that he could not have seen the events described because he was 140’ away.
24	Negatives for all photos		FSO	Compare with photos developed of Kmart kidnapping location	Show whether photos were changed in any way.
25	Tape of Douglas Stankewitz 2/9/1978	Det. Snow 2/9/1978 Report; Garry Snow	FSO	Show that Petitioner, in fact,	Probative as to Petitioner’s insistence that he

TABLE OF MISSING EVIDENCE– STANKEWITZ HABEAS

	police interview with Det. Garry Snow	Declaration dated 2-20-2020		made a statement to police.	was not the shooter, that he stated he was not present when Graybeal was shot, that he told police the names of 8 people who could support his alibi. Petitioner’s statement could be used to undermine credibility of the prosecution.
26	Tape of Billy Brown’s police interview/statements: February 8/9, 1978	Garry Snow Declaration dated 2-20-2020	FSO	Billy Brown’s statements to police.	Provide recorded documentation of coercion and inconsistent statements which would undermine credibility of the prosecution’s only eye witness.
27	Tape of Marlin Lewis ‘confession’ per G Snow report dated 2/9/78; Tape of Marlin Lewis police interview 2/9/1978;	FPD Snow report dated 2-9-78 p. 7; (states given to Lean, FCSD) corroborated by co-defendant’s attorney’s billing statements: Smurr, Cox;	FSO	Proof of Marlin Lewis’s statements	This would demonstrate that Marlin Lewis was the person who shot Graybeal.

TABLE OF MISSING EVIDENCE– STANKEWITZ HABEAS

		Garry Snow Declaration dated 2-20-2020			
28	Tape of Marlin Lewis interview 2/11/1978 with Snow/Lean/Ardaiz	Interview Transcript refers to tape; Garry Snow Declaration 2-20-2020; Smurr Application for Order and Payment, dated 7/16/1979 p 2	FSO	Proof of Marlin Lewis's statements	This would demonstrate that Marlin Lewis was the person who shot Graybeal.
29	Tape of Christina Menchaca police interview 2/9/1978 Snow	FSO Transcript of Menchaca 2/9/78 interview, p 23 refers to "End of Side of Tape". FPD Snow report dated 2-9-78 p. 7 (states given to Lean, FCSD); Garry Snow Declaration dated 2-20-2020	FSO	Proof of Menchaca's statements	Evidence that Petitioner was not the shooter.
30	Tape of Christina Menchaca police interview 2/11/1978 Snow/Lean/Ardaiz	FSO Transcript of Menchaca 2/11/78 interview, p 52 refers to "End of Side Two of Tape One"	FSO	Proof of Menchaca's statements	Evidence that Petitioner was not the shooter.
31	Tape of Teena Topping police interview 2/9/1978 early am Snow	FPD Snow Report – Topping Interview, p 6 state "(End of Tape #1); Garry Snow Declaration dated 2-20-2020	FSO	Topping's statements to police	Evidence that Petitioner was not the shooter.

TABLE OF MISSING EVIDENCE– STANKEWITZ HABEAS

32	Tape of Teena Topping police interview 2/9/1978 1130 am Snow	Garry Snow Declaration dated 2-20-2020	FSO	Topping's statements to police	Evidence that Petitioner was not the shooter.
33	Tape of Teena Topping police interview Snow/Lean/Ardaiz) 2/11/1978	FSO Transcript of Topping 2/11/78 Interview, p 27 refers to "(end of side of tape)"; Garry Snow Declaration dated 2-20-2020	FSO	Topping's statements to police	Evidence that Petitioner was not the shooter.
34	Tape of Douglas Stankewitz police interview with Thomas Lean III, Lead Detective	Declaration of Jonah Lamb re Thomas Lean III	FSO	Petitioner's statement to police	Evidence that Petitioner was not the shooter and that he denied involvement, that he asserted he was elsewhere at the time of the incident, and that he provided 8 alibi witnesses to police.
35	Tape and report of Jesus Meras Interview 2-9-1978 with police	Meras first trial testimony RT @ 4339	FSO	Meras's statement to police.	Establish that Petitioner did not rob Meras. Establish that gun in evidence was not the murder weapon or gun used in robbery or kidnapping; establish lack of reliability of prosecution theory; establishing investigatory

TABLE OF MISSING EVIDENCE– STANKEWITZ HABEAS

					misconduct or incompetence.
36	Tape of Jesus Meras Interview 2-13-1978 Lean/Christensen/Ardaiz	Meras first trial testimony RT @ 4339	FSO		Establish that Petitioner did not rob Meras. Establish that gun in evidence was not the murder weapon or gun used in robbery or kidnapping; establish lack of reliability of prosecution theory; establishing investigatory misconduct or incompetence.
37	Photos of suspects shown to Jesus Meras on 2-13-1978	Meras first trial testimony RT @ 4339	FSO	Meras’s identity of potential suspects.	Establish that Petitioner did not rob Meras. Establish that gun in evidence was not the murder weapon or gun used in robbery or kidnapping; establish lack of reliability of prosecution theory; establishing investigatory misconduct or incompetence. Used to impeach Meras.

TABLE OF MISSING EVIDENCE– STANKEWITZ HABEAS

38	Recording of DA meeting with Billy Brown 4/14/1978		FCDA	Billy Brown’s statement to police.	Provide recorded documentation of coercion and inconsistent statements which would undermine credibility of the prosecution’s only eyewitness.
39	Notes of 6-8-1978 Discussions with Billy Brown during car drive from Fresno to Modesto and back with DDA Ardaiz, DA Investigator & FSO Sargeant Smith	Spradling Memo, dated 6-13-78 documenting trip to Modesto	FCDA	Billy Brown’s statements to police.	Provide recorded documentation of coercion and inconsistent statements which would undermine credibility of the prosecution’s only eye witness.
40	Tapes of DA interviews with Frank Richardson, Michael Hammett & Troy Jones	Richardson: DDA Ardaiz letter to Salvatore Sciandra, First Trial Attorney for Petitioner, dated May 1, 1978	FSO and FCDA	Petitioner’s statements to confidential informants and existence of cooperating.	Demonstrate that Petitioner denied shooting Graybeal to confidential informants and that e of these existence of informants was withheld from Petitioner’s counsel which would have been used to

TABLE OF MISSING EVIDENCE– STANKEWITZ HABEAS

					undermine confidence in the prosecution.
41	Tape of 6/7/1983 DA Robinson prison interview with Marlin Lewis	DA Investigator Martin report dated 6/8/1983	FCDA	Marlin Lewis's statement.	Show that Marlin Lewis made statements admitting guilt.
42	Marlin Lewis probation report statement	DA Investigator Martin report dated 6/8/1983	FCDA	Marlin Lewis's statement to probation.	Show what Marlin said about the Graybeal murder, kidnapping and robbery.
43	Letter written by Marlin Lewis	DA Investigator Martin report dated 6/8/1983	FCDA	Third party guilt: Marlin Lewis, codefendant	Show what Marlin said about the Graybeal murder, kidnapping and robbery.
44	Notes of DA meetings with Billy Brown and Jesus Meras	9/20/1993 Billy Brown defense interview and recantation declaration	FCDA	Billy Brown's statements and police observations.	Used to determine a Brady violation against Petitioner, used to provide impeachment information against Billy Brown.
45	Written notes taken during Billy Brown 2/11/1978 interview with Ardaiz, Lean & Christensen	audible on 2/11/78 interview tape	FCDA; FSO	Billy Brown's statements and police observations.	Used to determine a Brady violation against Petitioner, used to provide impeachment

TABLE OF MISSING EVIDENCE– STANKEWITZ HABEAS

					information against Billy Brown.
46	All DA file notes 1978 - 2012		FCDA	Existence of witnesses and evidence.	Used to show discovery violations and existence of exculpatory evidence.
47	Notes regarding meetings with attorney for Frank Richardson, Eugene Gomes	Defense attorney Eugene Gomes billing records	FCDA	Petitioner’s statements to confidential informants and existence of cooperating.	Demonstrate that Petitioner denied shooting Graybeal to confidential informants and that the of these existence of informants was withheld from Petitioner’s counsel which would have been used to undermine confidence in the prosecution.
48	DA’s Jury notes – 1 st and 2nd trial		FCDA	prosecution’s thoughts and impressions re jurors	Demonstrate prosecutor’s intention to eliminate people of color and show that Petitioner did not receive a fair trial.

TABLE OF MISSING EVIDENCE– STANKEWITZ HABEAS

49	DA Investigator reports 1978 – 2012		FCDA	Existence of exculpatory evidence.	Demonstrate that Petitioner was not Graybeals’s killer and undermine confidence in the prosecution.
50	List of Evidence and Notes prepared by John Ciaccio, DA Investigator	DDA Pebet Court transcript	FCDA	Confirm what evidence the DA and law enforcement have	Demonstrate improper chain of custody and evidence tampering.
51	Entire DA File 78-1060	Various law enforcement and DA reports	FCDA	See generally, all evidentiary issues raised in this document.	The documents in the file would have shed light on exculpatory material not turned over to defense counsel and likely would have contained information which would have been exculpatory.
52	DA files for Billy Brown, Teena Topping, Marlin Lewis & Christina Menchaca, including plea agreements, notes and probation reports, including Marlin Lewis’s probation report	6/8/1983 DA Investigator Martin-DDA Robinson report)	FCDA	See generally, all evidentiary issues raised in this document.	The documents in the file would have shed light on exculpatory material not turned over to defense counsel and likely would have contained

TABLE OF MISSING EVIDENCE– STANKEWITZ HABEAS

	including his statement made prior to sentencing				information which would have been exculpatory.
53	Field Interrogation Card regarding Menchaca, prepared by either Officer Mora or Webb on evening of 2-8-78	(Prelim Exam p 404)	FPD	Documents information about what Menchaca told the officers on the night of the murder	Could implicate Menchaca in the murder.
54	DNA testing of evidence – who requested it, when requested, results	(mentioned by Cameron Pishione, Fresno Court Clerk, on 8/23/2017, when defense viewed Court evidence)	FSO; FCDA	Existence of DNA on co-defendants clothing and lack of on Petitioner’s clothing.	Would undermine prosecution’s narrative that Petitioner involved in the murder of Graybeal.
55	Jury questionnaires – 2d trial	Court records – not available per letter dated 5/15/2020		Ethnicities of jurors and rationale for removing particular jurors.	Used to support Batson-Wheeler claim.

**DECLARATION OF INVESTIGATOR THOMAS EDMONDS
JANUARY 31, 2020**

I, THOMAS EDMONDS, hereby declare;

1. I am a California licensed private investigator, P.I. Lic. #28609.
2. I am currently retained by Attorney Alexandra Cock to assist with investigation in People of the State of California v. Douglas Ray "Chief" Stankowitz, Fresno County Superior Court Criminal Case No. CF78227015
3. At the instruction of Attorney Cock, I ran a California Department of Motor Vehicles, vehicle registration check, on Vehicle Identification Number 1F91H558040. The record check was submitted on November 22, 2019 at 1:08 p.m., through Logan Registration Service Inc., which provides restricted DMV access for licensed private investigators. The Edmonds Investigations reference number for this record check is recorded as EI190426.
4. The registration return by Logan Registration Service was received by Thomas Edmonds/Edmonds Investigations on November 22, 2019 at 1:08 p.m. The DMV check indicates that VIN Number 1F91H558040 is not listed on file with the California Department of Motor Vehicles.
5. Hardcopy printouts of the Logan Registration Report received was downloaded from the Logan Registration Service secured Internet site, to my secured Edmonds Investigations computer. One was delivered to Attorney Cock and the other is retained by my office.



THOMAS EDMONDS
licensed investigator

Vehicle Registration Report

Provided by Logan Registration Service, Inc.

DATE SENT: 11/22/2019 13:08

DATE RECEIVED: 11/22/2019 13:08

TRANSACTION TYPE: 2

ISSUED BY: TAE

PURPOSE: Miscellaneous/Other **REFERENCE NUMBER:** EI190426

FILE CODE: V

VIN 1F91H558040

VIN RECORD NOT ON FILE.

FRESNO COUNTY SHERIFF'S DEPARTMENT
Fresno, California

69. CASE NO.

78-1809
78-39-26

FPD No. 78-5819

DATE 2-9-78

-1-

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

On Thursday, 2-9-78, at approximately 0137 hours, RO was dispatched to Vine and Tenth Streets to contact Fresno Police Officers in regards to a homicide.

Upon arrival at approximately 0139 hours, RO made the following observations:

A white female, approximately 20 years old, was stretched out upon her back on the southeast corner of Tenth and Vine Streets. The victim, unknown name as of RO's arrival, was clad in a grey coat, blue sweater (turtle necked with light colored pattern just above the waist), blue jeans, light brown earth shoes and a light brown leather purse.

The victim's position was raised and off the paved roadway with her head pointed slightly to the northeast, approximately 6 1/2' onto the grassy portion of the dirt siding. Her feet, both turned outwardly, were approximately (1) one foot off the paved roadway and were also in a north-eastern direction (as RO looked from the paved roadway).

RO also noted that the victim was deceased apparently from a single shot to victim's right ear area.

RO did not approach or touch the victim's person.

RO noted that the following Fresno Police Department and Fresno Sheriff Officers were at the scene during the investigation which was turned over to Det. McDANIELS from Fresno Sheriff's Office.

REPORTING OFFICERS G. Elliott	RECORDING OFFICER Same	TYPED BY rvk	DATE AND TIME 2-10-78 0916	ROUTED BY
FURTHER ACTION <input type="checkbox"/> YES <input type="checkbox"/> NO	COPIES TO <input type="checkbox"/> DETECTIVE <input type="checkbox"/> JUVENILE <input type="checkbox"/> DIST. ATTNY <input type="checkbox"/> SO./P.D.	<input type="checkbox"/> CII <input type="checkbox"/> PATROL <input checked="" type="checkbox"/> FPD <input type="checkbox"/> OTHER	Sheriff's Department on 2-10-78 for the official use of: Name: <i>das office</i> REVIEWED BY: <i>Magarian</i> and not to be revealed to any unauthorized persons DATE: 2-9-78	

FRESNO COUNTY SHERIFF'S DEPARTMENT
Fresno, California

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

-2-

DATE _____

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

1. Det. SNOW, not present upon RO's arrival, FPD
2. Det. BROWN, FPD
3. R. H. RODRIGUEZ, FPD, #342
4. J. CALLAHAN, FPD, #386
5. Sgt. R. DOWNS, FPD
6. Sgt. T. GATTIE, FSO
7. S. MORRISON, FSO
8. B. PREHEIM, FSO, I.B.
9. J. DUTY, FSO, I.B.
10. W. FLAHERTY, Coroner, FSO
11. Det. W. McDANIELS, FSO
12. G. ELLIOTT, FSO
13. Personnel from Madison Service: A Mr. DAVE ROPER

RO then spoke with Det. BROWN from Fresno Police Department for further briefing. Det. BROWN stated that he and Det. SNOW had been questioning suspects of a PC 207 from Modesto (Modesto #78-06706) concerning the whereabouts of a THERESA GREYBEAL, the possibly victim of a kidnap. Det. BROWN developed information that the victim had been shot and left in the Calwa area (See FPD #78-5819 for details) and he and Det. SNOW, along with one of the suspects went to Calwa to investigate.

REPORTING OFFICERS G. Elliott	RECORDING OFFICER Same	TYPED BY vk	DATE AND TIME 2-10-78 0930	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 <input type="checkbox"/> OTHER	REVIEWED BY 77	DATE

FRESNO COUNTY SHERIFF'S DEPARTMENT
Fresno, California

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

-3-

DATE _____

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

Det. BROWN further related that Det. SNOW found the victim at Tenth and Vine and noted that was deceased at approximately 0123 hours.

Det. BROWN further brought to RO's visual attention that an unsmoked cigarette was on the ground next to the victim's right arm. Also that a spent .22 or .25 caliber casing was in the roadway on Tenth just south of Vine. (See I. Bureau report for exact measurements.)

Deputy MORRISON then was assigned to canvass the neighborhood and make special vehicle notations (see Deputy S. MORRISON'S report) via Sgt. GATTIE

Det. McDANIELS then investigated the crime scene while I. Bureau Deputy PREHEIM and Deputy J. DUTY processed for evidence value.

At approximately 3:37 AM, this date, Coroner FLAHERTY and Madison Service removed the victim's remains and went to Valley Medical Center for further investigation. At that time RO was advised that the victim's purse contained identification for THERESA GREYBEAL.

See FPD case #78-5819.

See Modesto case #78-06706.

See I. Bureau/Detective's reports #78-39-26, 78-1809.

See Deputy MORRISON'S follow up #78-39-26.

REPORTING OFFICERS G. Elliott		RECORDING OFFICER Same	TYPED BY vk	DATE AND TIME 2-10-78 0945	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 <input type="checkbox"/> OTHER	REVIEWED BY 78		DATE

TRANSCRIPT OF RECORDED CONVERSATION
BETWEEN JONAH LAMB AND JAMES ARDAIZ.
(Dead air on recording from 0:00. Tape begins at 1:32.)

[Inaudible]

ARDAIZ: And who are you working for [inaudible]?

LAMB: I'm working for Vendor Investigative Services. I'm going to give you my – wait a sec – I don't have it in front of me. Give you the, um, PI number. I can sign it so you can look it up.

ARDAIZ: Who are the attorneys? Who are the attorneys?

LAMB: The attorneys are Curtis Briggs and Alexandra Cock. And they're both out of the Bay area. She's in San Rafael and he's in San Francisco.

ARDAIZ: Alexandra . . . can you spell the last –

LAMB: C-O-C-K.

ARDAIZ: Alright.

LAMB: Uh, yeah, is there any other questions for me? I'm happy to answer whatever I can.

ARDAIZ: Uh, well if you can, I mean I've been trying to figure out what exactly is it that you want to ask me about. What specific- what is the specific concern that you want to ask me about?

LAMB: I have a list of questions that the attorneys gave me and I'd like to ask you those questions and they're all about the handling of the case, basically. And so I'd like to start out by asking you just about generally when you got involved in the case and then move through those questions and have them in front of me and I would just ask them. And say, hey-

ARDAIZ: And what is the purpose of this?

LAMB: This is involved in the Habeas matter of Stankewitz and their hopes to –

ARDAIZ: Is there a pending Habeas petition?

LAMB: I'm sorry?

ARDAIZ: Is there a pending Habeas petition?

LAMB: I believe so, yes.

ARDAIZ: And what's the contention in the Habeas?

LAMB: I believe the contention is that the, the case, the, the investigation and, uh, the trial were, you know, unfair. I, uh, either there was exculpatory evidence that wasn't introduced, um, and the like, and I can kind of – the questions pertain to a lot of that.

ARDAIZ: Evidence that wasn't introduced by me or by somebody else?

LAMB: Uh, again, the kind of, the questions we don't really necessarily know and I haven't read the Habeas, um. I'm just, uh, I'm just bringing the questions that I have here. Um, you know I'd be happy to get more detailed information for you.

ARDAIZ: Well, okay, uh let's just start and I'll, maybe I'll understand what the, what the point is. Are you recording now?

LAMB: I am recording, yes. I've been recording after you said okay, I started recording.

ARDAIZ: No, it's fine. I, I acknowledge I told you you could record if you wanted to. Go ahead.

LAMB: It's Saturday, March 14, 2020. This is a telephone interview with James Ardaiz who is in Fresno, I believe, at this point?

ARDAIZ: Yes, that's correct.

LAMB: So, the beginning, the first question is do you remember in the Douglas Stankewitz case when you initially got involved.

ARDAIZ: Um, well you have to bear in mind that this was 40 years ago. Um, I, I, my memory of my involvement when I was assigned the case, uh, I think it was several days after the homicide of Theresa Greybeal, if I recall correctly. Um, and, uh, I was briefed on the case, uh, by the detectives and, um, uh, I met with Theresa Greybeal's father. That's my first memory of the case. I was not, I did not go to the crime scene. I was not called out to the crime scene, uh, or did, I have no recollection of attending the autopsy of Ms. Greybeal.

LAMB: Do you remember the names of the detectives that you were briefed by?

ARDAIZ: Uh, uh, boy. Um, honestly, I don't. I mean, I can speculate, but that's all I could do. My investigator was Bill Martin and Bill, um, was uh, kind of my link to the Sheriff's office and the PD, so I don't remember, I remember that there were

detectives that were present, uh, during my interview with Mr. Greybeal, which was my first, first involvement.

LAMB: What, and then, ah, fair, fair enough. That was a long time ago. I was born in 1978, so it was a long time ago for me, too. So, do you remember, um, did you have, did you get involved with interviewing Mr. Stankewitz with those detectives at some point?

ARDAIZ: No. Not that I recall. I mean, you would, I, I'd have to check, I'd have to check to see if there's any police records, but, uh, I don't have any recollection of interviewing, uh, Mr. Stankewitz. Uh, my recollection is that he had been immediately, uh, or in close proximity, uh, represented by, uh, members of the personal public defender's office.

LAMB: Gotcha. Do you, do you remember having any interviews with any of the other co-defendants?

ARDAIZ: Uh, well, -

LAMB: - in the investigative phase, I guess.

ARDAIZ: - [inaudible], sure. I have not seen any of the documents. I, you know, things kind of blur together. Um, I, I have some vague recollection that I may have talked or attempted to talk to the co-participants other than Billy Brown. I did, I talked to Billy Brown, but I [inaudible] -

LAMB: So you did talk to Billy Brown.

ARDAIZ: Oh, yes. Uh huh.

LAMB: Um, and in terms of Billy Brown, specifically, do you recall, kind of, anything about Billy Brown, uh, in telling you about, uh, changing what he said in the prelim, um, -

ARDAIZ: I'm sorry, what, what sequence are we talking about? You're asking me about Billy Brown, initially or right after the homicide, or when?

LAMB: Oh, uh, initially first, but just since we're on the topic of Billy Brown, I figure I'd just stay with that, so, initially, let's just say, initially, you said you talked to Billy Brown, and then subsequently spoke with him, as well?

ARDAIZ: Well, I spoke to him many times. He was one of the principal witnesses.

LAMB: Do you remember anything about him changing what he said in the prelim?

ARDAIZ: Changing what he said in the prelim. To what?

LAMB: Did he ever tell you he had lied in the prelim? Or spoke, uh, or told a story that didn't occur?

ARDAIZ: No. No, he, he, you know. I, I, my memory of him is that, uh, the, I mean, well, let me ask you a question, Mr. Lamb. Did you ever talk to a criminal defendant in an interrogation?

LAMB: Yes. I mean, I have, I have, I've talked to many of them.

ARDAIZ: In an, in an interrogation?

LAMB: Uh, I've never interrogated a criminal defendant.

ARDAIZ: Well, let me explain to you that it is an evolutionary process in terms of the story that you get. So, you know, it, it is very uncommon to have anybody tell you everything at the beginning, uh, so, a lot of times, as stories evolve, they, and by evolve I simply mean that over time you get more and more and more –

LAMB: Got it.

ARDAIZ: - and so, uh, you know, I can't say that Billy Brown didn't give a more defined story as we went along, uh, because we asked a lot more questions, uh. You know, we were dealing with a, with a, with a juvenile. And, uh -

LAMB: Yeah. He was 14, I think.

ARDAIZ: He was 14 years old, and he was, uh, you know he'd been through pretty traumatic experience, um, so um, you know, his basic explanation of what happened was pretty much the same from the beginning to the end.

LAMB: Gotcha. Um, do you remember, um, uh, I'm sorry, I think you said you did not interview Stankewitz ever. Or did you just not –

ARDAIZ: My recollection, my recollection is if I did, he didn't talk, but I don't believe that I did. He may have been questioned by detectives, uh, but I don't have any recollection of attempting to question Mr. Stankewitz.

LAMB: Do you, that thing –

ARDAIZ: I, I have talked to Douglas Stankewitz. But, and, uh, but not in the context of an interrogation.

LAMB: Do you remember, um, I guess at some point, either hearing an audio tape of his interrogations or reading a report of his interrogations in which he denied the crime?

ARDAIZ: I may have, I can't recall.

LAMB: I, did you, was it your sense in the case just ongoing through the case and the trial that he was, you know, had denied that he, I mean obviously he pled a certain way but, do you remember that being the case and would that have –

ARDAIZ: I'm sorry, I, eh, I mean when you say, I, I'm not sure if I understand. I'm not trying to be obtuse or, I don't understand. I, I I understood that, uh, basically, uh, he was not cooperative. I don't recall that he said he did-, I don't recall, that he made a statement in interrogation. Unless you have some police reports that you, that indicate that I participated in that, do you?

LAMB: No, I don't think we have any, actually, I don't, my understanding it might be, only partials, we don't have any indication, we don't have any of those interviews. I think there's indications they occurred but we don't have them in evidence.

ARDAIZ: I mean, you know, Stankewitz might be a lot of things, but he's not stupid. And he'd been through the system. And, uh, I, I, I believe he was very quickly represented. At that time, the public defender's office was extremely aggressive in major cases. Immediately when we brought in suspects in major cases, they seemed to be aware of it and they would immediately show up at the door. Um, so, which from a law enforcement standpoint is frustrating. But –

LAMB: Yeah, I'm sure.

ARDAIZ: - but, I don't, I, I just simply have no memory of talking to Stankewitz at the time or in close proximity to the arrest.

LAMB: Gotcha. Let's move on to the Meras aspect of it. Can you just tell me kind of what your recollection of, of that crime was and when it happened and where it happened? [inaudible]

ARDAIZ: What, what crime are we talking -?

LAMB: Sorry, the Meras robbery.

ARDAIZ: I gotta tell ya, I don't have any memory of that at all. You know, uh, when this, when this, I mean, one of the reasons that I got agitated yesterday was because there was some discussion in the press about this, you know, statements made by, apparently by Mr. Serup [sp?]. I, I don't have any particular recollection of that aspect of the case because it, it related to aggravating factors in the penalty. I

remember very specifically, um, the incident involving the robbery, uh and carjacking of the elderly man out near [inaudible: sounds like "cohouse"]. I interviewed him, uh, and the officers involved. Um, I remember, um, uh, I'm trying to remember the other aggravating factors.

LAMB: Um, I think, uh that maybe I can, the, the, the, what I know is that it involved, uh, uh, like a robbery and attempted murder because there was allegedly shots fired, and this is all, this occurred allegedly I think before possibly the Greybeal kidnapping.

ARDAIZ: Uh, I couldn't answer that question. I don't remember. I honestly don't. I'd have to look at police reports and I'd have to look at the trial transcripts. Um, my memory, and you need to correct me if I'm wrong, but my memory is that Theresa Greybeal was killed with a .32 caliber, uh, weapon. Is that correct?

LAMB: I believe it's a .25 caliber.

ARDAIZ: Okay, .25 caliber weapon. I remember it was small caliber. I'm sorry, I can't –

LAMB: And the reason I ask the questions the Meras aspect comes up just because, uh, you, you had argued that the Meras casings came from the murder weapon, i.e. that the same weapon that was used at that robbery as –

ARDAIZ: Well, okay, I'll take your word for it. Hah, I don't remember. Um, but, um, I don't believe that we had the murder weapon. I know that we had, we had a slug that was used, that killed Theresa Greybeal. But, um, I'm trying to remember if we had the gun [inaudible] –

LAMB: According to all the evidence that we have, you, you did have the gun and recovered shell casings from the Greybeal shooting, as well as the, um, robbery, uh, [inaudible].

ARDAIZ: Okay. Alright. Okay, I'll take your word for it. I mean I'm –

LAMB: Yeah, I'm just bringing it up, hopefully, it will come to your memory.

ARDAIZ: - I hate to admit it, but I've tried a lot of cases, and although that was a huge case, it was 40 years ago.

LAMB: I know, hey I get it. I'm just, I'm just going to bring up the stuff that I know and hopefully jog memory.

ARDAIZ: Well, I mean, your helping, your helping me a little bit with my memory but, um, I probably, you know, if that's what I argued, that's what I argued. It would have been the most logical based upon the testimony. Uh, I'm assuming that, is that,

and I, again, I really don't remember this. I'm just assuming that Brown testified. I can't even remember if Billy Brown testified that he was present at that shooting. Uh, what I, uh I don't recall if we had, if, whether casings recovered at the scene that were the same as the casings recovered at the Greybeal shooting.

LAMB: Do you have, according to what I know is that there were case recovered from both scenes and they were compared. Right [inaudible] –

ARDAIZ: Uh, that may be. If they were compared, uh, that would have been done by our forensic investigators and there would have been reports with respect to that, and they would have either been consistent based upon the extractor marks and, uh, firing pin impressions, uh, or they wouldn't have been.

LAMB: Yeah, I think in this case there was .22 caliber casings found at the scene of the robbery and .25 caliber casings found at the Greybeal murder scene.

ARDAIZ: Okay. That, that, that may be. But, um –

LAMB: But if you don't remember, you don't remember. So-

ARDAIZ: I, I honestly don't remember, but all of that would have been gathered and examined. I mean there had to be, –

LAMB: Um, -

ARDAIZ: Hey there had to be a basis that I argued that, that the gun that was used was the same. I mean it may have been an inference from testimony or other things. I, I don't recall.

LAMB: And Meras again, you don't, since you don't remember, or don't recollect the, that aspect of the case, you don't remember him as an individual either.

ARDAIZ: No. I don't have any memory of it. I mean, you know, I started, I started, when this thing came up again, um, I honestly couldn't remember all of that. And I, I, you know, I've asked. I just remember it was a small caliber weapon.

LAMB: Gotcha. Um, [inaudible] moving on to, um, let me see here, um, did you ever ask a cellmate of Stankewitz to get him to confess? I.e. get the cellmate to get Stankewitz to confess? Do you remember that?

ARDAIZ: Do I remember that? No. I don't remember ever using a jailhouse snitch, um, attempting to get him to confess, um. First of all, that would have been a messiah violation, um. He was represented, uh, and I have always tried to be very meticulous about things like that. So, uh, I would simply not have asked anybody to attempt to solicit or elicit a confession from Mr. Stankewitz.

LAMB: Obviously, I'm not a lawyer, so I'm unaware of those [inaudible] rules.

ARDAIZ: Well, um, uh, you mean you don't know what, you're telling me you don't know what a messiah violation is?

LAMB: I've not heard of that term before, but you know, I'm not a lawyer.

ARDAIZ: Well, it simply means that when a person is represented by counsel, attempting to circumvent, uh, they're, uh, -

LAMB: Right to have counsel present?

ARDAIZ: - the right to have counsel present is improper, uh, you know. It's not uncommon that people in jailhouses come to law enforcement and say, you know, so and so told me that -

LAMB: Told me, yeah, yeah -

ARDAIZ: - and, and want to deal, but no I never, as you framed the question, no I never did that.

LAMB: And other than, uh, um. So moving on from the cellmate aspects of the case, did you ever compare blood samples from Stankewitz to, um, um, co-defendants on the victim's closing, clothing to see if they, they matched?

ARDAIZ: Can you repeat that question for me, please?

LAMB: Like testing blood on Stankewitz's clothes, um, to see if they matched, um, blood from, uh, from the scene and testing any blood that were on the co-defendants' clothes -

ARDAIZ: If, if, if that was done, um, I don't remember, but I would say that normal procedure is if there was blood on Stankewitz's clothing, um, that it would have been tested as and against Greybeal's clothes for back-splatter, uh, to see if there were common, um, aspects but I don't have a recollection of it.

LAMB: And in terms of just evidence in general, including tapes of interviews and other things, is it your assertion that you never withheld anything, you gave everything to the defense that they were, had the right to have, and no evidence went missing in terms of anything that would be exculpatory or helpful to the defense?

ARDAIZ: [Laughing] Well, there's a lot of inuendo and implication in what you're asking, but let me put it to you this way, Sal Chandra [sp?] was Mr. Stankewitz's defense attorney. Sal Chandra was one of the, in his, uh, as far as I'm concerned at the

time, he was the best criminal defense attorney around. And I had tried cases against Mr. Chandra and he in a, he was what I'd call, he's an extremely, uh, ethical and an extremely, uh, vigorous and aggressive defense attorney and he was a difficult defense attorney to go up against because he left no stone unturned. When you tried a case against Sal, he made you work for it. Um, he, uh, was, he recognized the responsibility he had with respect to Stankewitz at the time. There was, you know like I said, I think it was the seventh case tried in California with the death penalty. And so he, he was extremely diligent, number one. Number two, uh, we had a friendly relationship. We were not social friends, but in the community that existed at the time, um, the community of people who handled criminal, uh, matters, um, was not that large, both prosecutor and defense, so, uh, I saw Sal all the time. Um, and, uh, I, you know, he came to me and we had a very informal relationship. But given the nature of the case, um, everything that I had with the exception of my work product, uh, trial notes and that type of thing,

LAMB: Mm, hmm.

ARDAIZ: - he was given access to. He was given access to all physical evidence, uh, under the supervision of an investigator. Um, there was, I mean he, he, whatever I had he got unless it was something I personally had, uh, developed as part of my work product, my strategy or my personal notes, Sal got it. He got all of the police reports. Um, my recollection is that he was allowed to go through our reports, uh, and our case file, um, which was unusual, and uh, and the only thing that had been removed from it would've been, uh, things with my notes and that type of thing. Uh, I, he was allowed access to all forensic reports. Um, and um, at that time, um, there was, you know, the investigative bureau, um, primarily consisted of Alan Budreau, who was the forensic criminalist.

LAMB: Mm, hmm, mm hmm.

ARDAIZ: Um, and uh, -

LAMB: [inaudible]

ARDAIZ: - the rest of the people were, uh, basically what I would call crime scene investigators, but, you know, we're talking about a time whenever, when you compared fingerprints, you didn't run it through a computer, you had a person down there that would flip through print cards. So, uh, you know, it isn't like you saw it on television. There was no DNA sampling or anything like that. I'm not saying that, you know for the time, it was, you know, it was state of the art. But the state of the art is completely different nowadays.

LAMB: No doubt. Couple more questions and then that should be, that should be all. The specific question about something slightly different. Do you know who prosecuted Jane Henderson?

ARDAIZ: Who?

LAMB: Jane Henderson. Uh, no, no [inaudible] –

ARDAIZ: Who is Jane Henderson?

LAMB: You know, I don't know. It's a question they asked me to ask. If I knew I'd be able to tell you more. So –

ARDAIZ: Well, -

LAMB: - the questionnaire [inaudible].

ARDAIZ: The only answer I got is who? I, I, you know, you'd have to tell me who that was and, but the name is meaningless to me.

LAMB: Um, do you know anything about Inspector Spradling giving Billy Brown –

ARDAIZ: Oh, [inaudible] Spradling?

LAMB: - yeah, giving Billy Brown any alcohol?

ARDAIZ: Jim Spradling, well, first of all, Jim Spradling was an investigator at the DA's office. Um, as far as, I mean, I think Jim is still alive, I'm not sure. Um, most of the people that were involved in this case are dead. Um, the, uh, well, the simple answer to your question is no. I don't know anything about that, but I would not believe that that is true, unless you showed me something specific. Uh, Jim was an experienced investigator and, uh, I, I don't believe that. But I don't know anything about that. No.

LAMB: In terms of the autopsy report, it was admitted into evidence, is that correct?

ARDAIZ: I don't recall.

LAMB: Um, -

ARDAIZ: - I don't know why an autopsy report would have been admitted into evidence. Normally –

LAMB: Is that not usually the process? I'm [inaudible]

ARDAIZ: Yeah, well, normally it's, it's, A, it's hearsay. B, uh, usually it would be a three-fifty-two, uh, objection, uh, meaning the objection that it was prejudicial, um, uh, and I suspect, I suspect that the autopsy physician was probably, uh, T.C. Nelson, Thomas Clint Nelson. Uh, he did most of the post back then. Um, and uh, so Nelson would have testified. But you have to refresh my recollection, but he wouldn't, I would not have introduced his, the autopsy report unless there was a question about inconsistency in the report. But the report itself, no, I wouldn't have tried to introduce that.

LAMB: And the reason I ask the question is that pertains to, uh, the trajectory of the, of the shot, um, and having to do with the height of the victim and the height of the alleged shooter, and you know, where they were standing, vis a vis, each other during the incident. Cause I think there was some testimony that was –

ARDAIZ: [inaudible] – I'm sorry, finish your question. I, I [inaudible] where you're going.

LAMB: Yeah, so the testimony, I think, on the stand, um, was initially that the, um, uh, the victim or the shooter, and their arm were one height and then it was changed when it, when it was clear that, um, that was not the case. I don't know how much it was changed. I don't think it was a great deal. But, do you remember any of that? Can you [inaudible]?

ARDAIZ: Uh, well, I don't know what you're talking about in terms of changed. I don't have any recollection of anything like that. But, I can say that from an evidentiary standpoint, uh, that if, if an autopsy report was introduced under those circumstances, it would be either introduced to show a prior consistent statement by the pathologist, uh, to assist in assessing his credibility, um, or alternatively, it would have been introduced by the defense to impeach him, but I just don't remember that.

LAMB: Let's see here. I think, I think I don't have any other questions, unless there's anything you want to add. Um, I don't want to take any more of your time. I know you're a busy man.

ARDAIZ: Unfortunately, I'm incredibly busy. You called me at a time when I'm hard pressed for time. But, um, you know, the, I am aware that, um, the, there were allegations made years later about Billy Brown, uh, changing his story. Uh, I'm aware that there was the, uh, additional, uh, co-participants, um, uh, and perhaps you can refresh my recollection. The other male, um, for some reason his name is escaping me, um, do you have that in front of you?

LAMB: You know, I know exactly who you're speaking to and it's escaping me as well. The other co-defendant who was a male. I think I can get that while you, while you think. But yeah, there was another, he was an adult male as well.

ARDAIZ: Yeah, it was an adult male. And then there was Tina Topping and that name, for some reason, stays with me. Um, but within the context of the people that were in the car, um, I remember that the obvious, uh, argument that, uh, somebody else pulled the trigger besides Stankewitz, uh, -

LAMB: Marlo, Marlin Lewis.

ARDAIZ: Thank you. Marlin Lewis. Yes, Marlin Lewis. I've dealt with a lot of murderers in my time. Um, and I've handled, quite frankly, hundreds of murder cases, uh, as a, as a prosecutor. I won't even tell you how many I've handled as a judge. I have no idea. But, you get a sense of people. Um, and Marlin Lewis was sheep. Uh, the only alpha male in that group was Doug Stankewitz. And he was, you know, um, at the time, you don't see, you don't see many premeditated murders. Many people think that that happens all the time. It doesn't. It is very uncommon. And the type of person that commits premeditated murder is a very unusual person. Uh, and I have seen it a number of times, actual premeditated murders, but I have always said that, um, if you have a hundred murder cases, you might see one, maybe two, that are premeditated, but that's it. Uh, cause it just takes an unusual kind of person to do that. And, uh, my, my impression of Marlin Lewis, and it never changed, was that he was basically a passive, uh, non-violent individual. Um, the, the only person there that ever exhibited consistently the kind of traits of violence that, um, would have resulted in the murder of Theresa Greybeal was Stankewitz. And he was consistent in that. I mean, you know, and when you consider his family background, um, and to a certain extent it was understandable, why he was so violent.

LAMB: What do you mean, his family background?

ARDAIZ: Well, um, Doug Stankewitz was one of, I can't remember if it was ten children, um, his, in some respects, what happened to him was almost preordained. Um, I prosecuted his brother for murder, uh, and uh, handled the, his brother, uh, killed a man, uh, committed an attempted murder on a police officer. Two police officers, actually, um, and uh, his other brother participated in that. His half-brother. His mother, I believe, was married or was involved in three relationships producing children. His father, Doug Stankewitz's father, Sonny Stankewitz, was an armed robber. Um, and, uh, Doug came from an extremely violent, deprived background. He did. Uh, his uh, his mother, if I recall correctly, killed, I can't remember if it was her second husband, but um, um, as a judge, I sentenced at least two of his siblings, or three, when I was on the Superior Court. Um, obviously for matters unrelated, but all involving violence. Um, the, you know, he, he, he had a very, very poor background, um, and uh, it was predictable that he would be, uh, you know, he would be a person that was disposed to violence in order to solve whatever thing he was confronted with. Um, the uh, and I have no question in my mind. I mean, I've dealt with a lot of dangerous people in my life. Um, but I will tell you that Doug Stankewitz, in my opinion, is a complete

sociopath. And I've seen very few, but I think he is one. Uh, and I think he, um, he can sit down and talk to you, and in some respects you might find him to be, at least congenial, but if you were in his way, and he had to kill you to move you out of his way, he wouldn't hesitate a moment. And I think that anybody that doesn't understand that is, is foolish. The, he was one of the most dangerous people I ever saw, not because he was incredibly smart, but because he was so, um, oblivious to the morality of violence. So, I mean, it may be the way he was raised, it may be what he grew up. I don't know. But all I can say is, is that I remember the man that he stomped as a 15 – 16 year old. And I remember that, uh, when I did the investigation of that, in putting together the aggravating factors, I can remember that the man's, he was a white-haired, elderly man, who went out to help them after they asked, and the hairs of his head, from his head, were still imbedded in the [inaudible] soles of Stankewitz's boot whenever he was arrested. And, uh, I mean, it was a senseless, unbelievably vicious and violent attack. Um, he's just a dangerous man. And, uh, the, you know, you see people like that and they often surround themselves with followers. Sheep who, who create their own sense of identity by who the leader is. And, uh, Marlin Lewis was a sheep. I mean, he literally, there's nothing intimidating about him. And, uh, there was nothing in his background to indicate that he was in any way violent. I mean, if you got near him, you and, and, and he sensed that you were an authority figure, you could see him, uh, shrink. Now if you [inaudible] –

LAMB: And this, and this was in conjunction with kind of these, these theories that he was the shooter? This is –

ARDAIZ: Well, I mean I've heard, I've heard –

LAMB: - what you're speaking to a little bit?

ARDAIZ: - I've heard people say that, that you know, that he was the shooter and I always just thought, now, you know, he, he didn't have the balls to be a shooter. I mean, I don't mean to be crude about it, but you know, it, it takes a certain kind of person to do that. And to kill a woman? Um, it takes a certain kind of person to do that, and to kill a woman deliberately? In cold blood? You, you gotta be a wolf. And, uh, you know, this was a, a, uh, this was an execution killing. And uh, it, it, to do that, you've gotta be one cold person. I've seen, you know, I've seen, I've seen a number of execution-style murders and it just takes a certain kind of person to do it. And, uh, I never had any question in my mind that Doug Stankewitz pulled that trigger. Um, the uh, when we arrested him, when he escaped during trial, um, I was one of the individuals on scene when he, when we picked him up, um, and um, I can remember, um, I can remember that he was, when he was taken down, um, he was on the ground, it was like, you know, cause he escaped during the trial.

LAMB: Mm hmm.

ARDAIZ: And uh, he was, uh, he was on the ground and his hands were cuffed behind his back, and he had an earing on, and uh, the detective there was Butch Hoy, and there was, there was a police dog there. Um, I think the dog's name was Duke. And that dog was snarling, which is what they're trained to do. And Butch had a shotgun right down, uh, very close to Stankewitz's head. And when I came around the corner, um, because we had nobody there. I mean, when he was, this may sound odd, but at the time that he was taken down, there were really only four of us on scene. I mean, it wasn't anticipated that we would have to do that.

LAMB: Mm.

ARDAIZ: And it really wasn't anticipated that I would be a participant in that. Um, but, uh, I remember because I, you know, because I was the head of homicide, I usually when I was out under circumstances like that, I was armed. And I remember –

LAMB: Yeah.

ARDAIZ: - there were very few times that I ever had a gun. I don't like guns, Mr. Lamb. So, uh, I don't, I don't, you know I carried a gun when I had to carry a gun. If I didn't have to carry a gun, I don't. And I don't. So, um, I can remember running around the corner when he came down, cause it all happened so fast. And, I can remember, um, the uh, seeing him on the cement. And I remember him looking up at me. And, I mean, everybody, the adrenaline was pumping. You could, I mean, you could smell everything and people the, people were yelling. Uh, typical scene like that. And um, he was absolutely calm. Absolutely calm. And he looked at me, and I'll never forget it as long as I live, he said, "James, it's good to see you." That's what he said. I, I, I honestly could not get over that he had no physical reaction to the situation. And, uh, you know, I've seen a lot of men arrested. And a few women, for murder, taken down under circumstances where you would have expected a lot of resistance. He was extremely, um, he was just extremely calm. I mean, -

LAMB: Yeah.

ARDAIZ: - there was agitation. I mean, it was weird. Uh, and when we got him in the car, um, Jim Hamilton was in the back seat. I still remember this. Jim Hamilton had a gun out. And he had a 9mm automatic out and he's in the back seat. And I can remember, cause Hamilton was a very, uh, straight-laced guy, and um, he was reading him his rights. And I said, "what are you doing?" And he said, "I'm reading him his rights." And I said, "I don't care if he has anything to say. I just want to, I just want to get him downtown."

LAMB: Yeah.

ARDAIZ: "And put that gun away." And I remember reaching across and saying, "gimme that gun." And he, he, he gave me his gun, cause I didn't want it in the backseat with Stankewitz. And, uh, he gave me his gun and, there was a Sheriff's captain [inaudible] Lieutenant Kenny Hogue that was driving, and so it was Hogue and me and Hamilton and Stankewitz in the back seat. And he talked to me the whole way down. He never said anything about the offense. The only thing he said to me was he wanted, uh, he wanted to know if I could defend him. And I said, "no." And he said, "well, if you could defend me, I wouldn't be in this mess." That's what he said. I remember that. And I remember telling him, "Doug, it wouldn't make any difference who defended you. You'd still be in this mess." And that was the sum total of our conversation -

LAMB: Yeah.

ARDAIZ: - with him. So, but he was just very calm, uh. The only time I ever saw Doug Stankewitz react to anything, anything physically was when he walked onto death row. That's the only time I ever saw him react, and I can, it's, it's the only time I have ever seen a man whose chest, whose heart was pumping so hard, you could see his shirt bounce. I remember that. Because you gotta remember, at this time, there were, there were only a few people on death row. And so, when he walked in there, it was still what it used to be. And I remember that, but other than that, he absolutely had no physical reaction that I would've considered to be normal. Um, he, uh, he, he's, you know, he was look at you, I knew he attempted to assault Sal Chander during the trial. For some reason, I had some indication that he might try to do that and I warned Chander, so he was com-, alert. And when Stankewitz took a shot at him, he was ready for it and he ducked. Uh, and all of that was just, you know, jailhouse stuff trying to get another attorney. But, uh, and he's not stupid. Uh, he's not a stupid guy. He's, he-

LAMB: Do you have contact, sorry, just remembered this, do you have some contact with any of the folks who were involved anymore? There's, uh, I think it's Detective Lean that was might have been involved in the case. [inaudible]

ARDAIZ: Oh, [inaudible]? I occasionally, I do. Uh, I, you know, I, I, if I, it's probably been four or five years since I've seen Tom. Uh. -

LAMB: [inaudible] interaction?

ARDAIZ: I'm sorry. Again, please?

LAMB: Four or five years since you've talked to him or anything?

ARDAIZ: Yes. I haven't talked to him at all since all of this came up again. And, you know, the case came back, um, but uh, I, uh, I, I can say that, you know, something that always struck me whenever, uh, that struck me whenever all this was coming up,

uh, was uh, the, the aggravating factors, if I recall correctly, were not introduced during the trial on the underlying crimes. They, they were only introduced as aggravating factors with respect to the death penalty, so the jury did not, the jury had already made a determination of guilt, uh, of uh, murder, premediated murder with special circumstances. So then, as far as I recall, none of that stuff was used during trial to prove intent or anything like that. Um, because I, I, I had no need for it. And I did not want to muddy the waters during the trial.

LAMB: Understandable.

ARDAIZ: So, uh. I had a good case. I, I, there was, uh, you know, so I, I, um, you know, that's about as much memory as I have. If you show me police reports, then maybe that'll jog my memory, but it's just, I just don't –

LAMB: For now, for now, I think that's, that's a good start, and if, you know, if there's anything else, questions I have, I can send you police reports and you know, I know you're busy now, but um, I'll let you know or reach out to you if I have any additional questions. I really appreciate you taking the time out of your really busy day.

ARDAIZ: Alright. Well good luck to you, I guess. I mean, I don't, I, I gotta say, Mr. Lamb, this guy does not, as long, uh, I mean his brother was in a wheelchair when he tried to cut somebody up with a knife. The, there, he, he will be a violent man until he can no longer get out of bed. And I, and I haven't seen many, but he's one of those. So, you know, I, I realize you're doing your job, but, that's a guy that shouldn't be walking the street. And I won't say that of every murderer, okay?. Just so you get [inaudible].

LAMB: Yeah. Yeah. Yeah, yeah.

ARDAIZ: Alright.

LAMB: Alright, hey, thank you so much.

ARDAIZ: You're welcome. Bye.

END OF RECORDING.

SUPPLEMENTAL DECLARATION OF CHRIS COLEMAN

I, Chris Coleman, am a Senior Forensic Scientist at the Forensic Analytical Crime Laboratory, and do declare:

1. I am presently employed as a Senior Forensic Scientist at Forensic Analytical Crime Lab in Hayward, California. I have over twenty-four years of experience in forensic science with city and county law enforcement agencies, including nine years as the supervisor of the Firearms Unit with the Contra Costa County Sheriff's Crime Laboratory from 2007 to 2016. From 2016 to 2017 I was employed as a Contract Firearms Examiner at Ron Smith & Associates in Washington D.C. I currently examine cases for both the prosecution and defense.
2. My education background is as follows: I received my B.S. in Forensic Science from California State University, Sacramento in 1993; I studied chemistry and criminal justice at Casper College in Casper, Wyoming from 1988 to 1991; I studied criminalistics at California State University, Los Angeles from 1995 to 1996.
3. I am an expert in firearms examination, shooting reconstruction, blood spatter interpretation and crime scene processing. I have previously been court qualified in each of those fields. I am a member in good standing of the American Academy of Forensic Sciences, the Association of Firearms and Toolmark Examiners, and the California Association of Criminalists. I am a fellow of the American Board of Criminalistics and I have held certifications in firearms, toolmark, distance determination, and gunshot residue by the Association of Firearms and Toolmark Examiners. I have published and taught various firearms-related subjects to law enforcement, medical, and legal groups, including a recurring class on shooting incident reconstructions for the California Criminalistics Institute, the training division of the California Department of Justice. I am a California Peace Officers Standards and Training (POST) certified firearms instructor, range master, and armorer as well as a recent past president of the California Association of Criminalistics.
4. I have taken many proficiency tests throughout my career, including ones by CTS, Forensic Assurance (DFS-FEU), FAID2012, as well as tests prepared in-house. I have also participated in many empirical and validation studies of firearms over the years.
5. On Thursday, March 21, 2019, I examined all the physical evidence in this case at the Fresno County Sheriff's Office (FSO) and the Fresno County Superior Court. A list of the evidence viewed is attached at Exhibit 1 hereto. I have also examined the crime scene photos and autopsy photos.
6. During my examination of the physical evidence at FSO, I observed blood stains on the clothing of Marlin Lewis, Christina Menchaca, and Teena Topping.
7. In order to render an informed opinion regarding the identity of the blood in this case, it is necessary to get DNA testing of the clothing worn by the four defendants and the cigarette found near the victim, Theresa Graybeal, and her clothing in evidence, to determine if the blood is hers.

8. Specifically, the pink sweater and jeans worn by Teena Topping:



9. The shoes and shirt of Marlin Lewis:



10. The sweatshirt of Christina Mencha:



11. The shirt and jeans of Douglas Stankewitz:



12. Theresa Graybeal's clothes, sweater and coat, which are contained in the evidence, can be used to provide our victim standard:



13. The cigarette found next to Theresa at the crime scene should also be tested:



14. I declare under penalty of perjury, under the laws of the State of California and of the United States, that I have read the foregoing and that it is true and correct to the best of my knowledge, and that it was executed on Nov. 20th, 2019 in Hayward CA.



Chris Coleman,
Senior Forensic Scientist
Forensic Analytical Crime Laboratory

People v. Stankewitz, Fresno Superior Court Case No. CF78227015

**Exhibit 1 to Supplemental Declarations of Roger Clark and Chris Coleman
Evidence List from viewing at Fresno SO and Courts 3/21/2019**

Fresno Co. SO – morning

From Box 5

Item #5 – 3 photographs of Stankewitz’s left arm

Item #4 – 4 photographs of Stankewitz’s left arm, 2 of his right

Item #6 – Cassette tape of Billie Brown

Item #7 – 2 cassette tapes (D. Stankewitz, T. Garey)

From Box 5B

Item #8 – Keys (various), medication bottles, 8-track tape, broken necklace, ring, keychain/nail clipper

Item #9 – Receipt, brown paper bag puppet, drawing, sunglasses

Item #13 – Theresa’s gray coat (bloodstains observed on back, shoulders, collar, and inside)

Item #10 – Contents of center console (lifesavers, receipts, glass case, brush, etc.)

Item #12 – Neutron Activation Analysis kits

Item #11 – Pepsi can (printed), Virginia Slim cigarette pack

Item #14 – Theresa’s clothes: blue jeans, blue sweater, red shirt, light green panties, blue socks, brown shoes

Item #3 – Stankewitz’s clothing: blue pants, white t-shirt, green socks, underwear, black shoes

Item #2 – Test fired cartridge cases from Titan .25 Auto pistol, S/N: 146425 (HS: “R-P 25 AUTO)

From Box 7

Item #17 – Head and pubic hair samples from autopsy (Theresa Graybeal)

Item #18 – Topping’s clothing: blue jeans (blood stains?), pink sweater (blood stains?), shoes

Item #1 – Dagger from trunk

Item #16 – Contents of ashtray (ashes)

Item #19 – Menchaca clothing: brown shoes, rust slacks, blue shirt, rust sweater (blood stains?)

Item #15 – Lewis’ clothing: brown shoes (blood drop?), blue jeans, blue shirt (blood stains?), socks and underwear

No Item # – Multiple evidence receipts

End of Fresno SO evidence.

Fresno Co. Superior Court – afternoon

Exhibit A – All in large manila envelope: Newspaper articles, plastic bag w/ personal items (glove box?), Comb, #2 cigarette supposedly from Theresa’s mouth when shot

Def. Ex A – Paper with drawing of trajectory thru Theresa’s head (Right to left, slightly up, front to back)

Def Ex B – Change of venue paperwork

Def Ex C – Change of venue paperwork

Def Ex D – News story scripts

Def Ex E – Subpoena Duces Tecum
Def Ex F – Subpoena Duces Tecum
Def Ex H – Radio story scripts
Def Ex A – New stories from 1978
Def Ex B – Coroner’s receipt 1983
Peo Ex 50 – Death certificate 1983 Theresa Graybeal
Peo Ex 16 – Photograph – Marlin booking?
Peo Ex 70 – Photograph – booking ?
Peo Ex 71 – Photograph – D. Stankewitz booking
Peo Ex 72 – Evidence card
Peo Ex 73 – Fingerprint care
Peo Ex 79 – Drs. Note for Billie Brown
Peo Ex 78 – Finger print cards comparison
Peo Ex 68 – Photograph – booking ?
Peo Ex 67 – Photograph – Douglas Stankewitz booking
Peo Ex 66 – Photograph – booking ?
Peo Ex 54 – Photograph of Floorboard of 57 chevy
Peo Ex 52 – Photograph of trunk of 57 Chevy
Peo Ex 53 – Photograph of damage to patrol car
Peo Ex 77 – Letters (two)
Peo Ex 51 – Payroll check Jesus Meras
Peo Ex 80 – Photograph of Sheriff
Peo Ex 13 – Envelope w/grocery list on it
Peo Ex 31 – Fingerprint card of Douglas
Peo Ex 32 – Manila envelope w/ letters
Peo Ex 75A&B – Manila envelope w/ Prison documents
Peo Ex 34 – Order for handwriting sample Douglas
Peo Ex 35 – Order for handwriting sample Marlin Lewis
Peo Ex 36 – Order for handwriting sample Christina Mechaca
Peo Ex 37 – Order for handwriting sample Teena Topping
Peo Ex 49 – Blotter paper distance determination target #12 3”
Peo Ex 49A – Blotter paper distance determination target #11 3”
Peo Ex 49B – Blotter paper distance determination target #1 6”
Peo Ex 49C – Blotter paper distance determination target #10 3”
Peo Ex 49D – Blotter paper distance determination target #2 6”
Peo Ex 49E – Blotter paper distance determination target #3 6”
Peo Ex 49F – Blotter paper distance determination target #13 9”
Peo Ex 49G – Blotter paper distance determination target #14 9”
Peo Ex 49H – Blotter paper distance determination target #15 9”
Peo Ex 49I – Blotter paper distance determination target #4 12”
Peo Ex 49J – Blotter paper distance determination target #5 12”
Peo Ex 49K – Blotter paper distance determination target #6 12”
Peo Ex 49L – Blotter paper distance determination target #9 18”
Peo Ex 49M – Blotter paper distance determination target #8 18”
Peo Ex 49N – Blotter paper distance determination target #7 18”
Peo Ex 64 – Photograph of 57 Chevy

Deputy County Clerk

4

5 Held In Kidnap, Slaying Of Woman

FEB 10 1978

FEB 10 1978

By LOUIS GALVAN
Bee Police Reporter

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

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

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

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

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

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

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

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

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

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

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

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

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

E-1 Front Page

Continued
E-3

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

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

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

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

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

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

P-2

MAR 2 1978

MAR 2 1978

Quartet Will Face Trial For Woman's Slaying

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

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

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

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

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

notified police.

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

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

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

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

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

3-1-78

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

7/5A 3-1-78 Bow

11

(FRESNO) -- FOUR PEOPLE CHARGED WITH KIDNAPING DEATH OF A MODOIST WOMAN NEAR FRESNO HAVE BEEN FOUND GUILTY OF MURDER AND KIDNAPING.

AS A RESULT OF YESTERDAY'S PRELIMINARY HEARING, MARLIN LEWIS OF SACRAMENTO AND DOUGLAS STANKEWITZ OF ELOVIE WILL STAND TRIAL IN THE FEBRUARY TENTH SHOOTING.

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

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

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

(STANKEWITZ) (STANISLAUS STATIONS NOTE)

505 8-7-78

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

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

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

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

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

Weatherman is Gary [unclear]

42

NON

LA.....87

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

20

Four

715 2-16-78

ROBBERY LINK

STANKEWITZ MURDER CASE

28/78

Length

13:52

B.H. LS

Newscast

11

(Handwritten scribbles)

FILM *(circled)*

(Handwritten circled text)

15
Page

ALL FOUR
PEOPLE CHARGED

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

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

SOE BG VO:

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

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

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

ANKWITZ ADD ONE

28/78

Length

BAN

Newscast

11

IN FRESNO.

76

Page

Study (S) Bill

FILM ENDS

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

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

6 DAVIS

6 DAVIS

11

17

MURDER CASE

3/1/78

Length

140

bd

Newscast

Noon

541
CK/SLIDE:
"murder"

FILM:

(HOLD CK)

7:27

IF NEEDED:

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

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

SOF/BG w/V.O.:

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

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

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

Ms. Mancheca was
not involved in the

Mul

ed 1-1-1-1-1

Length

Newscast

27

Call if needed

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

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

8
Page

MORNING TOPS
3-1-78/ BW

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

-0-

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

-0-

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

-0-

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

-0-

TV News
Fresno, California

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

2A

FILM
SUPER 528 HARTMAN

(DMG
TIGH)

34
33

FILM
SUPER SCIANDRA

117

SOF-BG W/CART-TAPE

CART

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

SOUND

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

D-2

FEB 15 1978

Kidnap-Killing Brings Pleas Of Innocent

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

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

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

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

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

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

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

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

FEB 16 1978

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

Four Held In Kidnap-Slaying Are

Douglas R. Stankewitz

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

The farmworker, investigators

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

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

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

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

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

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

FEB 16 1978

FEB 16 1978

Suspects In Robbery That Night

the incident because of his illegal alien status.

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

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

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

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

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

the four several hours after the killing.

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

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

FILED.

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

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

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

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

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

TRIED SEPARATELY.

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

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

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

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

(TRIAL)

1705
5-5-78

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

(STANKWITZ)

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

-7-

(RAY)