



1  
2 IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
3 FIFTH APPELLATE DISTRICT, DIVISION NUMBER \_\_\_\_\_

4 In Re DOUGLAS R. STANKEWITZ,

5 Petitioner,

6  
7 On Habeas Corpus,  
8  
9

Court of Appeal No. \_\_\_\_\_

ON HABEAS CORPUS, COURT OF

APPEAL NO. \_\_\_\_\_

10 J. TONY SERRA, SBN 32639  
11 CURTIS L. BRIGGS, SBN 284190  
12 3330 Geary Blvd., 3<sup>rd</sup> Floor East  
13 San Francisco, CA 94118  
14 Tel. 415-986-5591  
15 Fax 415-421-1331

16 Attorneys for Defendant  
17 DOUGLAS R. STANKEWITZ

18  
19 **DECLARATION OF ROGER CLARK**

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

23 1. I have been retained as a police practices expert in the above-entitled case.

24 2. I have the following relevant experience and education:

25 Police Procedures Consultant (self-employed) – 25 years:

26 I have been certified by Federal and State Courts. I have consulted in approximately 1950  
27 cases thus far since my retirement from the Los Angeles County Sheriff's Department. I have  
28 testified as an expert on use of force, jail procedures and jail administration, investigations, police  
procedures, police tactics, investigative procedures, shooting scene reconstruction, and police

ON HABEAS CORPUS, COURT OF APPEAL NO. \_\_\_\_\_ - 1

1 administration in Arizona State Courts, California State Courts, Washington State Courts and  
2 Federal Courts in Arizona, California, Colorado, Florida, Illinois, Indiana, Louisiana, Missouri,  
3 Nevada, Ohio, Oregon, Pennsylvania, Texas, Utah, Washington, New Mexico, New York and  
4 Wisconsin.

5 Los Angeles County Sheriff's Department – 27 years 4 months:

6 Note: When I retired from LACSD in 1993, the Department had 7,000 sworn and 3,000  
7 civilian personnel and a daily County Jail inmate population of 23,000. During my 27 years of  
8 active service, I was a Line Detective for two years and a Detective Bureau Commander for eight  
9 years.

10 Service as a Lieutenant (15 years, 0 Months)

11 Service as a Sergeant (6 Years, 4 Months)

12 Service as a Deputy (6 Years, 0 Months)

13 I have the following DEGREES AND CERTIFICATION:

14 P.O.S.T. Command College (Class #5) POST 1988

15 Management Certification POST 1980

16 Advanced Certification POST 1975

17 Associate of Science Degree Chaffey College 1971

18 3. I have recently testified as an expert witness in the following wrongful conviction cases:  
19 Mullen, Herrera v. City of Brea and Vargas v. City of Los Angeles.

20 4. I have recently served as an expert in the following notable cases:

21 2015 Ohio (Cleveland) Opinion & Testimony for Grand Jury – Shooting death of Tamir Rice.

22 2015 Delaware A.G. Written Opinion regarding the shooting death of Jeremy McDole.

23 2017 New York DOJ Written Opinion regarding the death of Eric Garner (US AG)

24 2018 California D.A. Written Opinion regarding San Jose PD Lt. Richard Weger for Santa Clara  
25 County DA.

26 2018 New Mexico Written Opinion for New Mexico AG regarding the shooting death of  
27 Teresa Anaya – and requested training opinions.

28 2018 Virginia Report and Trial Testimony regarding Estate of Kager – a shooting death

ON HABEAS CORPUS, COURT OF APPEAL NO. \_\_\_\_\_ - 2

1 by City of Virginia Beach SWAT.

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

- 6 - Douglas Stankewitz (age 19)
- 7 - Billy Brown (age 14)
- 8 - Marlin Lewis (age 22)
- 9 - Tina Topping (age 19)
- 10 - Christina Menchaca (age 25)

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

16 6. It is uncontested (and a key factor in any evaluation of this case) that Billy Brown's  
17 testimony during both trials was the key factor resulting in Mr. Stankewitz' conviction (and death  
18 sentence). At both trials, Billy Brown gave specific details regarding how Mr. Stankewitz shot  
19 Ms. Graybeal. In my opinion, Billy Brown's account does not match the obvious physical facts.  
20 Additionally, it must be noted that Billy Brown recanted his testimony in 1993. In 2012, Mr.  
21 Stankewitz' penalty phase was reversed. On May 1, 2019, Mr. Stankewitz was re-sentenced to  
22 life without the possibility of parole. I have been retained to give opinions regarding the police  
23 practices in this case.

24 7. Accordingly, I have been provided the opportunity to examine the case with fresh eyes.  
25 Almost immediately during my review process, it became apparent to me that the physical  
26 evidence did not appear to support the case that was presented to the jury by the Prosecution  
27 during Mr. Stankewitz' trials. Then, upon request, on March 21, 2019, I was provided the  
28 opportunity to actually view and handle all of the physical evidence located at the Fresno Sheriff's

1 office and the Fresno County Superior Court with a defense forensic expert, Chris Coleman. I  
2 can provide a list of the evidence and photographs examined.

3 8. Upon viewing the evidence, I determined that the evidence was not kept according to  
4 acceptable standards. I see the following problems:

5 A. Key Evidence was mishandled and has disappeared. Some evidence appeared to  
6 have been inappropriately handled in violation of basic rules of evidence, assessment and  
7 accountability.

8 B. Some key items of documented evidence are now missing. For example, the jacket  
9 belonging to one of the co-defendants, Marlin Lewis, was apparently taken from evidence  
10 (it was documented and photographed) and not returned. In my opinion, such evidence  
11 should not have been removed and indicates a specific intent to remove evidence. This  
12 indicates that serious misconduct occurred in this case because Detective Boudreau  
13 initialed the property card and may have removed the jacket. Evidence should not leave  
14 the building. Based on the extensive misconduct that occurred in this case, Detective  
15 Boudreau probably took Marlin Lewis' jacket because he saw the victim's blood on it and  
16 realized that it was exculpatory for Stankewitz.

17 C. When evidence is taken out, a report must be written which explains the purpose  
18 for which it is being taken. It should also be recorded when it is returned. Additionally,  
19 the property custodian must inspect and track the evidence to be sure that it is returned in  
20 the same condition as when it left. As is their duty, the Prosecution failed to safeguard  
21 crucial evidence. These procedures were not followed in this case.

22 9. I have reviewed the police reports regarding the gun referenced in the Stankewitz Petition  
23 for Writ of Habeas Corpus.

24 The Prosecution stated that one gun was used in two episodes, the Graybeal murder and  
25 the Meras attempted murder. However, the evidence shows that there were two different guns  
26 used in the crimes. In evidence, the Sheriff's Department labeled shell casings as a .22 caliber  
27 (which are rim-fire cartridges) yet when I examined them, .25 shell casings (which are center-  
28 fire cartridges) were in their place.

1 10. Furthermore, the serial number of the alleged murder weapon appears as recovered on 6-  
2 7-1973, five years before the 1978 Graybeal case. I have reviewed a recovery report that  
3 documented the gun was recovered in Sacramento in 6-7-1973. For some yet unknown reason,  
4 the recovery was reported to the Internal Affairs unit rather than their detective bureau. (See  
5 attached trace recovery report). Also, Detective Lean's initials (T L III) and date are inscribed  
6 on the holster recovered with the murder weapon, and one date is 7-25-1973, approximately two  
7 months subsequent to the gun being recovered, and approximately five years previous to the  
8 1978 Graybeal murder. Police procedure required that Lean inscribe his initials (T L III) and  
9 date on the holster when he recovered the holster from whatever case in which it was involved.  
10 The gun and the holster are alleged to have been recovered during the Graybeal investigation  
11 and linked to Stankewitz; however, no date or other form of standard evidence tracking was used  
12 by police in 1978. This indicates the possibility of a 'throwaway' (a firearm held by police for  
13 the purpose of framing an innocent person for a shooting) which was planted to satisfy the case  
14 against Stankewitz, when it was already actually in the possession of the FPD or FCSD, before  
15 listed as evidence in the Graybeal case.

16 11. Although the Graybeal death certificate states that she was shot with a .25 caliber, there  
17 are no reports stating that testing was done to verify this.

18 12. Billy Brown, the main witness against Stankewitz, stated that Graybeal was shot in the  
19 back of the head. However, the entry wounds on forensic diagrams puts the shooter to her right  
20 and sharply below her. According to documented reports, Miss Graybeal was 5'2.5" and  
21 Stankewitz was 6'1", indicating a very awkward and therefore unlikely shooting stance by  
22 Stankewitz and more likely by a shorter person, including one of the co-defendants Brown (5'6"),  
23 Lewis (5'3"), Menchaca (5'1") and Topping (5'1"). The autopsy photos show that the bullet  
24 entered under Graybeal's right ear and exited through her left temple. The bullet trajectory was  
25 front to rear, not rear to front. The Prosecution should have understood the obvious discrepancy  
26 between how Brown said the bullet entered Graybeal and the trajectory of the bullet that went  
27 through her head at a significantly different angle. Based on second trial testimony of Dr. T. C.  
28 Nelson, who performed the autopsy, the second trial testimony of Criminologist Deputy Preheim,

1 and the autopsy report, the Prosecution knew that the victim was shot on the right side of the  
2 head or neck, which contradicted Brown's testimony. Billy Brown's versions of events do not  
3 match the physical evidence. Given these facts, the shooting theory presented to the jury by the  
4 Prosecution could not be true.

5 13. There have been significant advancements in scientific analysis 1978 and 1983. These  
6 included techniques of blood analysis, microscopic analysis and chemical analysis. In my  
7 opinion, the clothing evidence should have been tested prior to the Defendant's 1983 re-trial. If  
8 the stains on Lewis, Topping and Menchaca's clothing are in fact blood, they were probably  
9 holding her when she was shot.

10 14. Investigation Bureau Deputy Preheim testified that the victim's body was in a dirt area  
11 CT at 190 - 191, lines 22 -1. However, the Prosecution failed to examine or test victim's shoe  
12 bottoms to see whether she was standing where her body was found. In my examination of the  
13 crime scene photos and the bottom of the victim's shoes, I did not see any dirt or sand. A shoe  
14 inspection done at the time of the investigation, could have impeached Billy Brown's testimony.

15 15. All of the Defendant's clothing should have been tested prior to second trial. Proper police  
16 procedures were not followed in the keeping of evidence, maintenance of evidence room,  
17 determination of location of victim's body and murder location. Physical evidence does not  
18 match to Prosecution theory of the case and therefore the jury was given false facts to consider  
19 when deciding the facts. Accordingly, crucial evidence was withheld from the jury.

20 16. Additionally, the Prosecution never tested the car for blood, gun shot residue, or the bullet;  
21 these tests were standard procedure at the time of the incident and could have been exonerating  
22 to Stankewitz. The car was returned to victim's family on 2-10-78, 2 days after the crimes,  
23 without giving the defense the opportunity to inspect it or test it for evidence.

24 I declare under penalty of perjury that the foregoing is true and correct to the best of my  
25 knowledge. Executed in Santee, California on December 4, 2019.

26  
27   
28 \_\_\_\_\_  
ROGER A. CLARK







COUNTY OF FRESNO - OFFICE OF SHERIFF-CORONER  
POST MORTEM RECORD

Name Theresa Graybeal  
Age 22 Height 160 Weight \_\_\_\_\_ Date & Time of Death 1:23 AM 2-9-78  
Date, Time & Place of Autopsy: 1 PM 2-9-78 DMC

INSPECTION

- 1. Marks of Identification \_\_\_\_\_
- 2. Eyes \_\_\_\_\_ 3. Ears \_\_\_\_\_ 4. Mouth \_\_\_\_\_
- 5. Rigor Mortis to arms & legs loose in neck
- 6. Wounds and General Remarks \_\_\_\_\_

AUTOPSY

Examination of Thoracic Cavity: The heart is normal in size. The coronary vessels are uniform. The valves and muscle are not altered. The lungs are smooth and diffusely and moderately darkly congested. Vascular organs are patent.

Examination of Abdominal Cavity: The stomach contains some partly digested food like orange jello. The liver, spleen and kidneys are smooth. The pancreas and adrenal glands are normal. The intestines are not remarkable. The right ovary has a Corpus luteum and the endometrium is thick.

Examination of Cranial Cavity: The vagina & vulva are not altered. The scalp and skull are intact. The brain and vessels are uniform, but a little subarachnoid hemorrhage is on the base of the cerebellum and on the left side of the cord that is raggedly transected.

Other Observations: Gunshot wound of the neck

Due to: (A) \_\_\_\_\_  
(B) \_\_\_\_\_  
(C) \_\_\_\_\_  
Other Cause(s): \_\_\_\_\_

Test to be made for:	
Alcohol	<input checked="" type="checkbox"/>
Drugs	<input checked="" type="checkbox"/>
Toxic Chemicals	<input type="checkbox"/>

Trulson MD M.D.  
By HAROLD MCKINNEY, Sheriff-Coroner, Fresno County  
Deputy

78-5817

COUNTY OF FRESNO - OFFICE OF SHERIFF-CORONER  
POST MORTEM RECORD

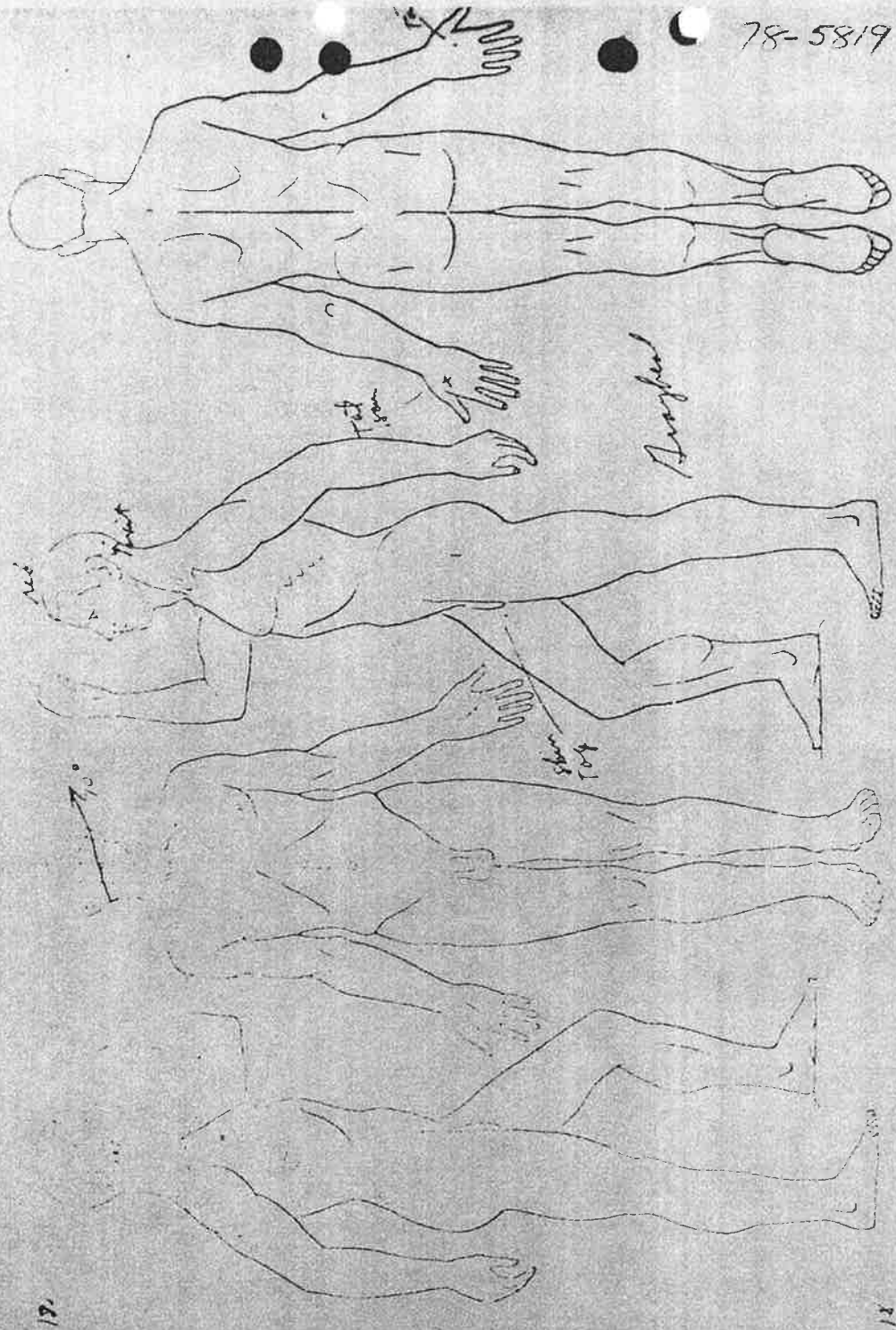
Name: *Theresa Graybeal*

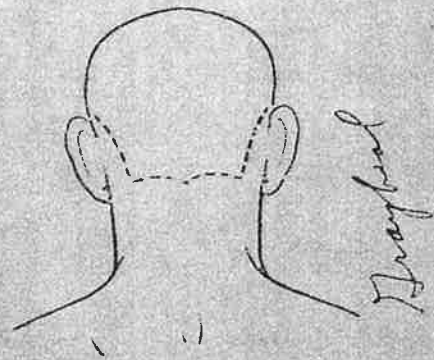
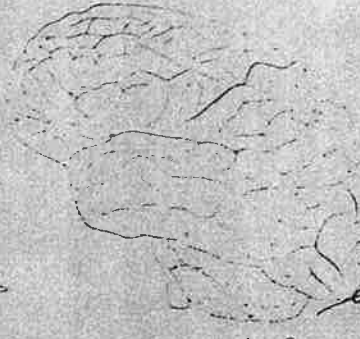
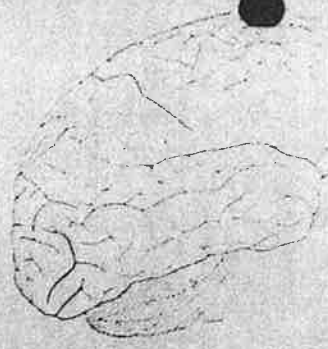
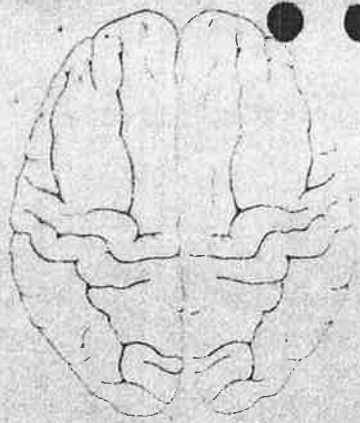
*Harold M. Kinney*

HAROLD M. KINNEY, Sheriff-Coroner, Fresno County

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

253





TEST Prostatic Acid Phosphatase

PRECISE

RESULTS

Total Acid Phosphatase = 120 BLU

Tartrate Inhibited "Prostatic"

Acid Phosphatase = 110 BLU

78-5819

Specimen consisted of 0.5 ml of an opaque white viscous fluid in a plastic screw top tube, labeled "Theresa Graybeal."

Attention DA - Jim Arden

P. O. BOX 11866  
FRESNO, CALIF.  
(209) 226-3550

MISCELLANEOUS

NAME Graybeal, Theresa  
DOCTOR Fresno County Coroner  
8 18946 np

W. NELSON, M.D.  
Director

Med. Tech.

Date Received 2/3/78

Date 2/28/78

NO

Name GRAYBEAL, THERESA  
Dept. Fresno County Coroner's Office

78-5819-8-79  
(TCN)

Oral smears: Negative for sperm. 78-1281  
Vaginal smears: Negative for sperm.  
Rectal Smears: Negative for sperm.

MISC.

*fm* Director

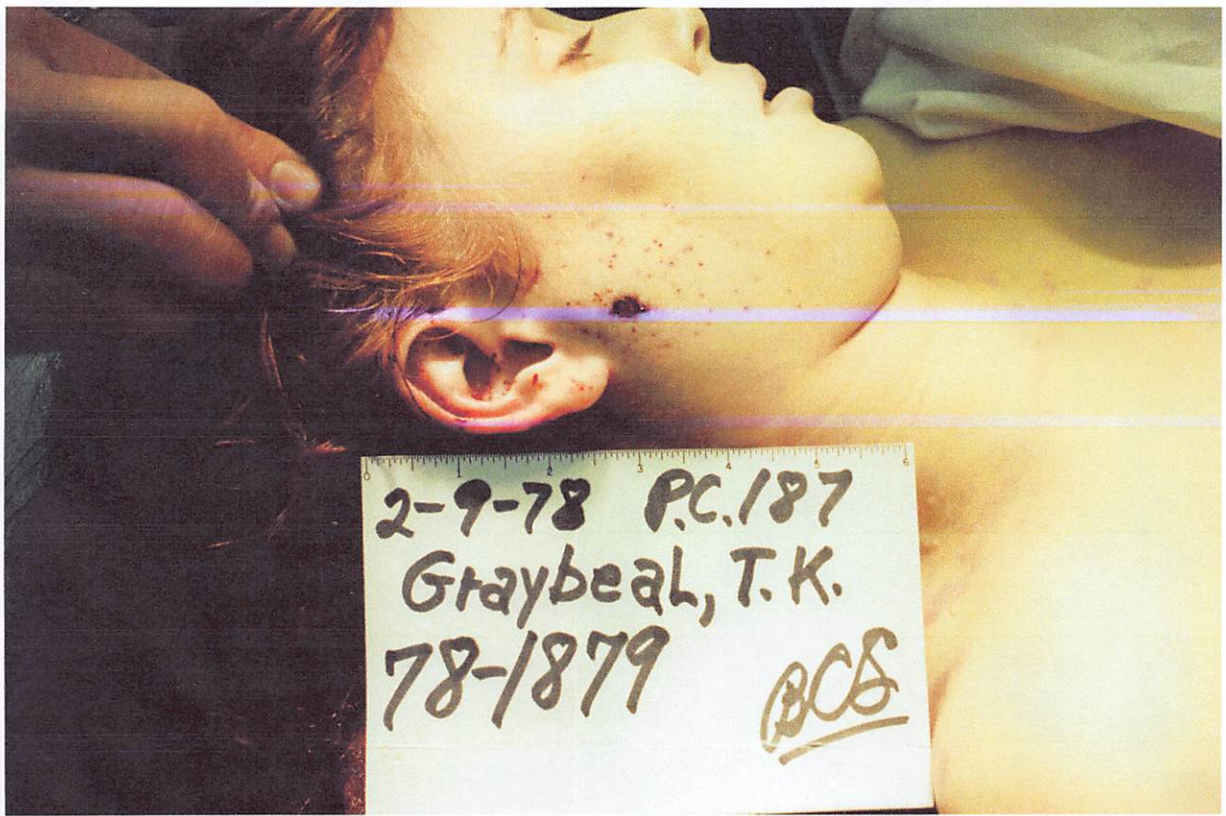
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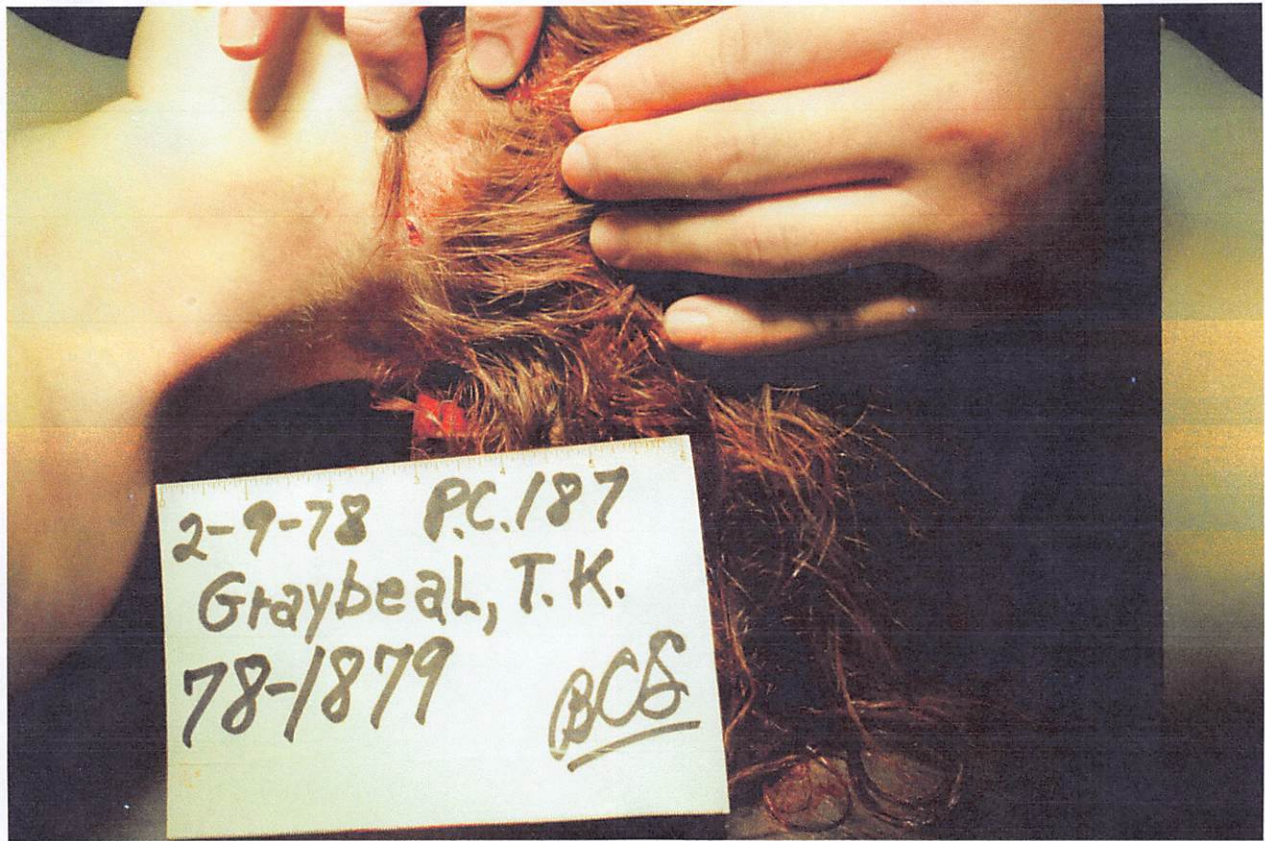
PATHOLOGICAL & CLINICAL LABORATORY

TELEPHONE 226-3550

FRESNO, CALIF. 93778











## DECLARATION OF DR. JERRY NELSON, M.D.

I have reviewed the autopsy report attached to this declaration as Exhibit A. The attached autopsy report appears to be a report prepared by my brother, Dr. Thomas C. Nelson, M.D. I recognize his signatures on the report. The name of the decedent recorded on the report is Theresa Graybeal. The report indicates it was prepared at 1:00 p.m. on February 9, 1978.

My Brother and I worked as forensic pathologists for the County of Fresno from <sup>Began</sup> Approx. 1965 to 1992. During that time we performed thousands of autopsies. I have personally performed approximately 8,500 autopsies; and I have testified in court as an expert in forensic pathology 434 times. } *JCN*

The attached autopsy report notes on the first page the "length" of the body being examined. This is the place on every autopsy report that I am familiar with where the pathologist notes the full height of the decedent as measured from the bottom of the foot to the top of the head. In the attached report there appears to be the number 160 written to record the full length of the body. This would indicate that the decedent's actual height was 160 centimeters.

I also noted that there was a 10 degree upward angle from the entry wound to the exit wound. If rods were used to determine this angle, based upon my experience and training, this would be the most accurate method of determining this measurement. It is customary for a forensic pathologist to use rods for this purpose.

I declare under penalty of perjury that the foregoing is true and correct. This declaration is being executed in the County of Fresno in the State of California.

Date Mar. 19, 2019

Signed *Jerry Nelson, M.D.*  
Dr. Jerry Nelson, M.D.

# EXHIBIT A

COUNTY OF FRESNO - OFFICE OF SHERIFF-CORONER  
POST MORTEM RECORD

Name Theresa Graybeal  
Age 22 Height 160 Weight \_\_\_\_\_ Date & Time of Death 1:23 AM 2-9-78  
Date, Time & Place of Autopsy: 1 PM 2-9-78 VMC

INSPECTION

- 1. Marks of Identification \_\_\_\_\_
- 2. Eyes \_\_\_\_\_ 3. Ears \_\_\_\_\_ 4. Mouth \_\_\_\_\_
- 5. Rigor Mortis arms + legs loosening neck
- 6. Wounds and General Remarks \_\_\_\_\_

AUTOPSY

1. Examination of Thoracic Cavity The heart is normal in size. The coronary vessels are uniform. The valves and muscle are not altered. The lungs are smooth and diffusely and moderately darkly congested. Neck organs are patent.

2. Examination of Abdominal Cavity The stomach contains some partly digested food like orange jelly. The liver, spleen and kidneys are smooth. The pancreas and adrenals and intestines are not remarkable. The right ovary has a Corpus luteum and the endometrium is thick.

3. Examination of Cranial Cavity The vagina & vulva are not altered. The scalp and skull are intact. The brain and vessels are uniform, but a little subarachnoid hemorrhage is on the base of the cerebellum and in the 1st Cur of the Cord that is roughly transected.

We, the undersigned, have made the above examination, find the cause of death to have been due to:  
(A) Sunshot Wound of the Neck  
Due to (B) \_\_\_\_\_  
Due to (C) \_\_\_\_\_  
Other Conditions: \_\_\_\_\_

Test to be made for:	
Alcohol	<input checked="" type="checkbox"/>
Drugs	<input checked="" type="checkbox"/>
Toxic Chemicals	<input type="checkbox"/>

Harold McKinney M.I.

HAROLD McKINNEY, Sheriff-Coroner, Fresno County

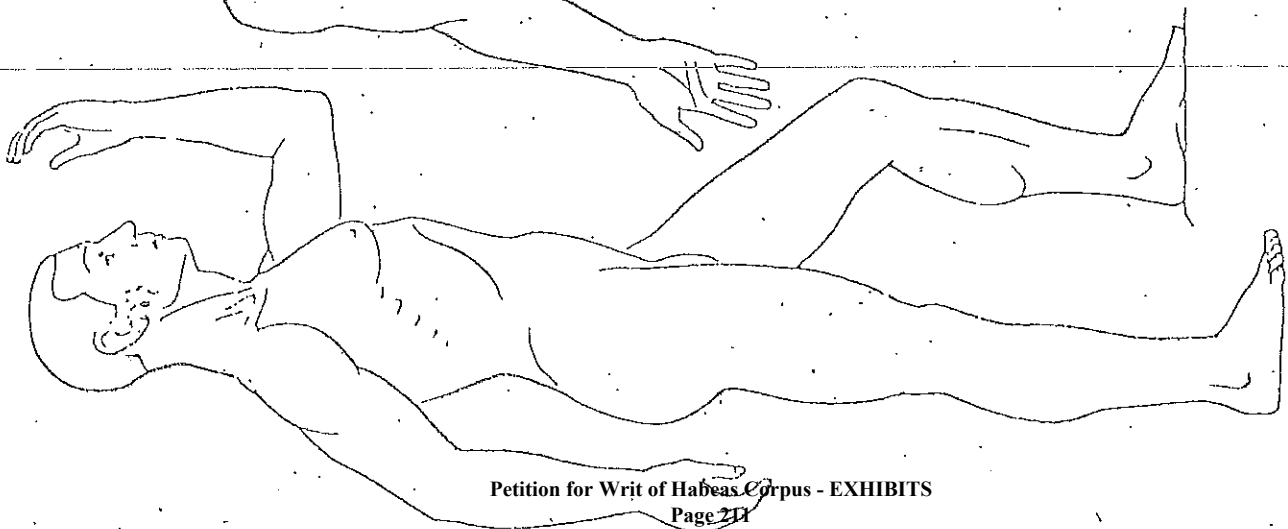
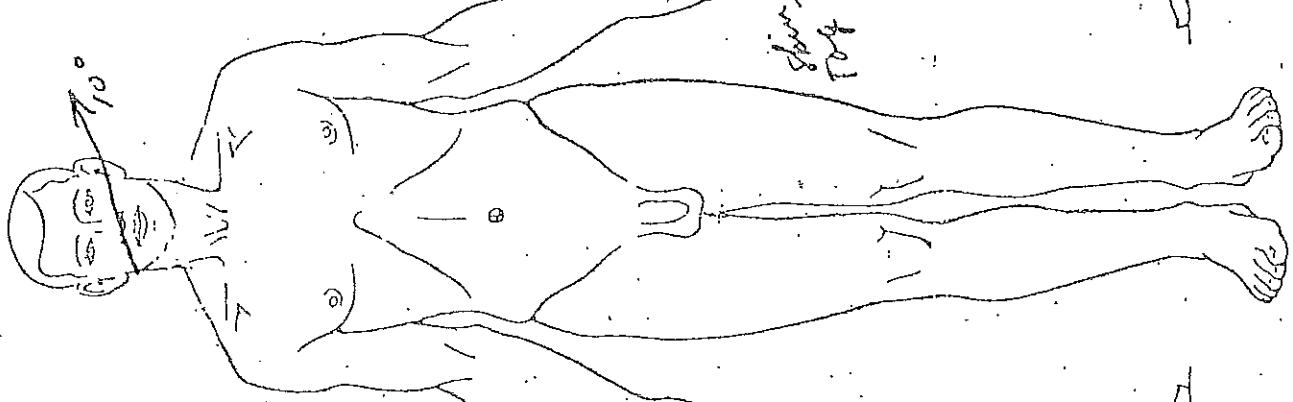
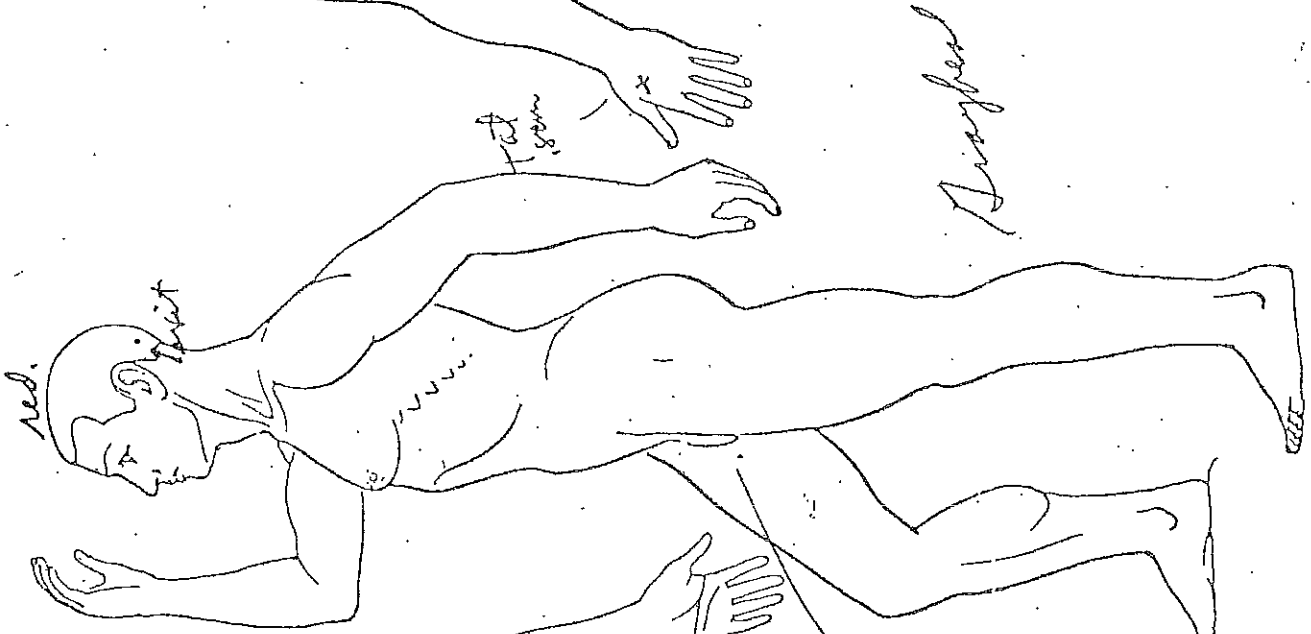
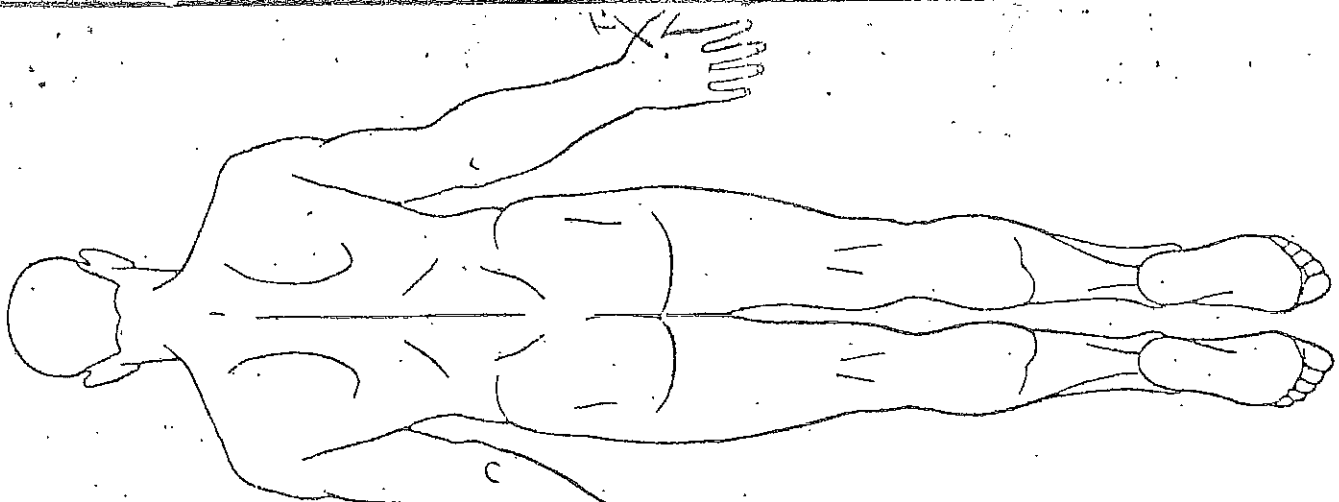
Petition for Writ of Habeas Corpus - EXHIBITS

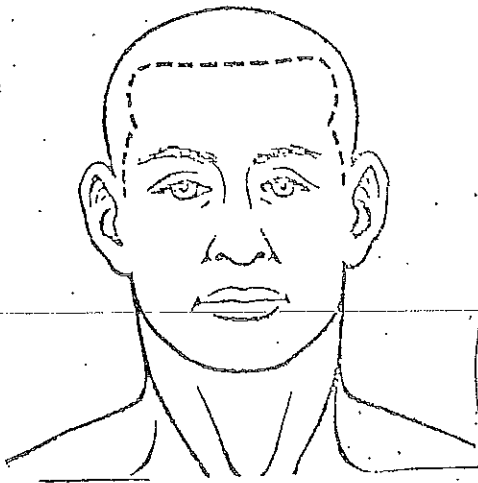
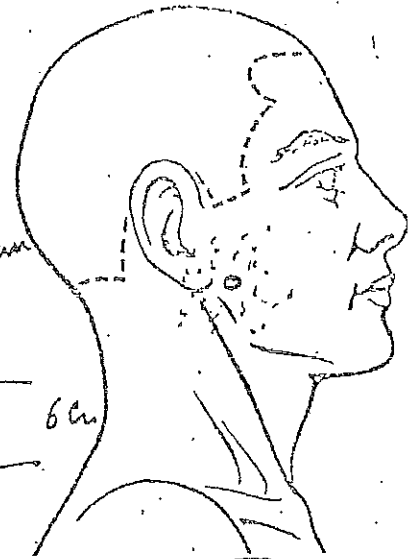
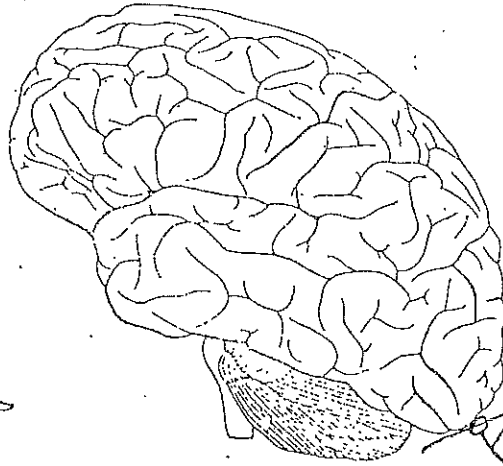
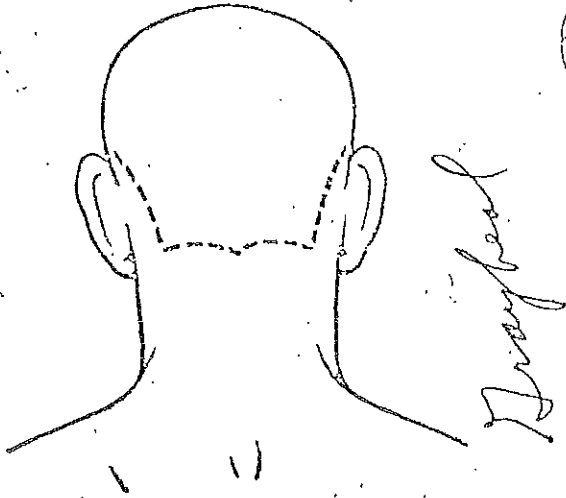
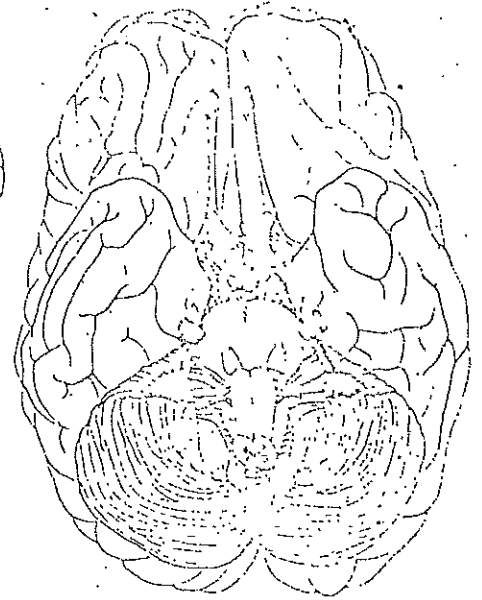
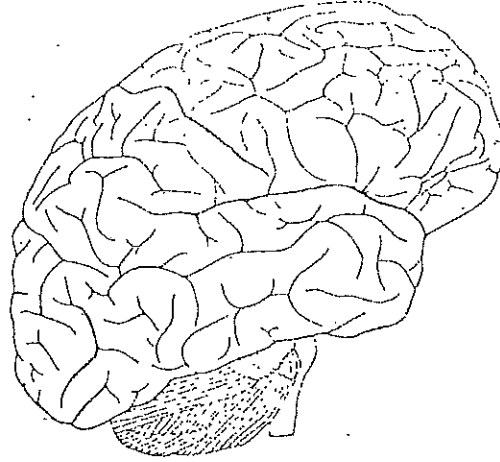
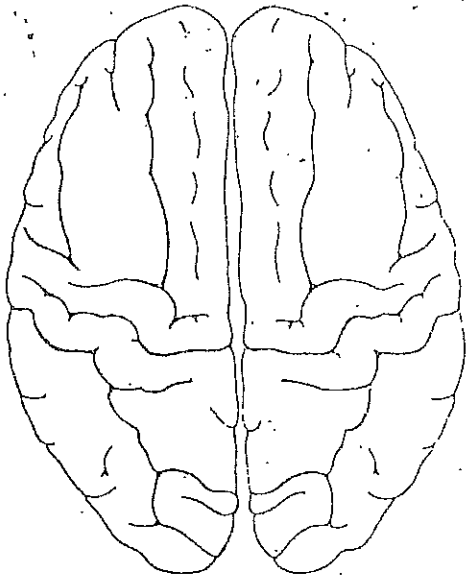
COUNTY OF FRESNO - OFFICE OF SHERIFF-CORONER  
POST MORTEM RECORD

Name Theresa Graybeal

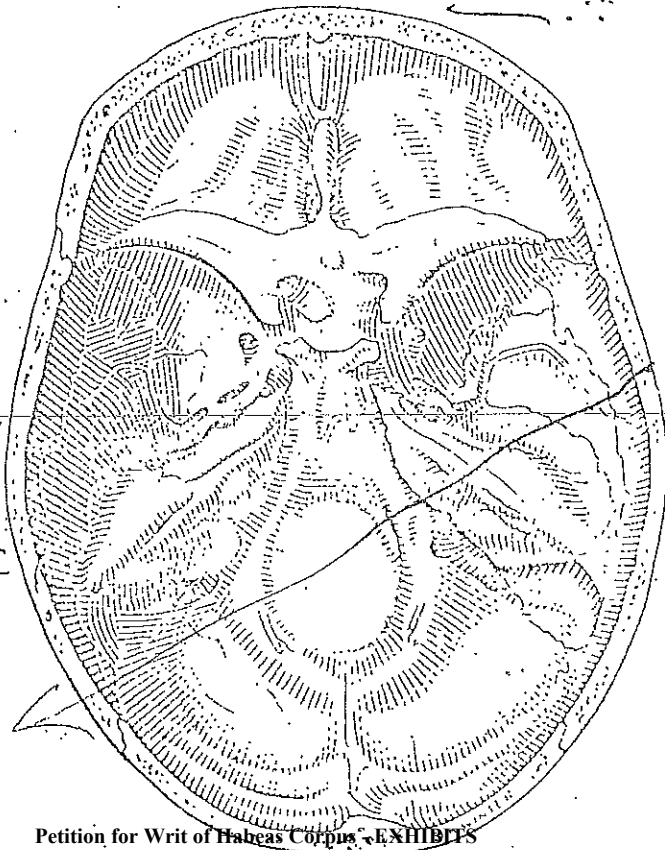
Harold McKinney M.D.

HAROLD McKINNEY, Sheriff-Coroner, Fresno County





20-25°







FOLLOW-UP REPORT

HOT 1229

Date of this report 2-9-78		Type of Original Report FSO ASSIST (PC 137)			Case No. 78-5819	
Date crime occurred 2-8-78		Location of occurrence Tenth & Vine			Reporting Division Patrol	
Victim (as listed on orig. report) GREYBEAL, Teresa		List connecting property report(s) by type and Case No.				
Persons interviewed (not on orig. report) 1. none		Race - Sex - Age		Residence Address		Res. Phone
Persons arrested 1. see below		Race - Sex - Age		Filed on?	Charge	Date
<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.

SUSPECTS:

- 1- STANKEWITZ, Debras Raymond IMA, DOB [REDACTED] 8/7/190 lbs, 6'1", bro & bro (in custody, FCJ)
- 2- TOPPING, Teana Elaine IFA/19, DOB [REDACTED] 5'1", 130 lbs, bro & bro (in custody, FCJ)
- 3- LEWIS, Marlin Edwin IMA/22, DOB [REDACTED] 5'3", 122 lbs, bro & blk (in custody, FCJ)
- 4- MENCHACA, Christina Garcia MFA/25, DOB [REDACTED] 5'1", 135 lbs, bro & blk (in custody, FCJ)
- 5- BROWN, Billy Willis IMJ/14, DOB [REDACTED] 5'6", 129 lbs, bro & blk (in custody, FCJH)

\* \* \* \* \*  
2-8-78, Wed,

RO's were assigned to the west side walking-beat, in the China Town area. At 2000 hrs, 2-8-78, RO's were in the SEVEN SEAS BAR, located at Tulare & "E" St. making a routine bar check. RO's were writing an FI card on Robert GARCIA SIGARROA, mexican male, 33 yrs, DOB [REDACTED] when two females entered the bar. The two females were later ID'd as the above susp TOPPING & MENCHACA.

Supervisor I.M. WRIES	Time Called In 2345 hrs	Time Typed 0415	By ESM	TOTAL VALUE \$	
	Officer(s) Reporting 1229-1250/1229-1229			Coded By	Filed By
Approving Sgt.	Review Sgt.			Xeroxed By	Total Copies

FORM 3.10

FOLLOW-UP REPORT

FRESNO POLICE DEPARTMENT  
CONTINUATION REPORT

Page Number

HOT 1229

2

Case No.

78-5819

2-9-78

GREYBEAL, Teresa

FSO Assist (PC 18

Immediately after entering the susps approached the stools, when they observed ~~the~~ the RO's at the opposite end of the bar. The susp TOPPING quickly walked out of the bar, for unknown reason. OFF WEBB then followed the susp out the bar & contacted her near the doorway.

RO MORA, after completing the FI on SIGARROA, joined OFF WEBB who re-entered the bar & was completing an FI on the susp MENCHACA. During this time, an Indian male, ~~the~~ LEWIS entered the bar & stood in the doorway & appeared to be watching RO's. After approx 2 minutes, the susp walked up to MENCHACA & asked her where the men's restroom was located. MENCHACA then directed LEW to the men's restroom & RO's left shortly there after. It did appear to RO that the time that the two susps, MENCHACA & LEWIS knew each other or had been together.

Upon exiting the bar, OFF WEBB advised RO that the veh in which the two females were in, was parked across the street. RO's observed a whi over burgandy, approx ~~the~~, parked along the east curb line of "e" St & just south of Tulare St., adjacent to ~~the~~ the Flor De Mexico Restaurant. Upon approaching the veh, RO's observed the three subjects in the veh. TOPPING was observed sitting in the drivers seat, STANKEWITZ in the right front passenger seat & BROWN in the rear seat. OFF WEBB approached the ~~the~~ passenger side of the veh & OFF MORA approached the passenger side. OFF MORA briefly conversed with the two male susps, obtaining only their ages. STANKEWITZ gave a his age as 21 & BROWN advised RO's he was 16 yrs of age. RO request ID from both susps, however both denied having any ID in their possession. RO then illuminated the ~~the~~ interior of the veh & observed a large bro paper bag lying on the rear floor board, next to the susp BROWN's legs. When asked what was in the bag, BORWN opened same & RO could observed 2 or cartons of cigarettes, in the sack. RO did not observe any alcohol beverage containers in the veh & did not detect any odor of alcohol emitting from the interior of the veh, from the susps persons. The susps in the veh appeared to be calm & were not disturbed by RO's presence.

RO's then walked away from the veh & upon doing so, observed the susp MENCHACA & LEWIS to emerge from the bar, walking towards the veh, arm & arm. MENCHACA were observed entering the veh, as RO's were at the corner, walking E/B on Tulare from "E" St.

RO's this date, received a brief description regarding susps & veh involved in a kid/nap-homicide. RO's then recalled contacting the above listed susp who matched the description given to RO's. RO's then contacted the DET handling the homicide case & upon doing so, requested initiating a report regarding RO's contact with the above listed susps.

Cross reference this case with FSO case, refer to FSO case 78-1879.

LT. FRIES

2345 hrs

MORA #358/WEBB #280

0415/esm



FRESNO COUNTY SHERIFF'S DEPARTMENT  
REQUEST FOR EVIDENCE EXAMINATION

NO. 271  
DATE 2-10-78  
TIME 1454

PLEASE TYPE OR PRINT

CRIME CLASSIFICATION PC 187, 207, 211, CVC 10751  
VICTIM (Suspect) J. GRAY BEAL  
I.D. OFFICER \_\_\_\_\_

DATE COMMITTED 2-8-78  
CASE NO. 78-1809

ITEM NO.	DESCRIBE EACH ITEM OF EVIDENCE TO BE EXAMINED
(1)	VILE OF BLOOD FROM VICTIM GRAY BEAL
(2)	VILE OF BLOOD FROM SUSP. D. STANKWITZ
(3)	BAG, CONTAINING SUSP D. STANKWITZ'S CLOTHES.

TYPE OF TESTS, ANALYSIS, OR EXAMINATION REQUESTED

Comparative Blood Tests of Victim to Susps + to Susps <sup>STANKWITZ</sup> STANKWITZ CLOTHING.

INVESTIGATING OFFICER T. KAW  
AGENCY FSD

FOR LABORATORY USE ONLY

EXAMINATION RESULTS

The small bloodstain found on the tee shirt of D. Stankewitz was found to be human blood. The stain proved to be insufficient in amount for successful typing.  
3-16-78

EXAMINER'S SIGNATURE: Allen J. Anderson



## DECLARATION OF ALLEN J. BOUDREAU

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

#### 16. DOCUMENTS REVIEWED:

First Trial Testimony, Bates Stamp Pages 3512 thru 3537

First Trial Testimony, Bates Stamp Pages 4415 thru 4420

Second Trial Guilt Testimony, Bates Stamp Pages 144 thru 171

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

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

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

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

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

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

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

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

#### 17. IMAGES REVIEWED:

Property Card, Clothing

Property Card, Clothing

Property Card, Three 22 Caliber Cartridge Cases

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

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

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

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

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

  
Allen J. Boudreau



## DECLARATION OF ALEXANDRA COCK

I, Alexandra Cock, declare and state as follows:

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

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

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

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

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

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

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

September 18, 2020  
San Rafael, CA

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



December 7, 2019

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

Re: Access to Public Records

TO WHOM IT MAY CONCERN:

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

The information I seek to inspect is as follows:

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

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

EXHIBIT A

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

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

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

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

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

Thank you for your time.

Very truly yours,



Alexandra Cock

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

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



Margaret Mims  
Sheriff  
Fresno County Sheriff's Office

December 16, 2019

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

Email: Alexandraatty@wealthplusinc.com

RE: FSO PRA 19-153

Dear Alexandra Cock,

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

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

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

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

*Dedicated to Protect & Serve*

Law Enforcement Administration Building / 2200 Fresno Street / P.O. Box 1788 / Fresno, California 93717 / (559) 600-8400

Equal Employment Opportunity Employer

Petition for Writ of Habeas Corpus - EXHIBITS

Page 232

**EXHIBIT A**

Sincerely,



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

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

---

Dear. Ms. Cock,

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

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

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

Thank you,

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

---

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

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

Dear Lt. Devins,

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

Thanks

Alexandra

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

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

---

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

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

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

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

Dear Alexandra Cock,

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

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

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

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

Thank you,

Lt. Frances Devins

Records Unit Commander

ICS Team Commander

Fresno County Sheriff's Office

(559) 600-8030 Office

(559) 488-1899 FAX

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

December 7, 2019

Fresno Police Department  
2323 Mariposa  
Fresno, CA 93721

Re: Access to Public Records

TO WHOM IT MAY CONCERN:

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

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

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

by law enforcement agents in the course of their employment.

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

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

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



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

or viewing and copying).

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

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

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

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

Thank you for your time.

Very truly yours,



Alexandra Cock

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

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

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

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Ms. Cock,

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

Thank you.

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

---

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

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

Hi Kimberly,

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

Thanks

Alexandra

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

CONFIDENTIALITY NOTICE: Privileged/Confidential information may be contained in this message. If

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

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

Please see attached response and exhibits.

Here is a link to Exhibit "A":

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

Here is a link to Exhibit "B":

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

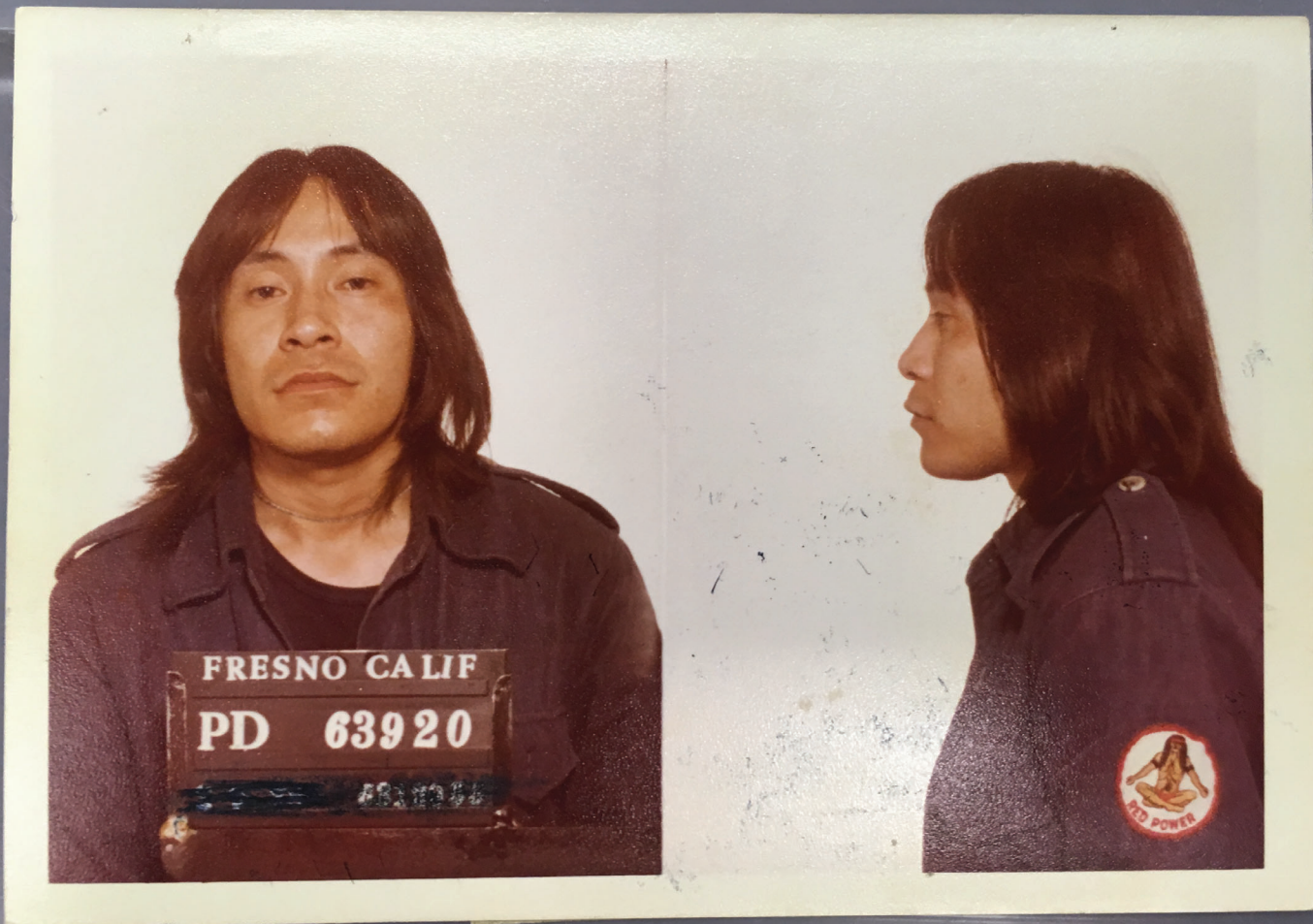
**NOTE: The above link will be valid for 72 hours. If you are unable to access the documents by following the link, please notify the office**

Thank you,

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

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





DEPT. # 2 SUPERIOR COURT  
FRESNO COUNTY  
Action No. 227015-5  
Res. Exhibit No. 9  
For Ident. 9/9/83  
For Evidence SEP 16 1983  
C. HOWARD  
Deputy County Clerk

CLK 2014.00 E08-70 R00-00



Suspect: M. Lewis		City & Address: 1410 F St Sacramento		Case #: 78-1809
Victim: T. Gray Beal		Offense: PC 187.207, 214, 10851		Date: 2-10-78
Officer: Va Jedin		Remarks: Used for Court.		Page: 12
PROPERTY DESCRIPTION	OUT BY	RET. BY	LOCATION	
(1) WHITE SOCKS SHIRTS			BOX # 7	
(1) Blue jeans			Bag - 348	
(1) Blue + Red kg. Sleeve SHIRT			W-16	
(1) WHITE SOCKS - tan + yellow STRIPES				
(1) Blue SACKET WITH INDR PATCH ON X				
SHIRT				
(1) BRN LEATHER TONNIS SHOES				B.T.
Rec'd By:	City & Address:	Released By:	Release Authorized By:	Date:
Date:	Lic. #			

FRESNO COUNTY SHERIFF'S DEPT. - PROPERTY RECORD

SO-152





alt Wash 1-3-80

FRESNO COUNTY SHERIFF'S DEPARTMENT  
REQUEST FOR EVIDENCE EXAMINATION

NO. 291  
DATE 2-13-78  
TIME 1:30

PLEASE TYPE OR PRINT

CRIME CLASSIFICATION PC 187.207, 211, CUC 10951  
OFFENSE (Suspect) T. GRAY BEAL  
OFFICER Archer / Pdt.

DATE COMMITTED 2-8-78  
CASE NO. 78-1809 JEPD # 5819

ITEM NO.	DESCRIBE EACH ITEM OF EVIDENCE TO BE EXAMINED
(1)	NEUTRON KIT ON HANDS OF DOUGLAS STANKOWITZ
(2)	" " " " " " Terna Toppink
(3)	" " " " " " & HASTON MANSUREA
(4)	" " " " " " MARLIN LEWIS

TYPE OF TESTS, ANALYSIS, OR EXAMINATION REQUESTED

REQUEST F.S.D. CRIMINOLOGIST CONTACT DET G. SNOW OR DET. L. BROWN  
OR SOMEONE IN THE F.P.D. I.B., AND HAVE THEM FORWARD ITEMS  
-4 TO LAB FOR ANALYSIS OF TEST TAKEN.

INVESTIGATING OFFICER T. LEAN  
AGENCY F.S.D.

FOR LABORATORY USE ONLY

EXAMINATION RESULTS Request given to F.P.D. 2-15-78 [Signature]



March 9, 1978

Refer: Case 78-1809

National Office Laboratory  
Room 7575 - IRS Building  
1111 Constitution Ave., N.W.  
Washington, D.C., 20224

Gentlemen:

Please find enclosed swabs taken from defendants Douglas R. Stankewitz, Teena Topping, Marlin Lewis and Christina Menchaca. I am requesting activation analysis of such materials by your Laboratory.

SYNOPSIS: On 2-8-78 the defendants did kidnap victim Theresa Greybeal from a shopping center in Modesto, California, and drive her to the Fresno area, where she was shot in the head and killed. The weapon, a Titan .25 caliber automatic, was recovered. The swabs were taken of defendants on 2-9-78.

Please send results to me at the address shown below. In the event of necessary clarification of any facts, phone me at (209) ~~488-1111~~.

Return Address: Thomas C. Lean III  
Detective, Homicide Detail  
Fresno County Sheriff's Dept.  
P. O. Box 1788  
Fresno, California 93727

Very truly yours,

HAROLD C. MCKINNEY  
SHERIFF-CORONER

Det. Thomas C. Lean  
Detective Division  
Homicide Detail

TCL:smw





Department  
of the Treasury  
Bureau of Alcohol,  
Tobacco and Firearms

Headquarters Laboratory  
Scientific Services Div.  
Washington, D.C. 20226

Forensic Branch  
Phone: 202-964-6277

# Report of Laboratory Examination

Thomas C. Lean, III  
Detective, Homicide Detail  
Fresno County Sheriff's Department  
P.O. Box 1788  
Fresno, California 93717

Date: March 24, 1978

Your: #78-5819

Re: Douglas R. Stankewitz

Our: 8G-170

Date Exhibits Received:	March 14, 1978	Type of Examination Requested: Test for gunshot residue by Atomic Absorption
Delivered By:	Registered mail #1171	
Examination		
Requested by:	Addressee	

**Exhibits:**

Four items, hand swabs with controls of Lewis Marlin, Douglas R. Stankewitz, Tenna E. Topping and Cristina Menchaca, as described in your transmittal letter dated March 9, 1978.

**Findings:**

Levels of barium and antimony indicative of gunshot residue were not found on any of the submitted hand swabs. From these findings, no conclusions can be drawn as to whether the subject(s) did or did not handle or fire a weapon.

The exhibits will be returned by United Parcel Service.

**Analyst:**

*William D. Kinard*  
William D. Kinard  
Forensic Chemist

**Reviewer:**

*Charles R. Midkiff*  
Charles R. Midkiff, Acting Chief  
Forensic Branch

WDK:et  
3/24/78



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.
<b>4</b>	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.
<b>5</b>	.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.
<b>6</b>	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.
<b>7</b>	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.
<b>8</b>	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.
<b>9</b>	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.	
<b>10</b>	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.
<b>11</b>	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.
<b>12</b>	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.
<b>13</b>	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	
<b>14</b>	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.
<b>15</b>	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
<b>16</b>	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.
<b>17</b>	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

<b>18</b>	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
<b>19</b>	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
<b>20</b>	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.
<b>21</b>	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.
<b>22</b>	Exhibits 46 A – F of vehicle	Smith report dated 2-9-78; Smith 1 <sup>st</sup> 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.
<b>23</b>	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 <sup>st</sup> trial Exhibit list, 2d trial Exhibit list, FCSD Req for Evidence Exam #910 dated 5-5-78; Smith, R testimony 1 <sup>st</sup> 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.
<b>24</b>	Negatives for all photos		FSO	Compare with photos developed of Kmart kidnapping location	Show whether photos were changed in any way.
<b>25</b>	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.
<b>26</b>	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.
<b>27</b>	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			
<b>28</b>	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.
<b>29</b>	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.
<b>30</b>	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.
<b>31</b>	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

<b>32</b>	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.
<b>33</b>	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.
<b>34</b>	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.
<b>35</b>	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.
<b>36</b>	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.
<b>37</b>	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.
<b>41</b>	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.
<b>42</b>	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.
<b>43</b>	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.
<b>44</b>	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.
<b>45</b>	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.
<b>46</b>	All DA file notes 1978 - 2012		FCDA	Existence of witnesses and evidence.	Used to show discovery violations and existence of exculpatory evidence.
<b>47</b>	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.
<b>48</b>	DA’s Jury notes – 1 <sup>st</sup> 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

<b>49</b>	DA Investigator reports 1978 – 2012		FCDA	Existence of exculpatory evidence.	Demonstrate that Petitioner was not Graybeals’s killer and undermine confidence in the prosecution.
<b>50</b>	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.
<b>51</b>	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.
<b>52</b>	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.
<b>53</b>	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.
<b>54</b>	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.
<b>55</b>	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 GARRY SNOW

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

1. I was employed as a police officer at the Fresno County Police Department (FPD) – 1967 - 2008. I was a homicide detective from 1972 - 1981. After 41 years, I retired as a Sargeant in 2008.

2. In early February, 1978, I was called from home to work on the Theresa Greybeal homicide case. The initial Greybeal investigation was done by FPD. The victim's body was found in Calwa, located in the County jurisdiction, so the Fresno County Sheriff's Department (FCSD) handled most of the investigation.

3. As requested, I went back to FPD Headquarters and interviewed all of the following suspects on the dates listed below, with other officers and Deputy District Attorney. The interviews took place at the FPD Detective Division, FPD Headquarters, Fresno, CA:

Billy Brown 2/9/78 1:35 am with Det. Brown, FPD

Marlin Lewis early morning 2/9/1978 with Det. Brown. FPD

Marlin Lewis 2/11/1978 with Det. Thomas Lean, FCSD & DDA James Ardaiz

Christina Menchaca 2/9/1978 with Det. Brown, FPD

Christina Menchaca 2/11/1978 with Det. Lean, FCSD & DDA James Ardaiz

Douglas Stankewitz early morning 2/9/1978 with Det. Brown, FPD

Teena Topping early morning 2/9/1978 with Det. Brown, FPD

Teena Topping 11:30 am 2/9/78 with Det. Brown, FPD

Teena Topping 2/11/78 with Det. Lean, FCSD & DDA James Ardaiz

4. All of the interviews were recorded using cassette tapes. Our usual practice was to take a suspect's statement, while recording it. I then dictated the reports and they were typed up. Very often, I would listen to their tape as I dictated my report. Then, we would book the tapes into evidence. In this case, I turned the tapes over to Det. Lean, FCSD. I knew Det. Tom Lean and

Det. Art Christensen very well because I worked a number of cases with them over the years.

5. I recall that the suspects Topping, Menchaca, Lewis & Brown all told basically the same version of events. They all confessed to a kidnapping, a murder and a robbery. I believed that they were being truthful. The only one that I remember that didn't confess to the shooting was Stankewitz. Stankewitz denied doing the shooting.

6. At the time of his arrest in the Graybeal case, due to their prior criminal activity, I knew the Stankewitz family. I recall that one Stankewitz was arrested for murder in Fresno Chinatown. When I worked the FPD gang operation, one of his brothers had been arrested 3 – 4 times, once for trying to shoot one of our officers. It was a pretty good-sized family. We had been out to the residence on SW 10<sup>th</sup> St. many times because when I was working the gang operation, their names kept coming up as being associates of some of the gang members. We were familiar with the violent tendencies of the family as a norm.

7. I remember going to trial and testifying in the People v. Stankewitz case.

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

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge. Executed in Clavis, California on 2/20, 2020.

  
Garry Snow



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

1430

FOLLOW UP

D & T RPT. TO ID 2/23/79 1330		SPECIFIC OFFENSE UNDER INVESTIGATION		CR NO. 78-1809	
D & T ID OFF ARR. 2/23/79 1430		187PC. Homicide Follow up		ID NO.	
D & T OCCURRED-DAY OF WEEK			LOCATION OF OFFENSE County Court House		
VICTIM'S NAME Theresa Graybeal		VICTIM'S ADDRESS		RES. PHONE	WEATHER
BUSINESS NAME		BUSINESS ADDRESS		BUS. PHONE	
EVIDENCE: PHOTOS (*) TRACKS ( ) LATENTS ( ) PHYSICAL ( ) WHEELBASE ( ) DIAGRAMS ( )					
DETAILS: SYNOPSIS, EVIDENCE OBTAINED & COMMENTS: SYNOPSIS: Requested to photograph evidence; to be transported out of county. All photographs taken under the supervision of Dep. DA. Ardaiz. PHOTOS: (15) 1.-15. Overall views of evidence					
INVESTIGATING OFFICER			ID OFFICER DUTY 2118		

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## DECLARATION OF DAVID V. SCHIAVON

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

1. I am a licensed private investigator (PI #13508), doing business as Schiavon Investigations, 2484 N. Chestnut Avenue, #118, Fresno, CA 93703.
2. In my capacity as a licensed investigator, I was retained to conduct an interview with James Spradling, age 80 years old.
3. On November 19, 2018, I conducted a telephonic interview which was recorded with the knowledge and consent of Mr. Spradling.
4. The following is a summary of statements made by James Spradling in response to my questions regarding the investigation of the murder of Theresa Greybeal:
5. James Spradling (hereinafter "Spradling") was born on October 26, 1938, and currently resides in Reno, Nevada. He was contacted by telephone at (775) 379-9146.
6. Spradling resides in an Assisted Living Facility due to problems with his health, including a serious congestive heart issue.
7. Prior to 1972, Spradling worked at the Fresno County Sheriff's Department. In 1972, Spradling transferred to the Fresno County District Attorney's Office as an investigator where he remained employed until his retirement in 1984.
8. Although Spradling had only a vague recollection of the specifics of the investigation, he confirmed that James Ardaiz was the Deputy District Attorney (hereinafter "Ardaiz") to whom Spradling reported, and that all action taken in this investigation were under the direction and supervision of Ardaiz. Within the District Attorney's office, Spradling was the investigator assigned to Ardaiz, and as such, all final decisions regarding this case rested with Ardaiz.
9. Spradling denied that he knew of the Defendant, Douglas R. Stankewitz, (hereinafter "Stankewitz") until after the Defendant's arrest.
10. I directed Spradling's attention to a typewritten report dated June 8, 1978, which indicated that Spradling, Ardaiz, Sgt. Bob Smith FSO and Billy Brown traveled to Modesto, California. Spradling recalled that Billy Brown was "the Indian Kid" who was a friend of Stankewitz.

11. With regard to the events depicted in the June 8, 1978 report, he could only acknowledge that he has no specific recollection of said events, but that they may have occurred as described. Spradling does recall that he may have traveled to Modesto, California at some point and that he recalls a time when he traveled with Ardaiz, but could not relate those events to the June 8, 1978 report.

12. With regard to the June 8, 1978 report, itself, Spradling, without specific recollection, acknowledged that he may have written the report but could not definitively state that he had. He also stated that reports he prepared were normally handwritten and signed.

13. I directed Spradling's attention to another typewritten report dated April 27, 1978, which indicated that Spradling transported witness, Billy Brown, to Ardaiz's office. Spradling indicated the transport of the Billy Brown would have been as the result of Ardaiz's desire to meet with the witness.

14. With regard to the April 27, 1978 report, specifically, and reports he prepared, in general, Spradling stated the following:

A. Spradling does not recall having access to a typewriter. To the best of his recollection, his reports were all handwritten and signed.

B. Spradling could not recall if his reports were prepared on a Fresno County D.A.'s Office Investigation Report Form.

C. Spradling confirmed that it was possible that Ardaiz prepared reports and/or dictated the content of a report for a secretary to transcribe, and because Spradling was Ardaiz's designated investigator, placed Spradling's name on the report as its author.

D. Spradling has no specific recollection of having prepared any reports in this case, or if he had, that such reports would have been handwritten and signed.

E. When asked if reviewing copies of the actual reports would refresh his recollection, he could only state that he could verify its authenticity if he signed it.

15. With regard to the investigation, generally, Spradling stated:

A. The Sheriff's Department handled all evidence and he denies that he ever handled evidence.

B. Spradling does recall a Detective Tom Lean, but could not recall who was the lead Detective at the Fresno County Sheriff's Office. He does not recall what roll Detective Lean played in the investigation.



C. Communication amongst personnel working in the investigation was handled differently in 1978 than it would be today. Specifically, information was disseminated on a “need-to-know” basis.

16. Given Spradling’s age and serious health conditions, Spradling himself is not optimistic about his long-term prognosis, or in his own words, “I can go any day.”

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

June 26, 2020 Choix Co.  
Date and Place

  
\_\_\_\_\_  
DAVID V. SCHIAVON

MEMORANDUMS

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

FROM : DAVID V. SCHIAVON  
SCHIAVON INVESTIGATIONS

DATE : NOVEMBER 19, 2018

SUBJECT: DOUG STANKEWITZ

RE : INTERVIEW WITH JAMES SPRADLING

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JAMES SPRADLING, D.O.B. 10/26/1938  
Reno, Nevada  
(775) 379-9146

This date contact was made with James Spradling who confirmed he worked for the Fresno County District Attorney's Office as an Investigator.

James is currently living in an Assisted Living Facility in Reno Nv. because of his health.

James suffers with congestive heart issues, "I Can Go Any Day."

James indicated his dinner was about to be served and agreed to my recontacting him at 6:30 p.m.

Contact was again made with James and the following information was obtained;

My Contact with James was Audio Recorded with James knowledge and consent.

James related he worked with the Fresno County District Attorney's office as an Investigator, 1972 to 1984 James retired from DA office.

Prior to working with the DA office he worked with Fresno County Sheriff's office about same amount of time then transferred over.

James recalled working on Stankewitz's Case, "Vaguely."

James stated James Ardaiz knew more about the case than anybody.

Know knowledge of 2<sup>nd</sup> 1983 Trial.

James stated he was at Ardaiz's command.

James was Ardaiz's assigned investigator at the DA office.

Ardaiz decided all of the issues.

James said he vaguely recalls going somewhere with Ardaiz.

Recalls B. Brown, "The Indian Kid," who was a friend of Stankewitz.

Does not believe he wrote actual reports, "May Have Don't Recall It."

When informed there is a typed report dated June 8<sup>th</sup> 1978 that indicates he along with James Ardaiz, Sgt. Bob Smith FSO and Billy Brown traveled to Modesto, California, James stated, "I May Have, Can't Swear To It."

When asked if the report dated 6/8/78 regarding the Manteca/Modesto trip sounded similar to one he might have written, James stated, "I May Have, Can't Swear To It."

James was asked about a report on Fresno County District Attorney Investigator Report Form, dated 4/27/1978 that was type written.

James related while he worked with the Sheriff Department most of his reports were handwritten an signed.

While working with the DA's Office, James did not recall having a typewriter, "I Don't Know If I Had A Typewriter."

When informed there is a 4/27/1978 report which reflects that he had transported Witness Billy Brown to James Ardaiz's Office James stated Ardaiz might have wanted him in and James transported him.

James confirmed Billy Brown might have been asked about the distance between the defendant and the victim at the time of the shooting.

When asked if his reports would have been on a Fresno County D.A.'s Office Investigation Report Form, James stated, "I Can't Swear To Anything".

James indicated that his memory is fading.

James confirmed he was born October 26, 1938.

When asked if his memory would be refreshed if I sent him copies of the reports to view I was sharing with him James stated, "IF I Signed It."

When told his name was typed on the report and not signed James stated Ardaiz may have written the report or dictated it to one of the secretaries.

James related communications in those days was a lot different from what it is today.

James denied being present in the Court Room during any of the 1978 Trial.

James denied handling evidence.

James advised the Sheriff's Department handled that.

James could not recall who the lead FSO Detectives was.

James does recall Detective Tom Lean.

James did not recall what roll Det. Lean might have had during the investigation and trial.

James denied testifying at any stages of the trials.

Interview was interrupted and reestablished after a brief break between our phone connections.

When our contact resumed James began by relating, had this trial occurred in the early years of Fresno County there would have been a hanging in Courthouse park and not an appeal.

James again confirmed not recalling his having written any reports and that had he written reports they would have been handwritten and signed.

James confirmed communications in 1978 were not what they are today and that the "Need To Know" theory was applied.

James confirmed Ardaiz could have written the reports and typed in his name because he was Ardaiz's Investigator.

James denied Testifying in Trials.

James recalls Billy Brown.

James recalled the victim being kid napped and brought to Fresno

James recalled the shooting occurred in Calwa, California.

James confirmed he may have traveled to Modesto, California.

James recalled going somewhere with Ardaiz.

James confirmed it was possible he transported Billy Brown to a Family members home.

James could not recall if he or Ardaiz wrote reports to, "Keep Things Straight."

James advised everything that was done after Stankewitz's arrest was under the supervision and direction of James Ardaiz.

James denied ever knowing who Stankewitz was until after his arrest and James reviewing investigation and media reports

DAVID V. SCHIAVON, #PI 13508.



Date of this report 2-9-78		Type of Original Report FSO ASSIST		Case No. 78-5819	
Date crime occurred 2-8-78		Location of occurrence Tenth & Vine		Reporting Division Patrol	
Victim (as listed on orig. report) GREYBEAL, <del>77</del> Teresa		List connecting property report(s) by type and Case No.			
Persons interviewed (not on orig. report) 1. none		Race - Sex - Age		Residence Address	
Persons arrested 1. below		Race - Sex - Age		Filed on? Charge Date	
<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.

SUSPECT:

- 1- STANKEWITZ, Douglas Raymond IMA/21, DOB 5-31-56, 6'1", 190 lbs, bro & bro, wearing red & whi bandana, levi coat, NFD (in custody)
- 2- TOPPING, Teena Elaine IFA/19, DOB [REDACTED] 5'1", 130 lbs, bro & bro, wearing pink sweater & blu levi pants, AKA-LEWIS, Teresa (in custody)
- 3- LEWIS, Marlin Edwin IMA/22, DOB [REDACTED] blk & bro, wearing blu dark colored cloth coat & blu levi pants, NFD (in custody)
- 4- MENCHACA, Christina Garcia MFA/25, DOB [REDACTED] 5'1", 135 lbs, bro & bro, wearing rust colored pants & matching sweater NFD (in custody)
- 5- BROWN, Billy Willis IMJ/14, DOB [REDACTED] 5'6", 130 lbs, blk & bro, wearing short sleeved gold shirt, buttoned down front type, blu levi jeans - NFD (in custody)

SUSPECT VEHICLE:

1971 MERCURY/Couger, burgandy or maroon in color, Ca Lic [REDACTED]

If additional space is required, use Continuation Report, Form 3-C	Time Called In 2320 hrs	Time Typed 0100	By esm	TOTAL VALUE \$	
	Supervisor L. FRIES	Officer(s) Reporting WFB #280/MORA #252		Coded By	Filed By
Approving Sgt.	Review Sgt.		Xeroxed By	Total Copies	

FORM 3.10

196  
10-  
KIS  
det/est

FRESNO POLICE DEPARTMENT  
CONTINUATION REPORT

Page Number

HOT 1229

2

Case No.  
78-5819

2-9-78

GREYBEAL, Teresa

FSO ASSIST

\* \* \* \* \*

2-8-78, approx 2000 hrs, RO's were the foot patrol in China Town, were inside the SEVEN SEAS BAR, at Tulare & "E", filling out field interrogation card on persons inside. OFF MOORE was in the process of filling out a field interrogation card on Robert SIGARROA, at approx 2000 hrs, when susps TOPPING & MENCHACA were observed by the RO's to enter the bar. SUSP MENCHACA & TOPPING walked to the bar & MENCHACA sat down, at which time TOPPING began sitting down, however observed RO's position towards the rear area of the bar TOPPING immediately turned & began exiting the bar, walking in a brisk manner OFF MOORE was completing hte field interrogation card on SIGARROA, at which time OFF WEBB yelled to TOPPING to halt, however was ignored. TOPPING exited the establishment & OFF WEBB ran after TOPPING, as she was crossing "E" St. towards the MERCURY/Couger, which was parked along the east curb line on "E" St/, just south of "S" St. TOPPING at this time turned & asked if RO was yelling at her to halt. RO advised that this was correct & TOPPING at this time crossed back over "E" St. & RO began a routine interrogation. OFF inquired of TOPPING what her name was, at which time, she ID'd herself as being Teresa LEWIS. RO asked to be presented with her ID & TOPPING at this time inquired as the why RO was requesting to observe her ID. RO replied that she was observed inside the establishment & that it is required that she be of 21 years or older & that she did not appear in RO's mind to be of this age. TOPPING at this time stated that she did not have any ID with her, & admitted that she was 17 yrs. old. RO asked her if she was with MENCHACA, who was sitting at the bar, at which time TOPPING replied she was. RO further asked how she became acquainted with MENCHACA & TOPPING related ~~the~~ ~~to~~ the following. TOPPING advised that she resides in Northfork, Ca., & that her & her friends had borrowed her father's MERCURY/Couger, to come down to Fresno to party. TOPPING stated that she had picked up MENCHACA in Pinedale & that herself & her friends, along with MENCHACA had come into the Chine Town area, as MENCHACA had requested to be given a ride to the China Town area. TOPPING stated that MENCHACA advised for giving her a ride to Chine Town, that he would buy her a beer in one of the local clubs. TOPPING at this time was released by RO & was observed to cross "E" St & enter the MERCURY/Couger, which was still parked on the east curb line of "E" St. RO at this time, observed that there were other individuals in the veh, however it was undetermined as to the number or the description.

RO re-entered the SEVEN SEAS BAR, at which time it was observed that OFF MOOR was still completing the field interrogation card on SIGARROA & RO at this time approached MENCHACA, who was sitting at the bar drinking a beer. RO contacted MENCHACA, as she is ~~acquainted~~ ~~with~~ ~~RO~~ acquainted with RO, at which time a field interrogation card was filled out by RO. MENCHACA was conversing with RO at which time RO asked her how she became acquainted with the individual who ID's herself as Teresa LEWIS, at which time MENCHACA stated she had met ~~her~~ her in the China Town area, this date & that the two of them were going to have a drink together in the SEVEN SEAS. MENCHACA stated that apparently Teresa LEWIS realized she was not 21 yrs of age & would be requested to display her ID to RO, at which time she decided to leave



FRESNO POLICE DEPARTMENT  
CONTINUATION REPORT

Page Number

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3

Case No.

78-5819

2-9-78

GREYBEAL, Teresa

FSO ASSIST

before being contacted. During the course of filling out the interrogation card, OFF MOORE had completed his card & also was present while RO WEBB was filling out the card, at which time Marlin LEWIS, entered the SEVEN SEAS BAR, wearing the dark blu coat. LEWIS walked up to the location, where RO's were conversing about happenings in China Town, when MENCHACA hesitated for one or two minutes & then inquired to MENCHACA as to where the mens restroom was in the bar. MENCHACA pointed to the rear location of the bar & stated she belived the restrooms were in this vicinity. LEWIS at this time went on to the restroom & RO completed the card & exited the bar. As RO's began to leave the area, the MERCURY/Cougar was observed, & it was noted that susp TOPPING, who ID'd herself as Teresa LEWIS was sitting behind the drivers steering-sheel. As RO had noted that it did not appear that she had her drivers lic with her, RO decided to talk further to the individuals & to observe who was in the veh & as to what there activities were at this time. RO's crossed the street & made contact with the occupants, at which time TOPPING was the driver, susp Douglas STANKEWITZ was the passenger in the front seat & susp Billy BROWN was the passenger in the rear seat on the passenger side of the veh. RO's at this time conversed again with TOPPING & RO WEBB checked the lic number of the veh & determined that it was not listed as being stolen at this time. RO's conversed with the occupants briefly & it was determined that it did not appear that any of the individuals appeared over nervous except to the fact that TOPPING admitted that she did not have her drivers lic with her at this time. There was not any odor of alcohol smell from any of the individuals inside the veh & that their activity did not indicate that there was any further suspicion to be called towards them. After conversing briefly with the occupants, ØRO's felt there was nothing extraordinary about the individuals or the veh & began leave at which time susp MENCHACA & LEWIS were-again emerged from the SEVEN SEAS BAR & began crossing the street at which time they entered the veh, along with the other occupants. RO's noted that LEWIS was walking in a straight line & upon talking with MENCHACA was inside the establishment, it was also determined that it did not appear that he was under the influence of any type of intoxicating drug or alcoholic beverage. MENCHACA also, herself, except for drinking the beer inside the SEVEN SEAS, did not have a distinct ~~odor~~ odor of alcohol & it was further noted by RO's, that during the course of the conversation, that her eyes were dilated as she is known to RO's to be a heroin addict. RO's at this time inside the bar, felt that she was not under the influence of an opiate derivative & appeared extremely alert & sober.

RO's upon rounding the corner from "E" St, onto Tulare & walking E/B, noticed that MENCHACA & LEWIS had entered the veh, however it was still ~~parked~~ parked at this location, when RO's walked away from the veh.

RO's on 2-9-78, were advised by FS Det., that a homicide had occurred & that the individuals involved in this follow-up were poss ~~related~~ related. RO's for this reason, made this follow-up & requested it be forwarded on to FSO DET for their evaluation.

Refer FSO case number 78-1879

LT. ERIES

WEBB #280/MORA #358 (2320 hrs

0100/esm

198



FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

*File*

69. CASE NO.

78-1809

FOLLOW-UP  
-1-

DATE 7-17-78

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

7-17-78, R/O obtained a copy of R/O's report in preparation for the STANKEWITZ Court Trial. After going over R/O's report R/O observed that there had been a portion of R/O's report left out. The portion that was left out was STANKEWITZ refusal to give a urine test, regarding Narcotics examination.

When R/O had STANKEWITZ and Detective Tom Lean down in the Breathalyzer room R/O examined STANKEWITZ's eyes and arms and photographed them, R/O offered STANKEWITZ the opportunity to give R/O a urine test to clear him of any drugs that he might be using. STANKEWITZ refused stating the fact that he could not urinate and that he would not give R/O any urine sample at any later date either. At this point R/O advised him that this is considered to be a refusal and could be used in court against him and he stated that he understood. It was at this point R/O advised Detective Lean to have the subject taken to the Valley Medical Center and have blood drawn in an attempt to see if there was some type of Narcotics still in his system.

On 7-18-78, R/O contacted District Attorney James Ardiaz informing him of the fact that R/O had just obtained a copy of R/O's report and had observed that the STANKEWITZ urine refusal was not included in the report and that R/O felt he should have knowledge of it so he could inform the Defense Attorney. Deputy ARDIAZ advised R/O to please dictate a short Follow-Up regarding this refusal and that he would orally advise the Defense Attorney that this report was coming.

REPORTING OFFICERS Satterberg	RECORDING OFFICER	TYPED BY WT	DATE AND TIME 7-18-78, 0915	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. ATTHY. <input type="checkbox"/> SQ./P.D.	<input type="checkbox"/> CII <input type="checkbox"/> PATROL <input type="checkbox"/> OTHER	REVIEWED BY	
			DATE	

CAL JUS CR #2 50.7

151 *150 deleted*

FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

*File*

69. CASE NO.

78-1809

FOLLOW-UP

-2-

DATE \_\_\_\_\_

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

R/O with the understanding that this report would be forwarded to ARDIAZ, advised Mr. ARDIAZ that normally urine is taken, however if subject refuses to give a urine test then we do attempt in later cases to obtain blood which at times will show Narcotics, however it's not as good a test as the urine test.

REPORTING OFFICERS Satterberg	RECORDING OFFICER	TYPED BY WC	DATE AND TIME 7-18-78, 0912	ROUTED BY
FURTHER ACTION <input type="checkbox"/> YES <input type="checkbox"/> NO	COPIES TO: <input type="checkbox"/> DETECTIVE <input type="checkbox"/> JUVENILE <input type="checkbox"/> DIST. ATTN. <input type="checkbox"/> S.O./P.D.	<input type="checkbox"/> CII <input type="checkbox"/> PATROL <input type="checkbox"/> OTHER	REVIEWED BY	
			DATE	

*157*



VICTIM T. BRAYBEN CASE NO. 78-1809  
 SUSPECT BILLIE BROWN  
 CRIME R. 187, 207, 211, 10851  
 DESCRIPTION (1) TAPE OF SUSP. BROWNS  
STATEMENTS (2-11-78)  
 REMARKS Hold for court  
 DEPUTY LEAD CHAS DATE 2-17-78

10/14

6

Box

78-1809





FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.

78-1809

DATE 2-11-78 Interview with Billy Brown

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

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

Q: Okay he had a tape recorder on.  
Q: Billy, uh I'm gonna ask the officers to read you your rights again and uh, Officer Christensen and Lean.

Q: Billy this is in regards to uh a situation that developed out in Modesto and ended up here in Calowa and uh theres some information that uhm we'd like to clarify before we go ahead, hu, we wanta advise you of your rights, you have the right to remain silent, anything you say can and will be used against you in a court of law. You have the right to talk to a lawyer and have him present with you while your being questioned. If you cannot afford to hire a lawyer one will be appointed to represent you before any questioning if you wish. You can decide at any time to exercise these rights and not answer any questions or make any statements. Do you understand each of the rights I have explained to you?

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

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

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				DATE: .....	



FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.

78-1809

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70. CODE SECTION	71. CRIME	72. CLASSIFICATION		
73. VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS.)		74. ADDRESS	RESIDENCE	BUSINESS
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Q: a couple of things I wanta clear up. Now, Billy you recall, you recall do you know, do you recall seeing a girl named Christine?

A: Yeah

Q: Okay, you know who she is?

A: Yeah she looks like an injun broad.

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

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

Q: Think it was joint here?

A: Some bar downtown.

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

A: Yea

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

A: Yea thats right

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

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

A: Yeah

Q: And then they took you home

A: Yea

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

A: Yeah

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

A: There was two of em

Q: Were they on foot

A: Yes

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

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

Q: In front of what

A: In front of the Seven seas resteraunt

Q: The Seven seas

A: Uh huh (positive)

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

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

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

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

A: Yeah

Q: And where were you seated in the car?

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

Q: In the back or the front?

A: In the back

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

A: THEY already shot her.

Q: They already shot her?

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

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

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70. CODE SECTION

71. CRIME

72. CLASSIFICATION

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

74. ADDRESS

RESIDENCE

BUSINESS

75. PHONE

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

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

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

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

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

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

back up there.

Q: Whos they?

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

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

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

Q: Who was?

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

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73. VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS.)		74. ADDRESS	75. PHONE
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A: When Doug come over to the car.

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

A: No, he couldn't.

Q: Okay could you show me how?

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

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

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

Q: Popped up a little bit of recoil.

A: Yeah, he only just shot once.

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

A: Looking the other way, the opposite way

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

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

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Lewis was still kinda making the L.

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

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

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

A: He had his knife.

Q: Was the knife out?

A: The knife was out of the case.

Q: How was he holding the knife.

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

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

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

Q: And he was just holding it?

A: Uh huh (affirmitave)

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

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

Q: You think he was unarmed?

A: Yeah

Q: You know where the knife was?

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Petition for Writ of Habeas Corpus - EXHIBITS

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

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

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

A: Unh huh (affirmitave).

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

A: Mhmm

Q: Now anybody else in the car?

A: Nmhm (negative)

Q: Okay where did you go then?

A: Thats when I went to that bar.

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

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

Q: Okay, who's they?

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

Q: CHRISTINE MENCHAKA?

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

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

74. ADDRESS

RESIDENCE

BUSINESS

75. PHONE

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

Q. Who?

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

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

A. Uh huh

Q. Where was STANKEWITZ?

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

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

A. Uh huh

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

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

Q. Who's she?

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

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

Q. A missing persons data?

A. Yeah, yeah

Q. For you?

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

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

A. I think TINA did.

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

A. TINA did.

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Q. She did, what did she tell her?

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

Q. That was right before the girl was shot?

A. That was, yeah, right before.

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

A. Uh-uhm (YES)

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74. ADDRESS

RESIDENCE

BUSINESS

75. PHONE

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

A. CHRISTINE did.

Q. Now who gave the watch to CHRISTINE?

A. TINA

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

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

Q. Who did?

A. Uh, TINA did.

Q. OK

A. (unintelligible)

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

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

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

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

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

A. Huh-uh (negative)

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

A. NO

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

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

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

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

A. Uh-uh (yes)

Q. OK

A. And (unintelligible) WALKER.

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

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Fresno, California

69. CASE NO.

78-1809

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-15-

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

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

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

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

Q. Who was in the car?

A (unintelligible)

Q. When you stoped in Manteca?

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

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

A. Yeah.

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

A. Oh yeah, J.C.

Q. What's his name?

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

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

A. Uh-huh

Q. In some little town, right?

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

A. Uh=huh

Q. The officer got everybody out of the car?

A. Uh-huh.

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

A. They, they, yeah, they

Q. What did they do with you?

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

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

A. Uh, about 4:30

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

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

Q. Whose they?

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

Q. Who hitched that ride up to the freeway?

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

Q. Which friends?

A. STANKEWITZ and TINA.

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

A. They stayed at the bus stop.

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72. CLASSIFICATION

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

74. ADDRESS

RESIDENCE

BUSINESS

75. PHONE

Q. OK

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

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

A. (unintelligible)

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

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

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

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

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

A. Uh-huh

Q. And taking you out of the car there?

A. Uh-huh.

Q. Were you searched then?

A. No, no

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

A. Yeah.

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

Q. OK, were you searched there?

A. No

Q. Where was the gun?

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

Q. What kind of sack was it?

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

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

A. Plastic sack with designs on it.

Q. Shopping bag?

A. Yeah

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

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

Q. MARY STANKEWITZ?

A. Yeah

Q. DOUG's mother?

A. Uh-hum

Q. And she left the bag with who?

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

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

we're not gonna wait here forever, so, they uh, he, he told LEWIS, hand him that bag. So he got the gun out and stuffed it in his pants and him and J.C. went out somewhere. They come back about an hour and a half later and says it's no good, they waited about a half hour and they went out again, they came back and they said nothing. So we were sitting there waiting for the bus.

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

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

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

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

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

Q: Firing a shot at him?

A: No.

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

A: Right

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

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

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

A: Yeah

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

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

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NO. CODE-SECTION \_\_\_\_\_ FL. CRIME \_\_\_\_\_ 79. CLASSIFICATION \_\_\_\_\_

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

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

Q: Where did you hitchhike to?

A: From that little town we hitchhiked to Modesto.

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

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

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

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

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

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

Q: Was there anything unusual about the truck.

A: NO

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

A: No a new truck

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

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

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

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

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71. CRIME

72. CLASSIFICATION

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

74. ADDRESS

RESIDENCE

BUSINESS

75. PHONE

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

Q: He turned off the freeway?

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

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

A: Yeah

Q: Okay. In Modesto?

A: Mhmm (positive)

Q: What'd the man look like?

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

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

A: He was white

Q: He was white?

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

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

A: He had short hair, sorta like his.

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

Q: Like um, Detective Leans?

A: Mhmm

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

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

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

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

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

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

A: Yeah

Q: STANKOWITZ had the gun?

A: Mhmm (positive)

Q: What did LEWIS have?

A: LEWIS had that knife.

Q: He had that knife?

A: Yeah

Q: Okay.

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

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

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

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

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

you didn't shoot the girl or anything like that, I understand all that, but uh, I want you to understand that what were trying to do is were trying to go through this and figure out what happened, okay, and were trying to make that decision as reasonably as we can, and as fairly as we can.

A: So when will all this be cleared up?

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

A: Unintelligible)

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

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

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

Q: LEWIS laughed?

A: Yeah

Q: How about STANKOWITCZ?

A: STANKOWITCZ was laughing anyway. He's physco

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

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

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

A: Thats all I said.

Q: What about TINA?

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

Q: What did CHRIS say to her.

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

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

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

A: Mhmm (positive)

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

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

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

A: No, I don't think so.

Q: You can't recall anything?

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72. CLASSIFICATION

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

74. ADDRESS

RESIDENCE

BUSINESS

75. PHONE

A: No

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

A: No

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

A: No, till after

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

A: No

Q: Nothing, everybody was straight?

A: Mhmm

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

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

Q Okay

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

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

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TYPED BY

DATE AND TIME

ROUTED BY

Dlc

2-15-78

FURTHER ACTION

YES

NO

COPIES TO:

DETECTIVE

CII

JUVENILE

PATROL

DIST. ATTN.

OTHER \_\_\_\_\_

SO./P.D.

OTHER \_\_\_\_\_

REVIEWED BY

DATE

Petition for Writ of Habeas Corpus - EXHIBITS

FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.

78-1809

DATE \_\_\_\_\_

-29-

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

A: No

Q: And neither did you?

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

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

Q: What do you mean kinda goofy?

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

Q: TINA

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

Q: Yeah, but you, I mean

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

Q: They didn't say anything?

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

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

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

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

A: Yeah

Q: Who said that?

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

FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.

78-1809

DATE \_\_\_\_\_

-30

70. CODE SECTION

71. CRIME

72. CLASSIFICATION

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

74. ADDRESS

RESIDENCE

BUSINESS

75. PHONE

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

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

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

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

A: Mhmm

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

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

REPORTING OFFICERS

RECORDING OFFICER

TYPED BY

Dlc

DATE AND TIME

2-15-78

ROUTED BY

FURTHER ACTION

YES  
 NO

COPIES TO:

DETECTIVE  CII

JUVENILE  PATROL

DIST. ATTNY.  OTHER

SO./PD.  OTHER

REVIEWED BY

DATE

Petition for Writ of Habeas Corpus - EXHIBITS



Supp # 1

FRESNO COUNTY DISTRICT ATTORNEY

BUREAU OF INVESTIGATIONS

INVESTIGATION REPORT

Defendant: DOUGLAS RAY STANKEWITZ D.A. Case No.: 78-1060  
 Charge: PC 187 Date of Report: 4/27/78  
 Originating Agency: \_\_\_\_\_ Defendant Local No.: \_\_\_\_\_  
 Originating Agency No. \_\_\_\_\_ CII No.: \_\_\_\_\_  
 FBI No.: \_\_\_\_\_

Approximately 2:30 p.m., 4-14-78, BILLY JOE BROWN was brought to the office of JAMES ARDAIZ for an interview.

BROWN was asked how far the defendant was from the victim when the shot was fired and stated just a couple of feet or words to that effect. ARDAIZ then read lines 3 through 16, page 126, of the reporters transcript of the preliminary hearing and asked BROWN if that was correct. BROWN stated no and related that he had meant that he, while seated in the vehicle, was approximately five yards from the defendant. BROWN was then asked to demonstrate the defendant's location in relation to that of the victim when the shot was fired. Using the undersigned investigator as a subject, BROWN held both hands together indicating the defendant held the weapon with both hands, and stretched his arms out to a position near and pointing toward the back of undersigned investigator's head. BROWN was asked to estimate the distance between his hands and the back of undersigned investigator's head and stated between ten and fifteen inches.

td

Copies to: \_\_\_\_\_ Investigator: J. SPRADLING  
 DA-66 \_\_\_\_\_ Bureau Number \_\_\_\_\_ Signature: \_\_\_\_\_

Handwritten mark






COMPLAINT HISTORY DETAIL

COMPLETE 02/08/78

0259 3/OCJ (CP03/00006 1255/01/Q)

- /2108 COMP BROWN, RPTS OUT OF CONTROL JUV THIS LOC
- /2110 DISP 3Q11 JOHANSEN
- /2110 EXCHG 3K41 PRINCE
- /2110 PREEMP 3Q11
- /2119 10-97 3K41
- /2129 MISC 3K41, REG DET HAVE POSS 10851/207/187 (ALL POSS)
- /2143 ASSIST 2D19 MC DANIEL
- /2146 RADIO 3K41, FPD SGT AND 1 UNIT ENROUTE
- /2152 RADIO 3K41, BILLY BROWN STATED THAT DOUG STANKOWITZ KIDNAPED A WHI  
IN MODESTO
- /2152 10-97 2D19
- /2154 RADIO 3K41, THEY DROVE TO FRESNO IN FEMALES WHI/RED LEMANS
- /2155 RADIO 3K41, BROWN STATED STANKOWITZ SHOT THE FE IN HEAD AND LEFT H  
HINA TOWN
- /2213 TRANS 2D19 CHINA TOWN, WILL 11-98 FPD
- /2214 MR #780390026 3K41, POSS 187 F/U D-PRINCE
- /2214 10-98 3K41, MR
- /2219 RADIO 2D19, ADV HANFORD PD TO BOL FOR VEH
- /2220 RADIO 2D19, SUBJ HAS BROTHER IN HANFORD HOSP POSS ENROUTE THERE
- /2230 RADIO 2D19, HANFORD PD ADV
- /2231 10-97 2D19
- /2233 MISC 2D19, WILL BE IN AREA OF MISSION
- /2254 RADIO 2D19, 11-98 WITH FPD AT EL TANAPA
- /2328 TRANS 2D19 E/KERN
- /2331 MISC 2D19, 3 SUBJS IN CUSTODY, WAS THIS WHI/MAROON COUGAR?.AFF
- /2335 MISC 2D19, PD HAS VEH AT THIS LOC
- /2336 MISC 2D19, HAVE ALL FOUR SUBJ
- /2348 TRANS 2D19 ENR HQ
- /0057 10-8 2D19
- /0057 CLOSED
- /0137 MISC, FPD LT LARGE REPORTS FEMALE BOB
- /0138 MISC, BOB FOUND AT NINE AND TENTH IN CALWA

0032 \*DEADP (WC01/00006 3260/34, R - )  
 E VINE AV/S TENTH ST-NM  
 /0150 EMER FPD, REPORTS FINDING THE BODY OF A DECEASED FEMALE/THIS IS I  
 TO THE MISSING FEMALE FROM MODESTO/SEE CALL NUMBER 259  
 /0151 DISP 1K11 D-ELLIOTT  
 /0151 DISP 1K03 SGT GATTIE  
 /0151 DISP 1Q31 D-MORRISON  
 /0151 10-97 1K11, 0139 HRS  
 /0151 10-97 1K03, 0143 HRS  
 /0151 10-97 1Q31, 0146 HRS  
 /0155 ASSIST 1I24  
 /0156 ASSIST 3I18  
 /0158 ASSIST 2D19 MC DANIEL  
 /0159 TRANS 3I18 FPD HQ, CHECKING THE SUSP VEH TIRES PRIOR TO GOING TO THE S  
 E  
 /0201 10-97 3I18  
 /0204 10-97 2D19  
 /0205 10-97 1I24  
 /0211 MISC 1K03, APPEARANTLY THE BODY HAS BEEN AT THIS LOCATION SINCE 2030  
 /0212 MISC 1K03, 1K11 AND 1Q31 WILL BE CHECKING WITH RES IN THE AREA  
 /0218 TRANS 3I18 VINE/TENTH  
 /0220 10-97 3I18  
 /0243 RADIO 2D19, LT COYLE FROM MODESTO IS SENDING DET ELVIN THOMASON TO ASSI  
 IN CASE  
 /0252 RADIO 2D19, MODESTO MISSING PERSON REPORT NUMBER 78-06706  
 /0253 RADIO 2D19, MODESTO TO TAKE A CVC 10851 ON THE VEHICLE  
 /0254 RADIO 2D19, LT LARGE(FPD) ADVISES THEY WILL HANDLE BOOKING THE SUSPECTS  
 D TAKING  
 /0254 RADIO 2D19, THEIR STATEMENTS  
 /0255 MISC 1K03, DISPATCH THE CORONER ADVISE HIM TO ARRANGE FOR DISPOSAL OF TH  
 BODY  
 /0304 ASSIST 1B07  
 /0313 10-97 1B07  
 /0315 MISC 2D19, REQ 10-21 DR NELSON, HAVE HIM 11-98 THIS LOC-POSS TO POST SURJ  
 TONIGHT H  
 /0321 MISC 2D19, CONF YOU REG; T.C.NELSON---EITHER NELSON WILL DO  
 /0322 MISC 1K03, 10-21 486 9308 FOR W/C  
 /0329 10-98 1Q31, SEE F/U 78-39-26  
 /0334 MISC 1B07, ADV THE W/C TO MAKE THE PROPER NOTIFICATION  
 /0339 MISC 2D19, T.C.NELSON WILL POST THE BODY AROUND ABOUT 10:00 2-9-78  
 /0341 MISC 1K11, SEE F/U 78-39-26  
 /0341 10-98 1K03, AST COMP  
 /0342 TRANS 1I24 VMC  
 /0342 MISC 1K11, 78-5819 FPD MR #  
 /0343 MISC 2D19, CONT DET SNOW & SEE IF SUBJ STANKOWITZ HAS BN BOOKED  
 /0343 10-98 1K11, SEE F/U  
 /0346 MISC 2D19, NEG, SUBJ NOT BOOKED  
 /0346 TRCOMP 1B07  
 /0346 TRCOMP 1I24  
 /0347 TRANS 3I18 VMC  
 /0347 TRCOMP 3I18  
 /0347 ASSIST 1K03 SGT GATTIE  
 /0347 TRANS 1K03 VMC  
 /0347 TRCOMP 1K03  
 /0354 TRANS 1B07 VMC  
 /0355 TRCOMP 1B07  
 /0355 TRANS 2D19 HQ  
 /0357 TRANS 2D19 FPD IB  
 /0357 TRCOMP 2D19  
 /0435 TRANS 2D19 HQ  
 /0437 10-98 1K03, AST COMP  
 /0440 TRCOMP 2D19  
 /0507 TRANS 1I24 HQ  
 /0509 TRANS 3I18 HQ  
 /0511 TRCOMP 1I24  
 /0512 TRCOMP 3I18  
 /0514 RADIO 2D19, MODESTO REPORTS PARENTS OF HOMICIDE VICTIM HAVE BEEN NOTIFIED  
 /0515 RADIO 2D19, MODESTO CASE ON STOLEN CAR AND KIDNAPPING IS 78-06747

LT. Coyle, (Modesto Pd) 



FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE

78-39-26 MR

78-1809-FSO

FPD 78-5819

Modesto Missing  
Person #78-06706

DATE 2-8-78 Follow-Up

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

This report pertains to a Follow-Up investigation of the report written by Deputy PRINCE on a possible PC 187.

2143 hours on 2-8-78 R/O was dispatched to ~~██████████~~ regarding the above traffic.

Upon arrival at the location, R/O contacted Deputy PRINCE. Deputy PRINCE was in a bedroom with a subject who identified himself as Billie BROWN (4 0 62).

When asked by R/O if he had any information on a possible PC 187, BROWN related the following: He (B. BROWN), Tina TOPPING, Doug STANKEWITZ and Marlf LEWIS were enroute to Fresno, California in an unknown year Oldsmobile vehicle white in color, from Sacramento, California. North of Modesto their vehicle was stopped at gun point by officers from an unknown police department. BROWN further related that he, STANKEWITZ, LEWIS and TOPPING were arrested then later released for a possible VC 10851. The (4) four of them hitchhiked a ride to Modesto where they were let off.

They walked to a shopping center near a K-Mart Store. BROWN related he was waiting inside the store. STANKEWITZ and T. TOPPING were outside observing victim and followed her to her vehicle. STANKEWITZ entered passenger side as TOPPING pushed victim inside the vehicle and entered after her on the driver side. BROWN and LEWIS also entered the vehicle. Teena TOPPING, while driving, asked victim if she had any money and if she did, give it to them.

REPORTING OFFICERS McDaniel	RECORDING OFFICER McDaniel 2D19	TYPED BY kj	DATE AND TIME 2-9-78 1255	ROUTED BY
FURTHER ACTION <input type="checkbox"/> YES <input type="checkbox"/> NO	COPIES TO: <input checked="" type="checkbox"/> DETECTIVE <input type="checkbox"/> CII <input checked="" type="checkbox"/> JUVENILE <input type="checkbox"/> PATROL <input checked="" type="checkbox"/> DIST. ATTN. <input checked="" type="checkbox"/> CC FPD <input type="checkbox"/> OTHER	2-10-78		
<input type="checkbox"/> S.O./P.D. <input type="checkbox"/> OTHER	REVIEWED BY <i>Ala's office</i>	DATE		

FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.

78-39-26

DATE \_\_\_\_\_

-2-

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

Victim advised they could have \$30.00, her watch, make-up and rings.

BROWN related there was an uneventful ride to Fresno until they stopped at the Joy-N-Joy Bar. At this location a female known to BROWN as "Chris" (Christina MENCHACA) was picked up. The five (5) of them drove with victim in victim's vehicle to the Olympic Hotel at 1435 Kern. The female Christina exited the vehicle to make an apparent purchase of Heroin then returned.

They drove around for a short time then stopped the vehicle at an unknown location on a dark street near a white fence. D. STANKEWITZ and victim exit the passenger side as M. LEWIS exit from the rear seat passenger side. The (3) three of them walked a few steps from the vehicle. Victim stated, "At least you could have dropped me off at a restroom." Victim was standing with her back slightly towards the two subjects outside the vehicle. BROWN related he observed STANKEWITZ aim with the right arm, holding the wrist with his left hand. A flame was observed as STANKEWITZ's hand was observed to jerk upwards.

BROWN stated at that time he requested that he be taken home. He was transported to his residence and let off. At his residence BROWN related the incident to Deputy PRINCE, who requested R/O. See PRINCE MR 78-39-26.

2231 hours 2-8-78 R/O transported B. BROWN to the Chinatown area (West Fresno) in an attempt to locate the scene of occurrence. The area was searched until 2323 hours.

REPORTING OFFICERS McDaniel	RECORDING OFFICER Same	TYPED BY kj	DATE AND TIME 2-9-78 1400	ROUTED BY
FURTHER ACTION <input type="checkbox"/> YES <input type="checkbox"/> NO COPIES TO: <input type="checkbox"/> DETECTIVE <input type="checkbox"/> CII <input checked="" type="checkbox"/> JUVENILE <input type="checkbox"/> PATROL <input type="checkbox"/> DIST. ATTNY. <input type="checkbox"/> OTHER <input type="checkbox"/> SO./P.D. <input type="checkbox"/> OTHER		REVIEWED BY		DATE

134

FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.  
78-39-26

DATE \_\_\_\_\_

-3-

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

R/O, with B. BROWN as passenger, were westbound Kern in front of the Olympic Hotel. A female was observed standing near the hotel doorway. Passenger BROWN, also observing the female, fell to the floor of R/O's vehicle. P/O asked BROWN if he was acquainted with the female. BROWN replied that she was with them when the woman was killed.

R/O u-turned the unmarked vehicle and advised assisting Fresno Police Department Unit Officers CALLAHAN and RODRIGUEZ #342. The vehicle submitted on an earlier broadcast as that belonging to a missing person was observed parked on the south side of Kern headed east. The assisting Fresno Police Department Unit and R/O parked behind the described vehicle ('71 white/maroon Cougar, license [REDACTED]). Douglas STANKEWITZ, Marlin LEWIS and Teena TOPPING were ordered out of the vehicle and placed in custody. Having been advised by one of the suspects that Christine MENCHACA was in an upstairs hotel room, R/O entered the hotel and located the suspect standing in the hallway. R/O asked the subject to identify herself and she stated her name was Christine. This subject was also placed into custody.

At the above point in time the case was turned over to Fresno Police Department Sgt. Ron DOWNS for process.

0158 hours 2-9-78 R/O was advised at Fresno Police Department that the body of a deceased female was found at Vine/Tenth. R/O was also advised the scene of occurrence would be processed by Fresno Sheriff's Department.

REPORTING OFFICERS McDaniel	RECORDING OFFICER Same	TYPED BY ki	DATE AND TIME 2-9-78 1410	ROUTED BY
FURTHER ACTION <input type="checkbox"/> YES <input type="checkbox"/> NO COPIES TO: <input type="checkbox"/> DETECTIVE <input type="checkbox"/> CII <input checked="" type="checkbox"/> JUVENILE <input type="checkbox"/> PATROL <input type="checkbox"/> DIST. ATTNY. <input type="checkbox"/> OTHER <input type="checkbox"/> S.O./P.D. <input type="checkbox"/> _____		REVIEWED BY		DATE

FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.

78-39-26

-4-

DATE \_\_\_\_\_

70. CODE SECTION

71. CRIME

72. CLASSIFICATION

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

74. ADDRESS

RESIDENCE

BUSINESS

75. PHONE

2004 hours R/O arrived at the scene. Also at the scene was Sgt. T. GATTIE, B-177, Fresno Sheriff's Department, Deputy G. ELLIOTT, A373, Fresno Sheriff's Department, I. Bureau PREHEIM, Fresno Sheriff's Department, Fresno Police Department Units were also at the scene, Detective L. BROWN, Patrolme RODRIQUEZ and CALLAHAN.

The scene of occurrence was a low income residential area, dimly lit. The deceased was discovered at the southeast corner of Vine/Tenth, lying on a sparsely grassy area. The victim appeared to be that of a white female adult, early 20's, with long red hair. Victim was dressed in blue denim type pants with an elastic waist band, blue socks and brown earth shoes. Victim had a brown canvas type purse draped over the left arm. Victims body was on the back with face upwards. Head was towards an easterly direction, but slightly northward. Victims left arm was outstretched at an approximate 90 degree angle. The right arm was alongside the body, palm downward approximately 6" away from the body. Victims legs were spread approximately 18" wide feet outward.

There was a turquoise ring on the left hand middle finger and also a turquoise ring on the left hand ring finger.

There appeared to be blood in front of and just below the left ear lobe.

Evidence located at the scene was a king size filter cigarette at the

REPORTING OFFICERS

McDaniel

RECORDING OFFICER

Same

TYPED BY

kj

DATE AND TIME

2-9-78 1420

ROUTED BY

FURTHER ACTION  YES  NO

COPIES TO:

DETECTIVE  CII  
 JUVENILE  PATROL  
 DIST. ATTN.  OTHER  
 S.O./P.D.  OTHER

REVIEWED BY

DATE

136

FRESNO COUNTY SHERIFF'S DEPARTMENT  
Fresno, California

69. CASE NO.

78-39-26

DATE \_\_\_\_\_

-5-

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

right side of victims head. At 3'10" from the west curb of Tenth and 55' from the north curb of Vine Street was an empty casing of a .25 caliber.

I. Bureau PREHEIM and I. Bureau DUTY processed the scene. See I. Bureau report for results.

Suspects in custody PG 836, 207, 211, 187, VC 10851:

STANKEWITZ, Douglas Ray 5-31-56

LEWIS, Marlin [REDACTED]

[REDACTED] California

MENCHACA, Christina Garcia [REDACTED]

TOPPING, Teena Elaine [REDACTED]

[REDACTED] California

BROWN, Billie [REDACTED]

REPORTING OFFICERS McDaniel	RECORDING OFFICER Same	TYPED BY kj	DATE AND TIME 2-9-78 1425	ROUTED BY
FURTHER ACTION <input type="checkbox"/> YES <input type="checkbox"/> NO	COPIES TO: <input type="checkbox"/> DETECTIVE <input type="checkbox"/> JUVENILE <input type="checkbox"/> DIST. ATTN. <input type="checkbox"/> S.O./P.D.	<input type="checkbox"/> GII <input type="checkbox"/> PATROL <input type="checkbox"/> OTHER	REVIEWED BY	DATE 138





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) <del>Theresa</del> 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. <del>██████████</del>		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	

FORM 3.10

FOLLOW-UP REPORT

## CONTINUATION REPORT

Page Number

2

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 wasterly 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 ~~MC 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

3

Case No.

78-5019

2/9/78

GREVEAL, Theresa

CVC 10251/RECOVERED

(OUT OF TOWN)

Further he 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 sneps 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. MOCHALIS  
BROWN, L. #189

2/9/78 twd

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FOLLOW-UP REPORT

REPORT DET	Type of Original Report: <b>CVC 10851/RECOVERED (OUT OF TOWN)</b>	Case No: <b>78-5819</b>																				
Date of this report: <b>2/9/78</b>	Location of occurrence: <b>1400 block of Kern</b>	Reporting Division: <b>Detective</b>																				
Date of occurrence: <b>2/8/78</b>	List all convicted persons, reported by Title and Case No.																					
<b>REVEAL, Theresa GREVEAL</b>	Residence Address:	Res. Phone:																				
<table border="1"> <tr> <th>Name</th> <th>Race</th> <th>Sex</th> <th>Age</th> <th>Filed on</th> <th>Charge</th> <th>Date</th> <th>I. T. A.</th> <th>City</th> <th>Court Div.</th> </tr> <tr> <td><b>STANKEWITZ, Douglas Raymond</b> (DOB 5/21/56)</td> <td></td> <td></td> <td><b>I M 21</b></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </table>	Name	Race	Sex	Age	Filed on	Charge	Date	I. T. A.	City	Court Div.	<b>STANKEWITZ, Douglas Raymond</b> (DOB 5/21/56)			<b>I M 21</b>								
Name	Race	Sex	Age	Filed on	Charge	Date	I. T. A.	City	Court Div.													
<b>STANKEWITZ, Douglas Raymond</b> (DOB 5/21/56)			<b>I M 21</b>																			
SEE BELOW																						

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 officers 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.

2/9/78 twd

APR. MOCKALIS BROWN, L. #189

TOTAL VALUE \$

APPROVED BY [Signature]

FOLLOW-UP REPORT

FRESNO POLICE DEPARTMENT  
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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.

At this time, RO, in conjunction with detective G. SNOW in company with the susp Teena TOPPING, proceeded to check the area in Calawa ~~where~~ the vict in this case's body. Details of the interview will be ~~for~~ <sup>by</sup> 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 ~~and the~~ upon finding the body, and the crime scene was turned over to det L. BROWN to handle and process until 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 noticable 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 multy 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 vieing the area around the vict's body, a filter tip cigarette was found laying next to the vict's right arm. Also found, approx 18 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 MC DANIELS would be en route to that loca- tion to handle the crime scene investigation for their office. It should

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GREVEAL, Theresa

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further be noted that the FSO 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 interrigation of the susps in regards to this case. The results of those interrogations 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. BONESTEEL. The processing of their hands consisted of swabs, done, the details of that will be on IB tech J. BONESTEEL's follow-up report, same case number.

This report will be continued.

CAPT. MOCKALIS  
BROWN, L. #189

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**\*\*HOT\*\***

Date of this report 7-9-78		Type of Original Report ASSIST FSO OF BURDER (M/V) RECOVERED VEH/RECOVERED		Case No. 78-5819
Date crime occurred 7-9-78		Location of occurrence 1100 ST PETERS ST		Reporting Division DUNEDIN
Victim (as listed on orig. report) WPA22 CONYBEAL, Theresa AKA BOLOS		List connecting property report(s) by type and Case No.		
Persons interviewed (not on orig. report)		Residence Address		Res. Phone
Persons arrested IM21		Filed on?		Charge
1. STANKIEWITZ, Douglas Raymon		No PC836, 187, 211a, 207, CVC10851		
2. LEWIS, Marlin Edwin IM22		No PC836, 187, 211a, 207, CVC10851		
3. MENCHUCHA, Cristina MF25		No PC836, 187, CVC10851		
4. [REDACTED]		No PC836, 187, 207a, 211a, CVC10851		
(X) Cleared		(X) Closed		(X) Incorrectly classified - change to:
				(X) Unfounded
				(X) Continued

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

**PERS ARRESTED (contd):** BROWN, Billy MM14, filed on NO, WIC602, PC836, PC187, 211a, 207, CVC10851.

**SUSPS:** STANKIEWITZ, Douglas Raymond IM21, 6'0, 190, brn eyes, drk brn hair, [REDACTED] wearing whi athletic T shirt, blu cord pants, blk & whi shoes. (In FCJ PC836, 187, 211a, 207, CVC10851)

LEWIS, Marlin Edwin IM22, 5'3, 122, brn/blk, DOB [REDACTED], wearing blu jacket with red patch, blu T shirt, blu levis, tan suede shoes, add 1410 "1" #3, SACCO, (In FCJ PC836, 187, 211a, 207, CVC10851).

MENCHUCHA, Christina MF25, 5'1, 130, brn/blk, DOB [REDACTED], add [REDACTED], 266-7354, also stays at OLYMPIC MOTEL #5. (In FCJ PC836, 187, CVC10851).

TOBBING, Teena Elaine, IF19, 5'1, 130, brn/blk, DOB [REDACTED], add [REDACTED], wearing blu levis, pink pullover sweater, blu thongs. (In FCJ PC836, 187, 211a, CVC10851, PC207).

BROWN, Billy, MM14, 5'4, 130, brn/blk, DOB [REDACTED], add [REDACTED] MINARRES, [REDACTED] (In FCJH WIC602, PC836, 187, 211a, CVC10851, PC207).

**RELATED CASES:**

If additional space is required, use Continuation Report, Form 3-C

Time Called In	Time Typed	By	TOTAL VALUE \$
	1:10		
Supervisor	Officer(s) Reporting	Coded By	Filed By
Approving Sgt. FROST	Review Sgt. [REDACTED]	Xeroxed By	Total Copies

**FOLLOW-UP REPORT**

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Case No.

78-5819

2-9-78

GREYBEAL, Theresa  
AKA POLESKISTOLEN/RECOV VEH  
ASSIST FSO.

MODESTO PD MISSING ADULT CASE 78-06706.

FCSO MURDER CASE 78-39-26.

On 2-8-78 approx 2325 hrs ROs were contacted via phone by SGT R. DOWNS concerning the prior poss murder. SGT DOWNS advised ROs that at approx 2108 hrs that date the FCSO had received a phone call concernign a poss out of control juv at [REDACTED] MINARETS "D" in PINEDALE. Deputy PRINCE of the FCSO was dispatched to [REDACTED] where he contacted the juv subj Billy BROWN. The juv susp Billy BROWN had related to Deputy PRINCE of the FSO that he had ben in company with several other susps earlier that date when they had kidnapped a female from MODESTO CA & driven her to the FRESNO area. The juv Billy BROWN stated that th susps he was with had shot & killed th-e female they had kidnapped from MODESTO & had left her body near some RR tracks poss in the FRESNO area. Refer to FSO Murder case 78-39-26 for further details.

Deputy PRINCE had taken a brief statement from the juv susp Billy BROWN & th had called for a Det MCDANIELS to the scene of [REDACTED] MINARETS "D" PINEDALE concernign the info received from the juv. Det MCDANIELS from the FSO had talked to the juv Billy BROWN briefly & then contacted the FPD approx 2149 hrs to have them meet them at the MINARETS Add.

SGT DOWNS advised that LT PACKARD from the MODESTO PD (526-2501) had been contacted approx 2210 hrs. LT PACKARD from the MPD had advised that their dept did receive a missing pers report (Case nr 78-06706) on the above listed female vict earlier that date. The victs parents, Gerald POLESKI add [REDACTED] MODESTO [REDACTED] had last seen the vict that date approx 1700 hrs at which time shewas enroute to a KENTUCKY FRIED CHICKEN shop in MODESTO. The parents advised that the vict did not have a habit of taking off & failing to return without telling them. The p[er] MPD had furnished a desc of the above missing female vict. They had also given a desc of the victs stolen veh as being a whi/burgundy [REDACTED]. This desc of the missing female in her veh matched the desc supplied by the juv susp Billy BROWN.

The male juv, Billy BROWN, had been transported to the area of CHINATOWN where he was able to point out the above victs veh in the [REDACTED].

Assisting Off CALLAHAN & RODRIGUEZ had spotted the above victs stolen veh at approx 2304 hrs. The vict veh was occupied by 2 male susps (Marlin LEWIS & Douglas STANKEWITZ) at that time it was discovered. Both male susps (LEWIS & STANKEWITZ) were arrested at that time. It should be noted that a knife & a .25 cal automatic were found inside the victs veh at that time. Refer to additional follow-up reports for details. RO was advised hat the female su Teena [REDACTED] was also arrested after she had exited the susp veh. A second female susp, Christine MENCHACA was arrested in the OLYMPIC MOTEL, [REDACTED]. Refer to additional follow-up reports covering the circumstance surrounding the arrest.

After the above 4 adult susps were arrested, they were separated & transported to the FPD. ROs had responded to Hq where they were again given a brief account of the incident by SGT R. DOWNS. ROs were advised that the victs

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AKA POLOSKISTOLEN VEH/RECOV  
ASSIST FSO

body had not been found as yet.

Shortly after ROs arrival to Hq, ROs were advised that the victs veh had be towed to the ramp of the FPD in order to be photogtaphed & processed by the IB. Refer to IB Tech BOMSEBELS follow-up report for details & also for various articles of evidence which was recovered. After the victs veh was processed it was later stored in sealed at the FCSO Underground garage as evidence.

ROs first contacted female susp Teena Elaine TOPPING at the Det Div. ROs ha Idd themselves to the female susp TOPPING & advised her that she was co nsi ered a poss susp in the prior auto theft & also assault. ROs advised susp TOPPING of her constitutional rights from the dept issue Miranda card. She stated that she understood her rights & was willing to answer questions. Susp TOPPING first stated that earlier that night she had been just riding around in a veh with some of her friends. Susp TOPPING stated that she had just beenarrived in FRESNO from SACTO. She stated that she & her Susp Marl LEWIS had just both come from SACTO earlier that day together. She also ad vided that susp Doug STANKEWITZ had also come to FRESNO from SACTO that day with them. Susp TOPPING at forst was somewhat hesitant in answering questi on & stated she was a little afraid & didnt know exactly what to tell RO. ROs suggested to susp TOPPING that she be completely truthful concerning what ha occurred earlier that night. Susp TOPPING advised that they had hitchhiked fror SACTO to MODESTO. RO asked susp Teena TOPPING where they had gotten t veh. She atsted that they and gotten the veh (1977 [redacted]) in MODESTO. RO asked susp TOPPING to tell him how that they were able to get the victs veh. Susp TOPPING stated that she along with susps Douglas STANK WITZ & Marlin LEWIS were able to get the car by jumping some female. She stated that they had jumped the female in MODESTO. Susp TOPPING desc the vict as having long red hair & blu eyes. Susp TOPPING stated that the victs veh had been aprked on the parking lot in front of K-MART in MODESTO. She stated this is where they had jumped the female vict. Susp TOPPING stated that the female vict apparently had ben shopping inside K-MART for something. Susp TOPPING at first had told ROs that the only people with her at the time of the kidnapping was Douglas STANKEWITZ & Marlin LEWIS. At forst she did mention the juv susp Bobby BROWNS name. Susp TOPPING went on to state that shehad helped the other 2 susps by jumping the vict. RO asked her to explai what she had done or meant by jumping the vict. Susp TOPPING stated that sh had pushed the above female vict down inside her veh just after the vict had entered it. She stated that after pushing the vict down she had gotten some what on top of her & opened up the door for the male susps (STANKEWITZ & LEWIS). Susp TOPPING stated that the 2 susps LEWIS & STANKEWITZ had gotten into the victs ear at that time just after she pushed & jumped on the vict. RO asked susp TOPPING which one of the susps had the gun at that time & she at first had stated "I DONT KNOW." RO asked susp TOPPING what had happened after they had jumped the above vict. She stated that they had taken the vict with them & driven to FRESNO. Susp TOPPING stat-d that they did not have to tie the female vict up or hold her down while they drove from MODESTO to FRESNO. She later admitted that they had threatened the female vict in that the vict was afraid. Susp TOPPING stated that after arriving in FRESNO they had driven in the downtown area for a while. Susp TOPPING desc the vict

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Petition for Writ of Habeas Corpus - EXHIBITS

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GREYBEAL, Theresa  
AKA POLOSKISTOLEN/REC VEH  
FSO ASSIST.

veh as being a Cougar drk red or burundy in color. Susp TOPPING was somewhat evasive at first & stated that they had just merely dropped the female vict off somewhere after arriving in the FRESNO area. Susp TOPPING at first had told ROs that she did not know that the vict had been shot. Susp TOPPING advised ROs that she was not familiar with the streets in FRESNO & did not know exactly where they had dropped off the vict. Susp TOPPING was not specific as to where they had dropped off the above vict. She stated that it was only somewhere on the W side of town. RO asked susp TOPPING who was in the victs veh when they had dropped off the vict & she had stated she along with Douglas STANKEWITZ & Marlin LEWIS. Moments later she stated that female susp Christina MENCHUCHA was also in the victs veh when the vict was dropped off. Susp TOPPING advised that the female susp Christina MENCHUCHA was not in the victs veh or with them when they had jumped the vict in MODESTO. She stated that they had picked up Christina MENCHUCHA after arriving in FRESNO. Susp Teena TOPPING had told ROs that after they arrived at FRESNO they had stopped at a bar & picked up Christina MENCHUCHA. She advised that they had stopped the victs veh on TULARE ST where the bar was located. She advised the bar was on TULARE poss between "E" & "F" St. Susp TOPPING advised that the female vict was still inside the veh when they had stopped in the Chinatown area to pick up Christina MENCHUCHA. Susp TOPPING stated that the above vict was still in the car at that time & had not been shot or injured. Susp TOPPING advised that she had gone into the bar herself in order to use the bathroom & on entering the bar she had obs Christina MENCHUCHA. Susp Teena TOPPING stated that the female susp Christina MENCHUCHA had left the bar with her & had entered the victs veh. She stated that the vict was still inside her car with the other susps LEWIS & STANKEWITZ.

RO asked susp TOPPING who had the gun. Susp TOPPING was evasive & stated that she did not know who had the gun & that she did not see them handing it back forth. Susp TOPPING had then spoken up & stated "I DONT KNOW WHO THE GUN BELONGED TO."

Susp TOPPING was evasive in answering questions & advised that they had just driven around for a while & had stopped their veh at some unk location & merely dropped the above vict off. She stated that she did not hear any gunshot.

RO attempted to point out to the susps Teena TOPPING at that time the seriousness of the incident, & problem. RO advised her that the female vict had not been found as yet & that they needed her help in attempt to try & locate the vict if the vict was shot or injured seriously. RO pointed out to susp Teena TOPPING that if she was able to help find the female vict that there might be a chance that the vict would still be alive. RO pointed out to susp TOPPING that the time element was very important especially if the vict was still alive somewhere. Susp TOPPING stated that she did not know the name of the street however they had dropped the vict off near the tracks on the W side of town. Susp TOPPING first advised ROs that they had dropped the female vict off near the tracks on the other side of ANDYS BAR located in the 2300 blk of S "G". She stated the vict was dropped off near the RR tracks past the ANDYS BAR. Susp TOPPING stated that the vict was not left right by the RR Tracks but on the other side of them referring somewhere past the ANDYS BAR. Det Larry BROWN had then left the interview room in an effort to

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ASSIST FSO.

proceed to search the area around the tracks near the ANDYS BAR in the [REDACTED] [REDACTED] " [REDACTED] Susp TOPPING at first continued to be evasive & stated that she did not know exactly where the vict was shot at on her body.

During further questioning susp TOPPING admitted that she had helped previously to jump the vict by pushing her & pulling her down while the other suspects entered the victs veh. Susp TOPPING stated that the vict had mentioned to them later that she had just come from her fathers add & was supposed to pick up something or go shopping. RO asked susp TOPPING if the vict had a purse with her & the susp TOPPING had stated "I THINK SO." RO asked susp TOPPING if she knew what happened to the purse & she had stated "NO" at first. RO asked susp TOPPING if one of the male suspects in the veh had taken the victs purse & she had stated "NO." The susp TOPPING had then spoken up & stated "MAYBE THE PURSE IS WITH HER."

Susp TOPPING later advised that susp Douglas STANKEWITZ had come down from SACTO to MODESTO the previous day. susp TOPPING stated that he & Marlin LEWIS had come down the following day & met susp STANKEWITZ in MODESTO. RO asked susp TOPPING if STANKEWITZ or LEWIS was her boyfriend. She stated that STANKEWITZ was just a real good friend of hers. Susp TOPPING advised that they had gotten from SACTO to MODESTO by hitchhiking. She advised that they had just met up with STANKEWITZ in MODESTO near the K-MART Store. Susp TOPPING indicated that the reason why they had jumped the vict was to steal or take her veh. She advised that they were tired of walking & nobody would give them a ride so they decided to take a veh. Susp TOPPING advised that the vict had come out of the K-MART store & that she had followed the vict to her veh. Susp TOPPING stated that her friends STANKEWITZ & LEWIS were also nearby waiting for the vict to get into her veh. Susp TOPPING advised that after the vict had started to get into her car she had shoved or pushed the vict & then opened the door so the other suspects could get inside. She advised that they had ~~then~~ then left together in the victs veh. Susp TOPPING advised that she had pushed the vict over on the front seat after following the vict to her veh. She stated that she did not have any weapons on her pers at that time. Susp TOPPING advised that she & the other suspects had told the vict to be quiet for they just wanted to use her car & that they would give it back to her later. She stated that they then drove from MODESTO to FRESNO. She advised that they had driven down to the CHINATOWN area & this is when they had stopped & she had gone into the bar & met Christine MENCHUCHA. Susp TOPPING advised that her friends STANKEWITZ & LEWIS had stayed in the victs veh with the vict while she had gone into the bar & met Christina MENCHUCHA. Susp TOPPING advised that after she & Christina MENCHUCHA had gotten back into the car they had just driven around for a while & she did not hear her friends LEWIS & STANKEWITZ mention anything about what they planned on doing with the vict. RO asked susp Teena TOPPING who was driving the victs veh after they had picked up Christina MENCHUCHA. Susp TOPPING stated that she was the one who was driving the victs veh at that time. RO asked her how she knew when to stop the veh when the vict was dropped off.

RO asked susp TOPPING who had gotten out of the car with the vict when she stopped it. Susp TOPPING at first was very evasive & advised that she did not notice for she was just looking straight ahead. She mentioned that she

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AAA/POLOSKI

GREYBEAL, Theresa  
K41111/1001STOL/RECOV VEH  
ASSIST FSO

did not want to look. She advised that she did not want to even see what was happening.

RO advised susp TOPPING that it was important to find out who had gotten out of the car with the vict when she stopped. RO advised TOPPING that he felt that she was not the pers who had actually pulled the trigger on the vict. Susp TOPPING had spoken up & stated "I KNOW I DID NOT." Susp TOPPING at first was very evasive & stated that she did not know her friends even had the gun & she did not hear a shot. She stated that she had the radio turned up loud when she stopped the car. Susp TOPPING just mentioned that the vict did not get abck into the car after she had stopped. She stated that she had just stopped for a few moments when the vict had gotten out of the car. Susp TOPPING at first stated that she could not remember or did not see which one of the susps had gotten out of the vcar with the vict.

Moments later susp TOPPING stated that everybody who was in the car previously had gotten out when the vict had exited the veh when she stopped. Susp TOPPING mentioned that everybody had gotten out of the car including susp STANKEWITZ, Christina MENCHUCHA, & Marlin LEWIS. a-Christina-MENCHUCHA. Susp TOPPING stated that she was the only one who waited in the veh when the vict had been taken out of the car. She advised that they were out of the car for just a brief moment.

Susp TOPPING stated that nobody made any statements after all of them had gotten back into the car except for the vict when she stopped. Susp TOPPING had told RO that she did not know the vict had been shot for she did not hear a gunshot.

Susp TOPPING had told RO that after they had gotten back into the car they just rode around for a while & then stopped in Chinatown near the Hotel & this is where the Police had arrested them. Susp TOPPING stated that she had just gotten out of the veh & was going to walk up to the hotel to see a friend of Chris MENCHUCHA's when the officer had stopped & told her that she could not go upstairs. She stated that she had gone back over to the vict's veh & this is when the officers had placed them into cust. RO asked susp TOPPING what time she thought they had picked up the vict in MODESTO (END OF TAPE #1).

Susp Teena TOPPING had estimated that they had jumped the above vict sometime around 430PM or 5PM while in MODESTO. Susp TOPPING had made the statement to RO that she had told the vict to be quiet after she jumped & pushed her into the car. She stated that she did not tell the vict that she was going to kill her. Susp TOPPING advised that she was in a sober condition at the time of the incident & that she was also in a sober condition at the time of the interview. She again stated that she understood all of the rights which were read & explained to her. She stated that she agreed to make a statement in that no promises had been made to her. RO advised susp Teena TOPPING that she would be placed in the holding cell & detained for a few moments. RO had walked the susp Teena TOPPING down to the IB. RO continued to express to the susp TOPPING how important it was to try & find the female vict in case the vict might still be alive. Susp TOPPING at that time had stated that she

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STOL/RECOVERED V  
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would attempt to help by trying to show ROs where they had dumped the vict in this case. She agreed to accompany RO in a Police veh & attempt to find the location of the injured vict. Susp TOPPING had directed RO down RR Ave & then e/b on CHURCH from the RR Tracks. She had then directed RO in a S d ection after crossing the tracks & had led RO into the CALWA Area. Susp TOPPING Had told ROs that RO at that time while driving in the Police veh that the vict should be laying on a corner near a picket fence. Susp TOPPI had directed RO to the intersection of TENTH & VINE in CALWA & pointed out vict who was lying at the intersection. The vict was obviously deceased ap ently from a gunshot wound. Susp TOPPING Ha dspoken up & stated tat this is the same location where they had gotten the vict out of the veh & where she was shot. She had told RO that the vict was shot after she was removed from the veh at TENTH & VINE. She stated the vict was not shot in the veh & that she was shot after being removed from the veh at the intersection.

Det BROWN & SO Det MC DANIELS had arrived at the scene after RO had found t victs body. Refer to their reports for additional details & desc of the vi It should be note d that the vict purse was lying next to her body & this w mentioned previously by susp TOPPING when she stated that the vict shouls still have her purse.

Susp TOPPING had told RO during the interview that she had not stolen any prop from the vict this case.

RO will attempt to question susp TOPPING In more detail at a later time.

After questioning susp TOPPING RO had returned to the DetDiv where he quest ioned susp Christina MENCHUCHA, Marlin LEWIS, Billy BROWN, & Douglas STANKE WITZ.

Later on 2-9-78 RO was contacted by Det T. LEAN who was assigned to do foll up investigation concerning this homicide. RO had ggiven Det LEAN a tape recorded statement of susp Marlin LEWIS confestion & also Christina MENCHUC statement. Det LEAN stated that he would have atypist at the FCSO type the tape recorded statement in report form.

Will continue.

SUPVR: CAPT MOCKALIS

RO: G. SNOW 207/L. BROWN 189

2-9-78 pyg.





FOLLOW-UP REPORT

DET HOT

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

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

PERSON ARRESTED:

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

\* \* \*

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

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

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

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

FORM 3.10

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Capt. MOCKALIS  
G. SNOW #207

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MODESTO PD MISSING ADULT CASE 78-06706.

FCSO MURDER CASE 78-39-26.

On 2-8-78 approx 2325 hrs ROs were contacted via phone by SGT R. DOWNS concerning the prior poss murder. SGT DOWNS advised ROs that at approx 2108 hrs that date the FCSO had received a phone call concernign a poss out of control juv at [REDACTED] "D" in PINEDALE. Deputy PRINCE of the FCSO was dispatched to [REDACTED] where he contacted the juv subj Billy BROWN. The juv susp Billy BROWN had related to Deputy PRINCE of the FSO that he had ben in company with several other susps earlier that date when they had kidnaped a female from MODESTO CA & driven her to the FRESNO area. The juv Billy BROWN stated that th susps he was with had shot & killed th-e female they had kidnapped from MODESTO & had left her body near some RR tracks poss in the FRESNO area. Refer to FSO Murder case 78-39-26 for further details.

Deputy PRINCE had taken a brgef statement from the juv susp Billy BROWN & the had called for a Det MCDANIELS to the scene of [REDACTED] "D" PINEDALE concernign the info received from the juv. Det MCDANIELS from the FSO had talked to the juv Billy BROWN briefly & then contacted the FPD approx 2149 hrs to have them meet them at the MINARETS Add.

SGT DOWNS advised that LT PACKARD from the MODESTO PD (526-2501) had been contacted approx 2210 hrs. LT PACKARD from the MPD had advised that theie dept did receive a missing pers report (Case nr 78-06706) on the above listed female vict earlier that date. The victs parents, Gerald POLASKI add [REDACTED] MODESTO [REDACTED] had last seen the vict that date approx 1700 hrs at which time shewas enroute to a KENTUCKY FRIED CHICKEN shop in MODESTO. The parents advised that the vict did not have a habit of taking off & failin to return without telling them. The pd MPD had furnished a desc of the above missing female vict. They had also given a desc of the victs stolen veh as being a whi/burgundy 1971 Cougar, C [REDACTED]. This desc of the missing female in her veh matched the desc supplid by the juv susp Billy BROWN.

The male juv, Billy BROWN, had been transported to the area of CHINATOWN where he was able to point out the above victs veh in the 1400 blk of KERN ST.

Assisting Off CALLEHAN & RODRIGUEZ had spotted the above victs stolen veh at approx 2304 hrs. The vict veh was occupied by 2 male susps (Marlin LEWIS & Douglas STANKEWITZ) at that time it was discovered. Both male susps (LEWIS & STANKEWITZ) were arrested at that time. It should be noted that a knife & a .25 cal automatic were found inside the victs veh at that time. Refer to additional follow-up reports for details. RO was advised hat the female sus Teena [REDACTED] was also arrested after she had exited the susp veh. A second female susp, Christine MENCHACA was arrested in the OLYMPIC MOTEL, 1400 blk of KERN St. Refer to additional follow-up reports covering the circumstances surrounding the arrest.

After the above 4 adult susps were arrested, they were separated & transported to the FPD. ROs had responded to HQ where they were again given a brief account of the incident by SGT R. DOWNS. ROs were advised that the victs

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body had not been found as yet.

Shortly after ROs arrival to Hq, ROs were advised that the victs veh had been towed to the ramp of the FPD in order to be photographed & processed by the IB. Refer to IB Tech BONSTEBELS follow-up report for details & also for various articles of evidence which was recovered. After the victs veh was processed it was later stored in sealed at the FCSO Underground garage as evidence.

ROs first contacted female susp Teena Elaine TOPPING at the Det Div. ROs had IDd themselves to the female susp TOPPING & advised her that she was considered a poss susp in the prior auto theft & also assault. ROs advised susp TOPPING of her constitutional rights from the dept issue Miranda card. She stated that she understood her rights & was willing to answer questions. Susp TOPPING first stated that earlier that night she had been just riding around in a veh with some of her friends. Susp TOPPING stated that she had just been arrived in FRESNO from SACTO. She stated that she & her susp Marlin LEWIS had just both come from SACTO earlier that day together. She also advised that susp Doug STANKEWITZ had also come to FRESNO from SACTO that day with them. Susp TOPPING at first was somewhat hesitant in answering questions & stated she was a little afraid & didnt know exactly what to tell RO. ROs suggested to susp TOPPING that she be completely truthful concerning what had occurred earlier that night. Susp TOPPING advised that they had hitchhiked from SACTO to MODESTO. RO asked susp Teena TOPPING where they had gotten the veh. She stated that they had gotten the veh (1971 Cougar whi/burg) in MODESTO. RO asked susp TOPPING to tell him how that they were able to get the victs veh. Susp TOPPING stated that she along with susps Douglas STANKEWITZ & Marlin LEWIS were able to get the car by jumping some female. She stated that they had jumped the female in MODESTO. Susp TOPPING desc the vict as having long red hair & blu eyes. Susp TOPPING stated that the victs veh had been parked on the parking lot in front of K-MART in MODESTO. She stated this is where they had jumped the female vict. Susp TOPPING stated that the female vict apparently had been shopping inside K-MART for something. Susp TOPPING at first had told ROs that the only people with her at the time of the kidnapping was Douglas STANKEWITZ & Marlin LEWIS. At first she did not mention the juv susp Bobby BROWNS name. Susp TOPPING went on to state that she had helped the other 2 susps by jumping the vict. RO asked her to explain what she had done or meant by jumping the vict. Susp TOPPING stated that she had pushed the above female vict down inside her veh just after the vict had entered it. She stated that after pushing the vict down she had gotten some what on top of her & opened up the door for the male susps (STANKEWITZ & LEWIS). Susp TOPPING stated that the 2 susps LEWIS & STANKEWITZ had gotten into the victs car at that time just after she pushed & jumped on the vict. RO asked susp TOPPING which one of the susps had the gun at that time & she at first had stated "I DONT KNOW." RO asked susp TOPPING what had happened after they had jumped the above vict. She stated that they had taken the vict with them & driven to FRESNO. Susp TOPPING stated that they did not have to tie the female vict up or hold her down while they drove from MODESTO to FRESNO. She later admitted that they had threatened the female vict in that the vict was afraid. Susp TOPPING stated that after arriving in FRESNO they had driven in the downtown area for a while. Susp TOPPING desc the vict

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veh as being a Cougar drk red or burundy in color. Susp TOPPING was somewhat evasive at first & stated that they had just merely dropped the female vict off somewhere after arriving in the FRESNO area. Susp TOPPING at first had told ROs that she did not know that the vict had been shot. Susp TOPPING advised ROs that she was not familiar with the streets in FRESNO & did not know exactly where they had dropped off the vict. Susp TOPPING was not specific as to where they had dropped off the above vict. She stated that it was only somewhere on the W side of town. RO asked susp TOPPING who was in the victs veh when they had dropped off the vict & she had stated she along with Douglas STANKEWITZ & Marlin LEWIS. Moments later she stated that female susp Christina MENCHUCHA was also in the victs veh when the vict was dropped off. Susp TOPPING advised that the female susp Christina MENCHUCHA was not in the victs veh or with them when they had jumped the vict in MODESTO. She stated that they had picked up Christina MENCHUCHA after arriving in FRESNO. Susp Teena TOPPING had told ROs that after they arrived at FRESNO they had stopped at a bar & picked up Christina MENCHUCHA. She advised that they had stopped the victs veh on TULARE ST where the bar was located. She advised the bar was on TULARE poss between "E" & "F" St. Susp TOPPING advised that the female vict was still inside the veh when they had stopped in the Chinatown area to pick up Christina MENCHUCHA. Susp TOPPING stated that the above vict was still in the car at that time & had not been shot or injured. Susp TOPPING advised that she had gone into the abn herself in order to use the bathroom & on entering the bar she had obs Christina MENCHUCHA. Susp Teena TOPPING stated that the female susp Christina MENCHUCHA had left the bar with her & had entered the victs veh. She stated that the vict was still inside her car with the other susps LEWIS & STANKEWITZ.

RO asked susp TOPPING who had the gun. Susp TOPPING was evasive & stated that she did not know who had the gun & that she did not see them handing it back forth. Susp TOPPING had then spoken up & stated "I DONT KNOW WHO THE GUN BELONGED TO."

Susp TOPPING was evasive in answering questions & advised that they had just driven around for a while & had stopped their veh at some unk location & merely dropped the above vict off. She stated that she did not hear any gunshot.

RO attempted to point out to the susps Teena TOPPING at that time the seriousness of the incident, & problem. RO advised her that the female vict had not been found as yet & that they needed her help in attempt to try & locate the vict if the vict was shot or injured seriously. RO pointed out to susp Teena TOPPING that if she was able to help find the female vict that there might be a chance that the vict would still be alive. RO pointed out to susp TOPPING that the time element was very important especially if the vict was still alive somewhere. Susp TOPPING stated that she did not know the name of the street however they had dropped the vict off near the tracks on the W side of town. Susp TOPPING first advised ROs that they had dropped the female vict off near the tracks on the other side of ANDYS BAR located in the 2300 blk of S "G". She stated the vict was dropped off near the RR tracks past the ANDYS BAR. Susp TOPPING stated that the vict was not left right by the RR Tracks but on the other side of them referring somewhere past the ANDYS BAR. Det Larry BROWN had then left the interview rm in an effort to

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proceed to search the area around the tracks near the ANDYS BAR in the 2300 blk of S "G" ST. Susp TOPPING at first continued to be evasive & stated that she did not know exactly where the vict was shot at on her body.

During further questioning susp TOPPING admitted that she had helped previously to jump the vict by pushing her & pulling her down while the other susps entered the victs veh. Susp TOPPING stated that the vict had mentioned to them later that she had just come from her fathers add & was supposed to pick up something or go shopping. RO asked susp TOPPING if the vict had a purse with her & the susp TOPPING had stated "I THINK SO." RO asked susp TOPPING if she knew what happened to the purse & she had stated "NO" at first. RO asked susp TOPPING if one of the male susps in the veh had taken the victs purse & she had stated "NO." The susp TOPPING had then spoken up & stated "MAYBE THE PURSE IS WITH HER."

Susp TOPPING later advised that susp Douglas STANKEWITZ had come down from SACTO to MODESTO the previous day. susp TOPPING stated that he & Marlin LEWIS had come down the following day & met susp STANKEWITZ in MODESTO. RO asked susp TOPPING if STANKEWITZ or LEWIS was her boyfriend. She stated that STANKEWITZ was just a real good friend of hers. Susp TOPPING advised that they had gotten from SACTO to MODESTO by hitchhiking. She advised that they had just met up with STANKEWITZ in MODESTO near the K-MART Store. Susp TOPPING indicated that the reason why they had jumped the vict was to steal or take her veh. She advised that they were tired of walking & nobody would give them a ride so they decided to take a veh. Susp TOPPING advised that the vict had come out of the K-MART store & that she had followed the vict to her veh. Susp TOPPING stated that her friends STANKEWITZ & LEWIS were also nearby waiting for the vict to get into her veh. Susp TOPPING advised that after the vict had started to get into her car she had shoved or pushed the vict & then opened the door so the other susps could get inside. She advised that they had ~~then~~ then left together in the victs veh. Susp TOPPING advised that she had pushed the vict over on the front seat after following the vict to her veh. She stated that she did not have any weapons on her pers at that time. Susp TOPPING advised that she & the other susps had told the vict to be quiet for they just wanted to use her car & that they would give it back to her later. She stated that they then drove from MODESTO to FRESNO. She advised that they had driven down to the CHINATOWN area & this is when they had stopped & she had gone into the bar & met Christine MENCHUCHA. Susp TOPPING advised that her friends STANKEWITZ & LEWIS had stayed in the victs veh with the vict while she had gone into the bar & met Christina MENCHUCHA. Susp TOPPING advised that after she & Christina MENCHUCHA had gotten back into the car they had just driven around for a while & she did not hear her friends LEWIS & STANKEWITZ mention anything about what they planned on doing with the vict. RO asked susp Teena TOPPING who was driving the victs veh after they had picked up Christina MENCHUCHA. Susp TOPPING stated that she was the one who was driving the victs veh at that time. RO asked her how she knew when to stop the veh when the vict was dropped off.

RO asked susp TOPPING who had gotten out of the car with the vict when she stopped it. Susp TOPPING at first was very evasive & advised that she did not notice for she was just lookign straight ahead. She mentioned that she

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Petition for Writ of Habeas Corpus - EXHIBITS

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## CONTINUATION REPORT

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78-5219

2-9-78

XXX/POZOSKI

GREYBEAL, Theresa  
KEZLER/VOISTOL/RECOV VEH  
ASSIST FSO

did not want to look. She advised that she did not want to even see what was happening.

RO advised susp TOPPING that it was important to find out who had gotten out of the car with the vict when she stopped. RO advised TOPPING that he felt that she was not the pers who had actually pulled the trigger on the vict. Susp TOPPING had spoken up & stated "I KNOW I DID NOT." Susp TOPPING at first was very evasive & stated that she did not know her friends even had the gun & she did not hear a shot. She stated that she had the radio turned up loud when she stopped the car. Susp TOPPING just mentioned that the vict did not get abck into the car after she had stopped. She stated that she had just stopped for a few moments when the vict had gotten out of the car. Susp TOPPING at first stated that she could not remember or did not see which one of the susps had gotten out of the vcar with the vict.

Moments later susp TOPPING stated that everybody who was in the car previously had gotten out when the vict had exited the veh when she stopped. Susp TOPPING mentioned that everybody had gotten out of the car including susp STANKIEWITZ, Christina MENCHUCHA, & Marlin LEWIS, a-Christina-MENCHUCHA. Susp TOPPING stated that she was the only one who waited in the veh when the vict had been taken out of the car. She advised that they were out of the car for just a brief moment.

Susp TOPPING stated that nobody made any statements after all of them had gotten back into the car except for the vict when she stopped. Susp TOPPING had told RO that she did not know the vict had been shot for she did not hear a gunshot.

Susp TOPPING had told RO that after they had gotten back into the car they just rode around for a while & then stopped in Chinatown near the Hotel & this is where the Police had arrested them. Susp TOPPING stated that she had just gotten out of the veh & was going to walk up to the hotel to see a friend of Chris MENCHUCHA's when the officer had stopped & told her that she could not go upstairs. She stated that she had gone back over to the vict's veh & this is when the officers had placed them into cust. RO asked susp TOPPING what time she thought they had picked up the vict in MODESTO (END OF TAPE #1).

Susp Teena TOPPING had estimated that they had jumped the above vict sometime around 430PM or 5PM while in MODESTO. Susp TOPPING had made the statement to RO that she had told the vict to be quiet after she jumped & pushed her into the car. She stated that she did not tell the vict that she was going to kill her. Susp TOPPING advised that she was in a sober condition at the time of the incident & that she was also in a sober condition at the time of the interview. She again stated that she understood all of the rights which were read & explained to her. She stated that she agreed to make a statement in that no promises had been made to her. RO advised susp Teena TOPPING that she would be placed in the holding cell & detained for a few moments. RO had walked the susp Teena TOPPING down to the ID. RO continued to express to the susp TOPPING how important it was to try & find the female vict in case the vict might still be alive. Susp TOPPING at that time had stated that she

## CONTINUATION REPORT

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FRESNO POLICE DEPARTMENT  
CONTINUATION REPORT

Page Number

7

Case No.

78-5819

2-9-78

GREYBEAL, Theresa  
AKA POLOSKI

STOL/RECOVERED VEH  
ASSIST FSO.

would attempt to help by trying to show ROs where they had dumped the vict in this case. She agreed to accompany RO in a Police veh & attempt to find the location of the injured vict. Susp TOPPING had directed RO down RR Ave, & then e/b on CHURCH from the RR Tracks. She had then directed RO in a S direction after crossing the tracks & had led RO into the CALWA Area. Susp TOPPING had told ROs that RO at that time while driving in the Police veh that the vict should be laying on a corner near a picket fence. Susp TOPPING had directed RO to the intersection of TENTH & VINE in CALWA & pointed out the vict who was lying at the intersection. The vict was obviously deceased apparently from a gunshot wound. Susp TOPPING had spoken up & stated that this is the same location where they had gotten the vict out of the veh & where she was shot. She had told RO that the vict was shot after she was removed from the veh at TENTH & VINE. She stated the vict was not shot in the veh & that she was shot after being removed from the veh at the intersection.

Det BROWN & SO Det MC DANIELS had arrived at the scene after RO had found the victs body. Refer to their reports for additional details & desc of the vict. It should be noted that the vict purse was lying next to her body & this was mentioned previously by susp TOPPING when she stated that the vict should still have her purse.

Susp TOPPING had told RO during the interview that she had not stolen any prop from the vict this case.

RO will attempt to question susp TOPPING in more detail at a later time.

After questioning susp TOPPING RO had returned to the DetDiv where he questioned susp Christina MENCHUCHA, Marlin LEWIS, Billy BROWN, & Douglas STANKEWITZ.

Later on 2-9-78 RO was contacted by Det T. LEAN who was assigned to do follow up investigation concerning this homicide. RO had given Det LEAN a tape recorded statement of susp Marlin LEWIS confession & also Christina MENCHUCHA statement. Det LEAN stated that he would have a typist at the FCSO type the tape recorded statement in report form.

Will continue.

SUPVR: CAPT MOCKALIS

RO: G. SNOW 207/L. BROWN 189

2-9-78 plm.



*A*

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

FILED

SEP 22 1983

FRESNO COUNTY CLERK

FILED  
OCT 4 - 1983

*A. Henderson*

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

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

CASE NO. 227015-5

AFFIDAVIT FOR POSTPONEMENT OF TRIAL

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

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

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

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

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

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

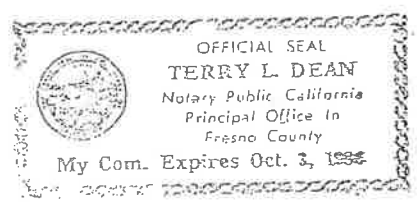
1 informed he has pneumonia and needs to be confined to bed for the  
2 next three or four days. *Admitted ?*

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

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

14 Dated: September 13, 1983.

Respectfully submitted,  
EDWARD W. HUNT  
DISTRICT ATTORNEY



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

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

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





FRESNO COUNTY DISTRICT ATTORNEY  
BUREAU OF INVESTIGATIONS

INVESTIGATION REPORT

Defendant: DOUGLAS STANKEWITZ

D.A. Case No.: 78F1060

Charge: PC 187

Date of Report: 6/8/83

Originating Agency: FSO

Defendant Local No.: \_\_\_\_\_

Originating Agency No.: 78-1809

CII No.: \_\_\_\_\_

FBI No.: \_\_\_\_\_

Present at the interview was Marlin Edwin Lewis, American Indian, male, adult, In custody serving time at DVI, Tracy, California, ID#C-04025

On June 7, 1983, Investigator Martin and Deputy District Attorney Warren Robinson drove up to DVI in Tracy for the purpose of interviewing Marlin Lewis. At approximately 1:00 p.m., on June 7, 1983, Martin and Robinson contacted Marlin Lewis in the interview area at DVI. Mr. Lewis was observed to be an Indian male of small stature, approximately 5'2" in height. Once in the room we introduced ourselves to Mr. Lewis and advised him that we were from Fresno and investigating the Douglas Stankewitz case. We advised him that we wanted to talk to him about that case. Mr. Lewis said, "I don't want to talk about any of the facts of the case." Question by Mr. Robinson asked, "If you answer by Mr. Lewis, "No." Mr. Robinson asked, "Do you plan to testify for Douglas Stankewitz in the upcoming trial?" Answer by Mr. Lewis, "No." Mr. Robinson asked, "If you were called as a witness and the judge ordered you to testify would you testify?" To which Mr. Lewis said, "No, probably not." Mr. Lewis was asked if he had been in touch with Teena Topping or Christina Stankewitz' attorney regarding testifying, to which he said, "No." Mr. Lewis was asked if he had been in touch with Christina Menchaca, to which he stated that he and Teena have been writing to each other but he has not been in touch with Christina. Question by Investigator Martin, would you lie for Douglas if it would help him and Mr. Lewis' reply was, "Probably." Question by Mr. Martin, why would you not testify against Mr. Stankewitz and why do you feel such a loyalty to him. Mr. Lewis said, "Douglas and I are from the same tribe." "Teena is also from that same tribe." Martin asked him what about Menchaca and he said, "Menchaca is Mexican." Investigator Martin asked him what do you think about Billy Brown and Lewis said, "I did not know Billy before that night." At this point, Mr. Lewis also was shown a typed probation report of the statement he submitted to the probation department prior to his sentencing. He was asked to read the statement which he did. Then the question was asked, is that what you wrote to the probation department, to which Mr. Lewis replied, "It sounds like what I might have said, but I don't remember writing it. It's true in parts." At this point, Mr. Lewis was asked, do you think that

to: \_\_\_\_\_

Bureau Number \_\_\_\_\_

Investigator: William A. Martin  
Signature: \_\_\_\_\_

FRESNO COUNTY DISTRICT ATTORNEY  
BUREAU OF INVESTIGATIONS

CONTINUATION REPORT

Defendant: DOUGLAS STANKEWITZ

D.A. Case No. 78F1060

Charge: PC 187

you were treated fairly in this case, to which he replied, "Yes." The question was asked of Mr. Lewis, do you think that Douglas should get death or life without parole in this case. Mr. Lewis said, "I did not think Douglas should get death or life without parole but he should be able to get parole." Mr. Lewis went on to say, that "the only reason that they came down so hard on Douglas was that he (Douglas) is Indian and the white man's law does not always treat the Indian fairly." Mr. Lewis stated that he feels that if it had of been a white person charged with this crime the death penalty would not have been sought. Mr. Lewis further said that he felt that Jim Ardaiz was out to get Douglas in the last trial. Mr. Robinson showed Mr. Lewis a Xerox copy of a handwritten letter presumably written by Merlin Lewis. Mr. Lewis looked at the letter and Mr. Robinson asked him did you write that letter, to which Mr. Lewis replied, "No, my handwriting is different than that. I'm left-handed and I write at a slant."

Due to the fact that Mr. Lewis did not want to discuss the facts of the case the interview was terminated.

Investigator: \_\_\_\_\_

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

DA 56





ewitz in an attempt to get him to reconsider his opposition to use of the diminished capacity defense and to make an informed decision about the possible use of diminished capacity as a defense at trial. On the contrary, I acquiesced in Mr. Stankewitz's refusal to consider the diminished capacity defense because I regarded myself as bound to follow my client's expressed wishes in the matter of the strategy to be used at guilt phase.

3. As a further consequence of my opinion that I was bound to follow my client's initial wishes on whether to present a diminished capacity defense, and for no other strategic or tactical reason, I did not conduct any research into the possibility of bifurcating the diminished capacity defense from the rest of the guilt phase trial so that Mr. Stankewitz could deny any liability at all and then, if that were unsuccessful, present a diminished capacity defense.

4. After Mr. Stankewitz was found guilty, I discussed the penalty phase strategy with him and his mother. Mr. Stankewitz made it clear he was opposed to any penalty phase defense at all and in particular to any defense that involved the use of his family as witnesses or the use of expert witnesses. I accepted Mr. Stankewitz's opposition at face value and did not interview any family members or expert witnesses for possible use at penalty phase nor did I engage in any further discussion with Mr. Stankewitz in an attempt to make him see the consequences of failure to put

on a strong penalty defense. I acted in this manner, not because I believed that a stronger penalty phase was not possible, but because I believed myself bound to follow my client's wishes in the matter of what evidence should be used at penalty phase.

5. At the time of trial I was of course aware that Mr. Stankewitz was a Native American and that the Stankewitz family generally was notorious in Fresno County and that this crime, the Supreme Court reversal, and the upcoming retrial had received a good deal of publicity. I did not research or consider the possibility of a motion for a change of venue out of Fresno County based on these factors. I did not have a strategic or tactical reason for not considering or researching a change of venue motion.

6. I did not hire an investigator in this case, either at guilt phase or at penalty phase.

7. I did not have a psychological evaluation of petitioner made. Although I am not sure this is on the record, I told the trial court that it was my opinion that it was the court's responsibility to have petitioner evaluated and to make a determination as to competency only after a full evaluation. I did not regard it as my responsibility to have this evaluation made.

8. I did not have a tactical reason for failing to object to the prosecutor's argument to the jury that Billy Bob Brown, the government's only percipient witness, was not

an accomplice, was not armed during the episode for which petitioner was on trial, and played no culpable role in the Graybeal kidnapping.

9. In my opinion, by far the most damning penalty phase evidence came from George Key, who testified that petitioner and Eddie Davis beat and robbed him. Key was a frail old man, very credible and sympathetic, and my feeling was that the jury thought that any one who could hurt a man like that did not deserve pity.

10. I did not have a tactical reason for not requesting an instruction that the alleged oral admissions by petitioner that were offered against him at guilt phase and at penalty phase were to be viewed with caution.

11. I did not have a tactical reason for failing to object to the admission of the writings that were found in petitioner's cell and admitted against him at trial.

12. I did not have a tactical reason for failing to obtain and offer a stipulation that the car in which petitioner was riding that was impounded by the police was not stolen.

13. I did not have a tactical reason for failing to request an instruction on the lesser included offense of violation of Vehicle Code section 10851, based on the evidence that petitioner did not want to take the victim's automobile permanently but simply to take it temporarily and then return it to her.



14. I did not have a tactical reason for not objecting to the prosecutor's peremptory challenge of the only identified Native American prospective juror at a time earlier than in the motion for a new trial.

Executed under penalty of perjury this 28 day of December, 1989 at Fresno, California.

Hugh Stanley Goodwin  
Hugh Goodwin

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DECLARATION OF HUGH W. GOODWIN

I, HUGH W. GOODWIN, under penalty of perjury, say:

1. I am an attorney licensed to practice in the State of California and I represented petitioner Douglas Ray Stankewitz in his 1983 retrial in Fresno County Superior Court for murder with special circumstances and other offenses in Case No. 255015-5.

2. I did not hire an investigator in this case, either at guilt phase or at penalty phase, and had no tactical reason for my failure to do so.

3. I did not interview members of Mr. Stankewitz's family to determine what they could contribute at the penalty phase.

4. I failed to interview Mr. Stankewitz's school teachers, his foster parents, psychiatrists, psychologists and anyone else who had examined him during his childhood and youth, and other persons familiar with his background. I did not visit his family home in Auberry. Consequently, I was unfamiliar with the hardship and abuse to which he had been subjected.

5. I did not consult with his prior attorneys, either from the trial or from the appeal, or obtain from them their files from the prior trial.

6. I did not have a psychiatric or psychological evaluation of Mr. Stankewitz made, and did not have a tactical reason for my failure to do so.

7. I did not investigate Mr. Stankewitz's history of mental disability and mental illness. As a result, I was unaware that he had a long history of mental disability and mental illness,

1 starting at least with his placement in Napa State Hospital at age  
2 six. In particular, I was unaware that he had repeatedly been  
3 diagnosed as suffering from paranoia, schizoaffective disorder,  
4 possible epilepsy, fetal alcohol syndrome, and other mental  
5 illnesses and disabilities. I also did not investigate and was  
6 consequently unaware of Mr. Stankewitz's long history of drug and  
7 alcohol abuse, or the fact that his drug and alcohol abuse were  
8 continuing at the time I represented him.

9 8. I did not interview or consult with the mental health  
10 experts who had been involved in Mr. Stankewitz's first trial.

11 9. When I was appointed, I knew that Mr. Stankewitz, in  
12 his then mental state, would not accept any attorney who intended  
13 to raise mental defenses or issues as to his mental competency. I  
14 was also aware that the trial judge who would appoint me was  
15 anxious to go forward with the merits of the case rather than  
16 engaging in further litigation of competency. Under these  
17 circumstances I accepted the appointment without knowing whether  
18 Mr. Stankewitz was in fact mentally competent or whether there were  
19 viable defenses other than mental defenses.

20 10. In my opinion Mr. Stankewitz was not mentally  
21 competent when I represented him during the pretrial and trial  
22 proceedings. His behavior at the time I represented him was  
23 erratic and bizarre. I do not believe he was capable of  
24 understanding the legal issues in his case, and in particular the  
25 concept of *mens rea* as an element of the offense and the importance  
26 of mitigating evidence at the penalty phase. I do not believe he  
27 was capable of understanding that a person who had diminished

1 capacity, or is insane or unconscious at the time of the offense  
2 could be found innocent and acquitted or found guilty of a lesser  
3 included offense. If I had known of his long history of mental  
4 illness and substance abuse, I would have refused to take Mr.  
5 Stankewitz's wish for an exclusively "whodunit" defense at face  
6 value, and would have insisted upon investigating and probably  
7 presenting mental defenses such as diminished capacity, insanity,  
8 voluntary intoxication and unconsciousness. I also would have  
9 insisted upon investigating and actively pursuing a determination  
10 of incompetence, and upon investigating and presenting evidence in  
11 mitigation.

12 11. I did not obtain any written records related to Mr.  
13 Stankewitz's background or the background of members of his family,  
14 and in particular did not obtain his school records, the records of  
15 his hospitalization at Napa State Hospital, his medical records, or  
16 any records from California Department of Corrections or the Fresno  
17 County Jail. I also failed to obtain similar records with respect  
18 to any member of his family.

19 12. I did not have a tactical reason for failing to  
20 object to the prosecutor's argument to the jury that Billy Bob  
21 Brown, the government's only percipient witness, was not an  
22 accomplice, was not armed during the episode for which Mr.  
23 Stankewitz was on trial, and played no culpable role in the  
24 Graybeal kidnapping.

25 13. I did not have a tactical reason for not requesting  
26 an instruction that the alleged oral admissions by Mr. Stankewitz  
27 that were offered against him at guilt phase and at penalty phase

were to be viewed with caution.

14. I did not have a tactical reason for failing to object to the admission of the writings that were found in Mr. Stankewitz's cell and admitted against him at trial.

15. I did not have a tactical reason for failing to obtain and offer a stipulation that the car in which Mr. Stankewitz was riding that was impounded by the police was not stolen.

16. I did not have a tactical reason for failure to investigate or present evidence of Billy Brown's history as a "snitch."

17. I did not have a tactical reason for my failure to object to the admission of Mr. Stankewitz's statement as to why he attacked inmate Hogan in an incident at San Quentin State Prison presented by the prosecution at the penalty phase.

18. I did not investigate the veracity of the testimony presented against Mr. Stankewitz concerning the car chase in which Mr. Stankewitz allegedly participated in 1973, and had no tactical reason for that failure.

19. It is my recollection that I met Mr. Stankewitz as a result of prior representation of other members of his family, in particular Johnny Stankewitz.

20. At the time of trial I was of course aware that Mr. Stankewitz was a Native American. I did not research or consider the possibility of a motion for a change of venue out of Fresno County based on the pervasive prejudice against Native Americans in the county, or on the basis of my reputation as a judge who had been criticized for bringing religion into the courtroom. I had

1 business interests, church involvement, and other cases in Fresno  
2 County and the San Joaquin Valley which would have made it very  
3 difficult for me to try the Stankewitz case in another county; I do  
4 not recall discussing these concerns with Mr. Stankewitz, but they  
5 may are likely to have affected my decision not to seek a change of  
6 venue. I in any event did not have a strategic or tactical reason  
7 for not considering or researching a change of venue motion.

21. I did not have a tactical reason for failing to  
8 request an instruction on the lesser included offense of violation  
9 of Vehicle Code Section 10851, based upon the evidence that Mr.  
10 Stankewitz did not want to take the victim's automobile permanently  
11 but simply to take it temporarily and then return it to her.

22. I did not have a tactical reason for not objecting  
12 to the prosecutor's peremptory challenge of the only identified  
13 Native American prospective juror at a time earlier than the motion  
14 for a new trial.

23. I had no tactical reason for failing to voir dire  
15 the jurors on whether their knowledge of my reputation would affect  
16 the seriousness with which they took the presentation I made on Mr.  
17 Stankewitz's behalf at the penalty phase.

24. I have never believed in the separation of church  
18 and state, as I made clear when I was a judge. I recognize that  
19 this is a controversial view which is not widely shared. When I  
20 presented the testimony of a Deputy District Attorney and the  
21 Fresno County Jail chaplain that they believed people could be  
22 transformed by the power of God if they let God into their lives,  
23 I knew that it was likely that on cross-examination they would

1 state that there was no evidence that Mr. Stankewitz would let God  
2 into his life. Nonetheless, I believed that by presenting this  
3 testimony, God's will would be done, and accordingly I did so.

4 25. Based upon my normal practice, my billing records  
5 for this case would accurately reflect all the time I spent in  
6 preparing for the trial.

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

9 Executed in Fresno County, California, on this the 15 of  
10 November, 1995.

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14 Hugh Wesley Goodwin  
15 HUGH W. GOODWIN  
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