

DECLARATION OF ALEXANDRA COCK

I, Alexandra Cock, declare and state as follows:

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

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

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

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

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

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

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

September 18, 2020
San Rafael, CA



Alexandra Cock

December 7, 2019

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

Re: Access to Public Records

TO WHOM IT MAY CONCERN:

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

The information I seek to inspect is as follows:

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

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

EXHIBIT A

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

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

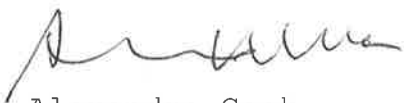
Government Code Section 6253(d) prohibits the use of the 10-day period, or any provisions of the Public Records Act "to delay access for purposes of inspecting public records."

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

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

Thank you for your time.

Very truly yours,



Alexandra Cock

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

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



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 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

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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

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

Dear. Ms. Cock,

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

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

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

Thank you,

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

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

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

Dear Lt. Devins,

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

Thanks

Alexandra

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

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

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

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

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

Subject: Request for Information-FSO PRA 19-153

Dear Alexandra Cock,

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

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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

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
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Page 2

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

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

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

Thank you for your time.

Very truly yours,



Alexandra Cock

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

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

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

Ms. Cock,

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

Thank you.

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

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

External Email: Use caution with links and attachments

Hi Kimberly,

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

Thanks

Alexandra

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

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

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

Please see attached response and exhibits.

Here is a link to Exhibit "A":

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

Here is a link to Exhibit "B":

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

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

Thank you,

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

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

FOLLOW-UP REPORT

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

ASSISTING OFFICER:

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

2-18-78 at approx 2220 hrs, Wednesday

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

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

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

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

FOLLOW-UP REPORT

7-15-78

GREYSEAL, Therese Kay STOLEN VEH RECOVERED

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

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

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

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

GREYBEAL, Theresa May

STO VEH RECORD 211

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

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

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

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

Officer PHILL was instructed by Sgt. J. DAVIS of which it informed that the I. E. was the 1st arrested by PO RODRIGUEZ and was not cooperative. P. PHILL observed no unusual behavior by POPPING and did detect no odor of alcohol or other drugs on the person of POPPING. PO observed the eyes of the sus, PHILL, observed to appear to be normal sized. PO after obtaining this information on sus PHILL, went to the location of the sus STANKWITZ.

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

2-15-78

GREYBEAL, Theresa Kay

STOLEN VEH RECOVERED

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

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

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

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

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

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

LT PESOLA
RODRIGUEZ/342
CALLAHAN/386

rad

PROPERTY POLICE DEPARTMENT
INVENTORY FORM

Check for police hold

Case Number: **7E-5719**
 Date: **2-8-78**
 Description of Vehicle: **PATROL**
 Year: **71** Make: **CADILLAC** Body Type: **COUPE** Year: **2/79** State: **CA** License No. [REDACTED]
 Vehicle Identification No. (VIN) [REDACTED] Engine Number (EN) [REDACTED]
 Registered Owner: **PAWELSKI, GERALD CHRIS** Address: [REDACTED] City: **MODESTO** State: [REDACTED]
 Legal Owner: [REDACTED] Address: [REDACTED] City: [REDACTED] State: [REDACTED]
 Driver or Person Last in Possession: [REDACTED] Address: [REDACTED] City: [REDACTED] State: [REDACTED]

CIRCUMSTANCES SURROUNDING (IMPOUND) RECOVERY-STORAGE
 Name of Garage: **MEL WEST TOWING** City: **FRESNO**
 Location from Which Towed: **1400 KERN**
 Person Reporting Occurrence: **R. RODRIGUEZ / J. CALLAHAN** City: **FPD**
 Location of Vehicle: **(Driveable)**
 Time and Date Towed: **0030, 2-9-78**
 Time and Date Reported: **2233, 2-8-78**
 Phone No.: [REDACTED]
 Cracked? Stripped?

VEHICLE INVENTORY		Yes	No	Condition	List Property Tools Other Items
Cushion (Front)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	L.F. Tire	GOOD
Cushion (Rear)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	R.F. Tire	
Rear View Mirror	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	R.R. Tire	
Side View Mirror	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	L.R. Tire	
Door Lighter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Spare Tire	
Radio	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Wheels	
Clock	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Fenders	
Heater	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Body, Hood	
Keys	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Top	
Registration	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Grill	
Windshield Wiper	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Upholstery	

REMARKS: **MINOR DING, RIF FENDER MARKS**
 (If mirror is made give all items charges, where booked)
VEH POSSIBLY INVOLVED IN PC187 - P. WICK HEAT
VEH TOWED TO FPD JWER =
TO FSC - 2-9-78
TOWED BY [REDACTED]

Officer entering vehicle stored (signature): **[Signature]**
 Garage principal or agent storing vehicle (signature): **[Signature]** Date: **2-9-78**
 SAGE No: **350**
 If Notices Have Not Been Sent Indicate Reason: _____

Vehicle Description: _____
 I hereby certify that I am legally authorized and entitled to take possession of the vehicle described above.
 Signature: _____ OWNER OR LEGAL OWNER OR AGENT OF OWNER

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., 3rd 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



FOLLOW-UP REPORT

1229 Date of this report 2-9-78		Type of Original Report ASSIST FSO (PC 187,CVC 10851)			Case No. 78-5819	
Date crime occurred 2-9-78		Location of occurrence =			Reporting Division IB	
Victim (as listed on orig. report) GREYBEAL, Theresa,		List connecting property report(s) by type and Case No.				
Persons interviewed (not on orig. report) 1. 2. 3. 4. 5.		Race - Sex - Age Residence Address			Res. Phone	Bus. Phone
Persons arrested 1. LEWIS, Marlin Indian MA 2. TOPPING, Teena, Indian FA 3. MENCHACA, Cristina, Indian FA 4. STANKEWITZ, Douglas, Indian MA 5.		Race - Sex - Age	Filed on?	Charge	Date	H.T.A. Date Court Divn.
<input checked="" type="checkbox"/> Cleared	<input checked="" type="checkbox"/> Closed	<input checked="" type="checkbox"/> Incorrectly classified - change to:			<input checked="" type="checkbox"/> Unfounded	<input checked="" type="checkbox"/> Continued

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

2-9-78, 0050hrs contacted by off CALLAHAN in the IB who advised RO that a 1971 Mercury Cougar, Cal lic 429DAY was being towed to the IB to be processed Off CALLAHAN advised that the veh had been involved in a PC 187 in which the body had ~~been~~ not been loc.

Upon arr of the veh, RO took 35mm cover shots of the veh for ID purposes. Photos of the interior of the veh were taken & these photos will show the evidence booked as listed below.

(2) ~~weapons~~ weapons were recovered from the veh. A Hunting knife, described below, as item #5 was recovered from under the front left front seat of the veh & a 25 caliber automatic pistol described as item #1 below was recovered from the under the same seat. The pistol could be seen from the rear seat area. Upon checking this weapon, RO noted that there was (1) round in the chamber, (2) rounds in the magazine, that the hammer was in the furthest back position, & that the weapon was on safe. The items of evidence were collected & packaged as to their loc in the veh as which they were found. Items #1-8 were recovered from under the left front seat, items 9-14 were recovered from the right front floorboard, items #15-17 were recovered from the right rear floorboard, item #18 was recovered from under the right front seat, items 19 & 20 were recovered from the left rear floorboard, items 21-23 were recovered from the top of the center console, items 24 & 25 were recovered from the ledge by the rear window, item #26 was recovered from the center console & item #27 was recovered from the glove box.

RO determined tht the veh was too wet to process for latent fingerprints at this time, however items recovered were dusted. The items dusted were as follows.

If additional space is required, use Continuation Report, Form 3-C	Time Called In 0550hrs	Time Typed 0720hrs	By RH	TOTAL VALUE \$	
	Supervisor Sgt GARNSEY	Officer(s) Reporting BONESTEEL 173		Coded By	Filed By
Approving Sgt.	Review Sgt.	Xeroxed By	Total Copies		

FORM 3.10

FOLLOW-UP REPORT

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FRESNO POLICE DEPARTMENT
CONTINUATION REPORT

Page Number

2

Case No.
78-5819

2-9-78

GREYBEAL, Theresa, Kay

ASSIST FSO (PC 187,
CVC 10851)

Items #1,3,5,6,7,8,9,10,15,16,17,18,19,20 & 22. RO was able to lift smudges & smears but no prints of any comparison value.

At the request of det L. BROWN & G. SNOW, RO swabbed the hands of the 4 suspects using the q-tips supplied in the neutron activation analyses kit. In each case a control swab was taken & then both hands were swabbed. The hands of Marlin LEWIS were swabbed at ~~1345~~ 0345hrs. The hands of Teena TOPPING was swabbed at 0355hrs. The hands of Christina MENCHADA were swabbed at 0405hrs, & the hands of Douglas STANKEWITZ were swabbed at 0410hrs. Each of the suspects with the exception of STANKEWITZ stated they had not washed their hands this eve. STANKEWITZ stated that he had washed his hands at approx 2300hrs.

The above described veh remained at the IB until arrangements were made by the SO to pick up same. The veh was then towed from the IB for storage by the FCSO.

LATENT EVIDENCE RETAINED: NONE

PHOTOGRAPHIC EVIDENCE: 35 mm color photos of veh & contents.

PHYSICAL EVIDENCE:

1. (1) TITAN 25 caliber automatic pistol. Serial number removed.
2. (1) W-W 25 caliber automatic bullet from the chamber of the weapon.
3. (1) magazine with (2) W-W 25 caliber automatic bullets from the weapon.
4. (1) black leather holster for weapon.
5. (1) hunting knife & leather sheath, SAFARI HUNTER brand with bone handle; 10 3/4 inches overall length, 6 inch blade length.
6. (1) Pepsi can (empty)
7. (1) open pack Virginia Slims Cigarettes.
8. (1) pr of sunglasses, blu & red plastic frames.
9. (1) pink hairbrush.
10. (1) black hairbrush.
11. (1) envelope addressed to Valente CONDERO; 3761 S Goldenrod, Kerman.
12. (1) red bandanna
13. (1) Levis type jacket, size medium.
14. (1) button with question mark & (Whats in a Name) on same.
15. (1) carton Virginia Slims cigarettes, 3 packs missing.

[Handwritten signature] 147

FRESNO POLICE DEPARTMENT
CONTINUATION REPORT

Page Number

3

Case No.
78-5819

2-9-78

GRAYBEAL, Theresa, Kay

ASSIST FSO (PC 187
CVC 10851)

16. (1) carton Camels cigarettes; sealed.
17. (1) carton Camels, 1 pack missing.
18. (1) carton Camels, sealed.
19. (1) Pepsi can empty.
20. (1) Black leather belt with silver buckle with green stone.
21. (1) letter in Spanish addressed to Valente CONDERO; 3761 S Goldenrod, Kerman.
22. (1) pack Camel cigarettes.
23. (1) brown leather wallet containing:
 - A. \$8.00 in one dollar bills.
 - B. Photo of Michael HERNANDEZ
 - C. Misc papers (No ID)
24. (1) brown hairbrush.
25. (1) wine colored womans sweater.
26. Contents from center console.
27. Contents from glove box.
28. Neutron kit on the hands of LEWIS, Marlin.
29. Neutron kit on the hands of STANKEWITZ, Douglas.
30. Neutron kit on the hands of TOPPING, Teena.
31. Neutron kit on the hands of MENCHADA, Christina.

Sgt GARNSEY
BONESTEEL 173
RH/0550hrs

[Handwritten initials] 1476

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

CC: Coroner

D & T RPT. TO ID 2-9-78	SPECIFIC OFFENSE UNDER INVESTIGATION FG 187 (Follow up)	CH. NO. 78-1809
D & T ID OFF. ABR. Afternoon	D & T OCCURRED DAY OF WEEK	LOCATION, S.E. QUARTER FSO Basement
VICTIM'S NAME GRAYBEAL, Theresa K.	VICTIM'S ADDRESS	RES. PHONE
BUSINESS NAME	BUSINESS ADDRESS	BUS. PHONE
EVIDENCE: PHOTOS (X) TRACKS () LATENTS () PHYSICAL (X) WHEELBASE () DIAGRAMS ()		WEATHER
DETAILS: SYNOPSIS, EVIDENCE OBTAINED & COMMENTS:		

Requested to process vehicle belonging to victim and used in crime.
 Vehicle is a red ~~2 door~~ 2 door, 429DAY.

Vehicle stored in FSO basement.

PHOTOS:

- Three exterior views of vehicle.
- Two views in front seat area of vehicle.
- Two views in back seat area.
- One close up view of white pill on rear floorboard behind driver's seat.
- One close up of rear seat area behind passenger side.

PHYSICAL:

- One dagger type knife found in trunk of victim's vehicle (knife appeared to have been in trunk for some time).
- Content from both rear ashtrays. Contents of front ash tray. Contents from portable ash tray on dash.
- One small white pill from rear floorboard behind driver's seat.

Superior Court of the County of Fresno

EXHIBIT RECORD

Action No. 227015-5

Dept. No. 9

Judge R.R. Norton
The People of the
State of California
Plaintiff

Clerk Anthony Garcia
vs. Douglas Ray Stankewitz
Defendant

James Ardain, Dep. D.A.
Plaintiff's Attorney

Salvatore Scandria Dep. PD
Defendant's Attorney

The following exhibits were introduced in evidence or marked for identification in above action.

PLTF. OR DEFT.	NUMBER OR LETTER	DESCRIPTION OF EXHIBITS	WITHDRAWN BY: (SIGNATURE RECEIPT)	DATE OF WITHDRAWAL
1 Peo	1*	Knife ✓		Rec'd. 9/21/78
"	2*	Photo of Dept. #39990 ✓		not in Evidence
✓ "	3*	Photo Tina Lewis #63921 ✓		
✓ "	4*	Photo #63920 ^{Marlin Lewis} ✓		
✓ "	5a*	25 Cal Gun + Holster ✓		
✓ "	5b*	Box with contents ✓		
✓ "	6*	Brown Paper Bag XXXXXXXXXX ✓		
✓ "	6a*	Red Bandana ✓		
✓ "	6b*	Ski Glasses ✓		
✓ "	7*	Photo Victim ✓		
✓ "	8a*	Photo Rear View Red Cougar Pic #429DAY ✓		
✓ "	8b*	" " " " ✓		
✓ "	8c*	" front view ✓		
✓ "	8d*	" " " ✓		
✓ "	8e*	" Cigarettes ✓		
✓ "	8f*	" Floor of auto ✓		
✓ "	8g*	" Cigarette Carton ✓		
✓ "	8h*	" Pepsi Can ✓		

* MARKED FOR IDENTIFICATION ONLY. Circled in Evidence

Superior Court of the County of Fresno

Dept. No. 9

EXHIBIT RECORD

Action No. 227015-5

Judge R. L. Martine

Clerk Anthony Lauria

The People of the State of California Plaintiff

vs. Douglas Ray Stankewitz Defendant

James Ardain, D.A. Plaintiff's Attorney

Salvatore Sciandra, P.D. Defendant's Attorney

The following exhibits were introduced in evidence or marked for identification in above action.

PLTF. OR DEFT.	NUMBER OR LETTER	DESCRIPTION OF EXHIBITS	WITHDRAWN BY: (SIGNATURE RECEIPT)	DATE OF WITHDRAWAL
✓ Peo	(81)*	Photo Pepsi Can	✓	
✓ "	(82)*	Photo Cigaretts	✓	
✓ "	(83)*	" Red Bandana	✓	
✓ "	(84)*	" Cigaretts	✓	
✓ "	(8M)*	" front of auto ^{seat}	✓	
✓ "	(8N)*	" Victim	✓	
✓ "	(8O)*	" K-Mart (Spradling standing)	✓	
✓ "	(8P)*	" Phone Booth - K-Mart	✓	
✓ "	(8Q)*	" Gas station + K-Mart	✓	
✓ "	(8R)*	" Parking Lot	✓	
✓ "	(8S)*	" Telephone	✓	
✓ "	(9)*	Photo Christine Mombach #29048	✓	
✓ "	(10)*	Photo of Victim	✓	
✓ "	(11)*	Copy of Phone Bill	✓	
✓ "	(12)*	Wrist Watch	✓	
✓ "	(13)*	Envelope w/ writing on Back	✓	
✓ "	(14)*	Envelope w/ contents Wool Jacket	✓	
✓ "	(15)*	Photo Victim	✓	

* MARKED FOR IDENTIFICATION ONLY. Circled in Evidence

Superior Court of the County of Fresno

Dept. No. 9

EXHIBIT RECORD

Action No. 227015

Judge R. L. Martin Clerk Anthony Lauria

The People of the State of California vs. Douglas Ray Stankowitz
Plaintiff Defendant

James Ardoy, Dep. DA Plaintiff's Attorney
Salvatore Scianarra, Dep. PD Defendant's Attorney

The following exhibits were introduced in evidence or marked for identification in above action.

PLTF. OR DEFT.	NUMBER OR LETTER	DESCRIPTION OF EXHIBITS	WITHDRAWN BY: (SIGNATURE RECEIPT)	DATE OF WITHDRAWAL
✓ Pw	(16)*	Photo Expanded Shell	✓	
✓ "	(17)*	Photo Victim	✓	
✓ "	(18)*	Photo Victim	✓	
✓ "	(19)*	Diagram	✓	
✓ "	(5c)*	Small Envelope Contain Expanded Shell casing	✓	
✓ "	(20)*	Paper Bag Contain Purse	✓	
✓ "	(21)*	Paper Bag Contain Cigarettes + Lighter	✓	
✓ "	(22)*	Diagram	✓	
✓ "	(23)*	Paper Bag + Contents	✓	
✓ "	(24)*	Paper Bag + Contents	✓	
✓ "	(25)*	" " "	✓	
✓ "	(26)*	" " "	✓	
"	(27)*	" " "	<u>James Ardoy</u>	8/30/78
"	(28)*	" " "	<u>James Ardoy</u>	8/30/78
✓ "	(29)*		✓	
✓ "	(30)*		✓	
✓ "	(31)*	Fingerprint Card	✓	
✓ "	(5d)*	Small Envelope Contain 25 Cal Bullet.	✓	

* MARKED FOR IDENTIFICATION ONLY. Circled in Evidence

Superior Court of the County of Fresno

Dept. No. 9

EXHIBIT RECORD

Action No. 227015

Judge R. L. Marton
The People of the
State of California
Plaintiff

Clerk Anthony Louie
vs. Douglas Ray Stankewitz
Defendant

James Ardary, Dep DA
Plaintiff's Attorney

Salvatore Scindra, Dep PD
Defendant's Attorney

The following exhibits were introduced in evidence or marked for identification in above action.

PLTF. OR DEFT.	NUMBER OR LETTER	DESCRIPTION OF EXHIBITS	WITHDRAWN BY: (SIGNATURE RECEIPT)	DATE OF WITHDRAWAL
✓ Rev	(52)*	Small Paper Bag Contain Magazine + Bullets	✓	
✓ "	(33)*	Envelope Contain Letters	✓	
✓ 9	(33)*	Plastic Bag Contain Cardboard Box		
Deft	A*	Blank Sheet of Paper Crumpled	✓	
P10	(33A)*	Envelope Contain Letter	✓	
✓ "	(33B)*	" " "	✓	
✓ "	(33C)*	" " "	✓	
✓ "	(34)*	Out Order signed by Justice Pettit for H.W. [unclear]	✓	
✓ "	(35)*	Order for Handwriting [unclear] Martin E. Lewis	✓	
✓ "	(36)*	" " " Christian Merchants	✓	
✓ "	(37)*	" " " Leona E. Topping	✓	
✓ "	(38)*	Photo - B & W	✓	
✓ "	(39)*	" - B & W.	✓	
✓ "	(40)*	" - B & W.	✓	
✓ "	(41)*	" - B & W	✓	
✓ "	(42)*	" - Colored	✓	
✓ "	(43)*	" - Colored	✓	
✓ "	(44)*	" - Colored	✓	

* MARKED FOR IDENTIFICATION ONLY.

Circled in Evidence

Superior Court of the County of Fresno

Dept. No. 9

EXHIBIT RECORD

Action No. 227015

Judge R. L. Martin
The People of the
State of California
Plaintiff

Clerk Anthony Lucia
Douglas Ray Stastewitz
vs.
Defendant

James Anderson D. D. A
Plaintiff's Attorney

Salvatore Secidra
Defendant's Attorney

The following exhibits were introduced in evidence or marked for identification in above action.

PLTF. OR DEFT.	NUMBER OR LETTER	DESCRIPTION OF EXHIBITS	WITHDRAWN BY: (SIGNATURE RECEIPT)	DATE OF WITHDRAWAL
✓	<u>45*</u>	<u>Photo - Colored</u>	✓	
✓	<u>46A-46F</u>	<u>Colored Photos of Interior of Car</u>	✓	
✓	<u>47*</u>	<u>Large Diagram</u>	✓	
✓	<u>48*</u>	<u>Wooden Maska</u>	✓	
✓	<u>49*</u>	<u>White Blatter Paper Shaving Powder Burns</u>	✓	
✓	<u>49* Item 49-N</u>	<u>" " " " " "</u>	✓	
✓	<u>50*</u>	<u>Death Certificate</u>	✓	
"	<u>51*</u>	<u>Payroll check</u>	✓	
"	<u>52*</u>	<u>Photo 57 chev. Trunk</u>	✓	
"	<u>53*</u>	<u>Photo Patrol Car</u>	✓	
"	<u>54*</u>	<u>" Floor board 57 chev.</u>	✓	
"	<u>55*</u>	<u>" 57 chev</u>	✓	
"	<u>56*</u>	<u>" 57 chev Rear Seat</u>	✓	
"	<u>57*</u>	<u>" 57 chev Gun stock on Seat</u>	✓	
"	<u>58*</u>	<u>" Rear Seat Bicycle</u>	✓	
"	<u>59*</u>	<u>" 62 Nova</u>	✓	
"	<u>60*</u>	<u>" Drift</u>	✓	

* MARKED FOR IDENTIFICATION ONLY. Circled in Evidence

Superior Court of the County of Fresno

Dept. No. 9

EXHIBIT RECORD

Action No. 227015-3

Judge R. L. MARTIN

Clerk Anthony Lucia

The People of State of California
Plaintiff

Douglas Ray Stankewitz
vs.
Defendant

James Arding
Plaintiff's Attorney

Salvatore Scianda
Defendant's Attorney

The following exhibits were introduced in evidence or marked for identification in above action.

PLTF. OR DEFT.	NUMBER OR LETTER	DESCRIPTION OF EXHIBITS	WITHDRAWN BY: (SIGNATURE RECEIPT)	DATE OF WITHDRAWAL
Res	<u>61*</u>	Photo Dept	✓	
"	<u>62*</u>	Photo 57 Chew Weapons on Hood ✓	✓	
"	<u>63*</u>	" 57 Chew Bullet Holes in Door ✓	✓	
"	<u>64*</u>	" 57 chew ✓	✓	
"	<u>65*</u>	" 57 chew ✓	✓	
"	<u>66*</u>	Mug Photo #99033 ✓	✓	
"	<u>67*</u>	" " Dept. #104044 ✓	✓	
"	<u>68*</u>	" " #99422 ✓	✓	
"	<u>69*</u>	" " #99571 ✓	✓	
"	<u>70*</u>	" " #99056 ✓	✓	
"	<u>71*</u>	" " Dept. #104044 ✓	✓	
"	<u>72*</u>	Evidence Card (FSO) ✓	✓	
"	<u>73*</u>	Fingerprint Card ✓	✓	
"	<u>74*</u>	Vial of Blood ✓	✓	

Handwritten note: ~~_____~~ ✓
_____ for printcard only

* MARKED FOR IDENTIFICATION ONLY. Circled photo Evidence

CLK 2014.00 E08-70 R00-00

Deputy County Clerk

C. HOWARD

For Evidence SEP 16 1983

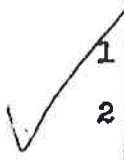
For Ident. SEP 8 - 1983

Pop Exhibit No. 8-H

Action No. 227015+5

DEPT. # 2 SUPERIOR COURT
FRESNO COUNTY





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

THE PEOPLE of the)
State of California,)
Plaintiff,)
vs.)
DOUGLAS RAY STANKEWITZ,)
Defendant.)

CASE NO. 227015-5

DECLARATION

I, Salvatore Sciandra, declare as follows:

That I was the Deputy Public Defender who represented the above-named defendant from arraignment through judgment in the above-entitled action;

That as a result of various motions for discovery I came into possession of numerous police reports dealing with incidents that the District Attorney had put me on notice would be used as incidents in aggravation at a penalty phase;

That during the preparation of this matter for trial I prepared separate folders to contain police reports relevant to the individual incidents in aggravation numbered to coincide with the numerical designation of the incidents in the District Attorney's Notice of Aggravation;

1 That during the course of the trial the police reports
2 were removed from the designated folders for the purpose of aiding
3 me in cross-examination of various prosecution witnesses;

4 That when I was finished with the individual police
5 reports I did not return the police reports necessarily to the
6 same folder from which they were originally taken;

7 That I am informed and believe that secretaries, clerks
8 and other staff have had access to the Public Defender's file
9 in the above-entitled action and may have removed or misplaced
10 some of the police reports mentioned above;

11 That after a motion for augmentation of the appellate
12 record to contain all the police reports provided defense counsel,
13 I was ordered by Judge Robert L. Martin of Department Nine,
14 Fresno County Superior Court, to compile all police reports now
15 in my possession that were provided to me by the Fresno County
16 District Attorney's Office relevant to the factors in aggravation;

17 That on September 10, 1979, with the aid of the clerical
18 staff of this office, I compiled all of the police reports
19 remaining in the Public Defender's file on the above-entitled
20 action, relevant to the incidents presented in aggravation at the
21 penalty phase of the trial in the above-entitled action;

22 That because of the voluminous nature of the police
23 reports, I cannot be certain that all police reports that were
24 supplied to me by the District Attorney relevant to the factors
25 in aggravation, were still in the Public Defender's file.

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I declare under penalty of perjury that the foregoing
is true and correct to the best of my knowledge.

Executed at Fresno, California, on September 20,
1979.

/s/ Salvatore Sciandra
Salvatore Sciandra
Deputy Public Defender

FRESNO COUNTY SHERIFF'S DEPARTMENT

Fresno, California

69. Case No.

78-1809

Date: 2-10-78

Time:

Approx 1130 hrs

70. Code Section PC 187/207/211/10851	71. Crime Murder, Kidnapping, Robbery, Auto Theft	72. Classification Rural Roadway
73. Victim's Name - Last, First, Middle (Firm if Bus.) GRAYBEAL, Theresa	74. Address () Res. () Bus. Deceased	75. Phone

- () Victim contacted - no additional information.
- () Attempted to contact victim - not available.
- () Witness _____ contacted - no additional information.
- () Attempted to contact witness _____ - not available.
- () Message left for (Victim) (Witness) to contact undersigned.
- () Contacted victim - add following items to property loss: _____

This Copy was prepared by the Fresno County Sheriff's Department on (date) 2-15-78 for the official use of:

Name: _____
Location: His office
and may not be revealed to any unauthorized person.

- () Contacted victim - following items located: _____
- () Victim refused to sign complaint - case closed.
- () Missing person returned - no cause for complaint.
- () Runaway juvenile returned home - counselled and no referral necessary.
- () Runaway juvenile apprehended - in custody - Charge _____
- () Runaway juvenile apprehended - Turned over to Probation Office.

Other: At approximately 11:30 AM, 2-10-78, while releasing victim T. GRAYBEAL'S vehicle to her father, Mr. GERALD CHARLES PAWLOWSKI, on the first level of the Fresno County Sheriff's parking area, Mr. PAWLOWSKI gave RO a payroll check bearing the name of JESUS MERAS for \$163.12. Mr. PAWLOWSKI

Reporting Officers Lean/Christensen	Recording Officers Lean	Typed By vk	Date & Time 2-15-78 0921
Further (X) Yes Action () No	Copies (X) Detective To: () Patrol	() Juvenile () Other	(X) D.A. () SO/PD () Other
Reviewed By		Date	

FRESNO COUNTY SHERIFF'S DEPARTMENT
Fresno, California

69. CASE NO.
78-1809

-2-

DATE _____

70. CODE SECTION PC 187/207/211/10851	71. CRIME	72. CLASSIFICATION		
73. VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS.) GRAYBEAL, Theresa		74. ADDRESS	RESIDENCE	BUSINESS 75. PHONE

stated the check was located between the center console and the driver's seat of the vehicle. Mr. PAWLOWSKI stated the check didn't belong to him, nor does he have any idea how it got there. RO received the check from Mr. PAWLOWSKI, returned to RO's office and showed check to Det. A. CHRISTENSEN. See Det. CHRISTENSEN'S crime report PC 207, 211A, 217, 78-1995, victim JESUS MERAS.


Investigation continued.

REPORTING OFFICERS Lean/Christensen	RECORDING OFFICER Lean	TYPED BY vk	DATE AND TIME 2-15-78 0926	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. ATTY. <input type="checkbox"/> S.O./P.D.	<input type="checkbox"/> CII <input type="checkbox"/> PATROL <input type="checkbox"/> OTHER _____	REVIEWED BY _____ DATE _____	

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

I, THOMAS EDMONDS, hereby declare;

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



THOMAS EDMONDS
licensed investigator



All Inmate Visits Currently Suspended at Fresno County Jails. For more information, [click here](#).

- JAIL ▾
- CORONER ▾
- REPORT A CRIME ▾
- PROTECT YOURSELF ▾
- COMMUNITY ▾
- CIVIL ▾
- ADMIN ▾
- UNITS ▾
- MEDIA

You are here: [Home](#) > [Units](#) > [Property and Evidence Unit](#)

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CONTACT INFORMATION

Lisa Barretta – Identification Technician
 (559) 600-8257
propertysheriff@fresnosheriff.org

Hector Tello – Identification Technician
 (559) 600-8257
propertysheriff@fresnosheriff.org

HELPFUL LINKS

[International Association of Property and Evidence](#)

Property and Evidence Unit

Property and Evidence Unit

The Property and Evidence Unit is part of the Detective Bureau of the Sheriff's Office. The Property and Evidence Unit is responsible for the custody, documentation and preservation of all physical evidence seized or obtained by the Sheriff's Office. The best physical evidence in the world becomes useless if it is not handled correctly, so this unit takes pride in doing so with complete accuracy..

Two identification technicians, supervised by a homicide sergeant, staff the Property and Evidence Unit. The employees of this unit put in countless hours handling thousands of items of evidence and property stored in more than 30 locations throughout the metropolitan area. A testament to the efficiency of the unit is that it has never (permanently) lost a single piece of physical evidence. The care and attention to detail by the Property and Evidence Unit plays a vital role because it provides direct, critical services for every employee who deals with physical evidence and property. Thousands of items of different varieties are all documented, secured and stored by the Property and Evidence Unit so they can be safely preserved until it is needed in court or returned to its rightful owner.

Jail

- General Information
- Booking & Classification
- Access to Courts & Counsel
- Money & Property
- Inmate Locator
 - Inmate Search
 - Inmate Bookings
 - Inmate Release
 - Inmate Info Center
 - Population Statistics
- Commissary

- Graffiti Reporting
- When to Call 911
- Calling 911: The Five Ws
- Crime Stoppers
- Internal Affairs
- Drug Tip

Protect Yourself

- Crime Prevention
 - House Check
 - Identity Theft Prevention
 - Rural Crime Prevention

Message Establishment Application

Civil

- Civil
- Evictions and FAQs

Admin

- Office of the Sheriff-Coroner
- Mission, Vision, and Values
- Executive Staff
- Backgrounds and Recruiting
- Citizen Advisory Group

Specialty Units

- Ag Task Force
- Air Support Unit
- Boating Enforcement Unit
- Dive Team
- Explosive Ordnance Disposal
- HEAT
- Honor Guard
- K-9 Unit
- MAGEC
- Mounted Patrol Unit
- Off-Road Safety Team

FSO is on Nextdoor

TABLE OF MISSING EVIDENCE– STANKEWITZ HABEAS

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

TABLE OF MISSING EVIDENCE– STANKEWITZ HABEAS

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

TABLE OF MISSING EVIDENCE– STANKEWITZ HABEAS

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

TABLE OF MISSING EVIDENCE– STANKEWITZ HABEAS

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

TABLE OF MISSING EVIDENCE– STANKEWITZ HABEAS

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

TABLE OF MISSING EVIDENCE– STANKEWITZ HABEAS

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

TABLE OF MISSING EVIDENCE– STANKEWITZ HABEAS

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

TABLE OF MISSING EVIDENCE– STANKEWITZ HABEAS

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

TABLE OF MISSING EVIDENCE– STANKEWITZ HABEAS

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

TABLE OF MISSING EVIDENCE– STANKEWITZ HABEAS

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

TABLE OF MISSING EVIDENCE– STANKEWITZ HABEAS

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

TABLE OF MISSING EVIDENCE– STANKEWITZ HABEAS

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

TABLE OF MISSING EVIDENCE– STANKEWITZ HABEAS

<p>38</p>	<p>Recording of DA meeting with Billy Brown 4/14/1978</p>		<p>FCDA</p>	<p>Billy Brown’s statement to police.</p>	<p>Provide recorded documentation of coercion and inconsistent statements which would undermine credibility of the prosecution’s only eyewitness.</p>
<p>39</p>	<p>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</p>	<p>Spradling Memo, dated 6-13-78 documenting trip to Modesto</p>	<p>FCDA</p>	<p>Billy Brown’s statements to police.</p>	<p>Provide recorded documentation of coercion and inconsistent statements which would undermine credibility of the prosecution’s only eye witness.</p>
<p>40</p>	<p>Tapes of DA interviews with Frank Richardson, Michael Hammett & Troy Jones</p>	<p>Richardson: DDA Ardaiz letter to Salvatore Sciandra, First Trial Attorney for Petitioner, dated May 1, 1978</p>	<p>FSO and FCDA</p>	<p>Petitioner’s statements to confidential informants and existence of cooperating.</p>	<p>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</p>

TABLE OF MISSING EVIDENCE– STANKEWITZ HABEAS

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

TABLE OF MISSING EVIDENCE– STANKEWITZ HABEAS

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

TABLE OF MISSING EVIDENCE– STANKEWITZ HABEAS

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

TABLE OF MISSING EVIDENCE– STANKEWITZ HABEAS

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

DECLARATION OF 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

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8 Fax/ 559-233-9330

9 Attorneys for Defendant
10 DOUGLAS STANKEWITZ

11
12 SUPERIOR COURT OF THE STATE OF CALIFORNIA

13 IN AND FOR THE COUNTY OF FRESNO

14
15 PEOPLE OF THE STATE OF CALIFORNIA,

Case No. CF78227015

16 Plaintiff,

NOTICE OF MOTION AND MOTION
TO COMPEL SPECIFIED
DISCOVERY

17 vs.

18 DOUGLAS STANKEWITZ,

Date: June 16, 2017

Time: 9:00 a.m.

19 Defendant.

Dept:

20 TO THE SUPERIOR COURT FOR THE COUNTY OF FRESNO AND TO THE
21 DISTRICT ATTORNEY FOR THE COUNTY OF FRESNO:

22 YOU WILL PLEASE TAKE NOTICE that Defendant DOUGLAS
23 STANKEWITZ, through counsel, hereby files his Motion to Compel
24 Specified Discovery to be heard on the date above-named.

25 Such motion will be predicated on the Points and Authorities
26 and Statements of Counsel herewith provided.

27 ///

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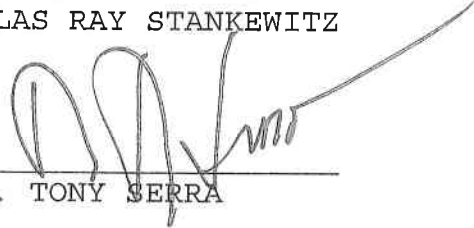
1 Oral argument on each of the specified items sought herein
2 is requested.

3 Dated: April 26, 2017

Respectfully Submitted,

4 J. TONY SERRA
5 PETER JONES
6 CURTIS BRIGGS
7 TYLER SMITH

Attorneys for Defendant
DOUGLAS RAY STANKEWITZ

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10 By J. TONY SERRA

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DECLARATION OF COUNSEL

Counsel, predicated on his information and belief, avers the following:

1. That each of the forthcoming items of requested discovery has been previously requested of the prosecution (by past counsel).

2. That each of the forthcoming items of requested discovery is necessary, material, and potentially exonerating for defendant in the penalty phase of the pending matter.

I declare under penalty of perjury that the above is true and correct based on my information and belief. Executed on the 26th day of April, 2017, in San Francisco, California.



J. TONY SERRA

REQUESTED ITEMS

1. Four photos of Stankewitz arms per 2/9/78 T. Lean report
2. Magnifying microscopic flashlight used to examine Stankewitz arms, per 2/10/78 Satterberg report
3. Fresno County General Hospital report blood draw records per 2/10/78 Satterberg report
4. Court Order signed by Judge Armando Rodrigues ordering Valley Medical Center to take Stankewitz's blood sample per 2/10/78 T. Ronlake report
5. Valley Medical center report blood draw records per 2/10/78 T. Ronlake report
6. Signed and dated envelope containing Stankewitz's blood sample per 2/10/78 T. Ronlake report
7. Vial of Blood from D. Stankewitz per per 2/10/78 and 3/16/78 Lean and Boudreau reports
8. B-Bag containing D. Stankewitz clothes per 2/10/78 and 3/16/78 Lean and Boudreau reports
9. Hand swabs with controls of Lewis, Stankewitz, Topping and Menchaca per BATF Memo dated 3/24/78
10. Test results by Atomic Absorption Neutron kit on the hands of Lewis, Stankewitz, Topping, Menchaca per 2/9/78 Garnsey Bonesteel report (items #28, 29, 30, 31 on report)
11. Titan 25 caliber automatic pistol per 2/9/78 Garnsey Bonesteel report (item #1 on report)
12. W-W 25 caliber automatic bullet from the chamber of the weapon per 2/9/78 Garnsey Bonesteel report (item #2 on report)

- 1 13. Magazine with two (2) W-W 25 caliber automatic bullets
2 from the weapon per 2/9/78 Garnsey Bonesteel report (item #3 on
3 report)
- 4 14. Shell casings and photos and/or diagrams of shell
5 casings and evidence log of shell casings and reports analyzing
6 shell casings- case #78-1809 and 78-1995 (Meras) per 2/13/78
7 Lean/Christensen report
- 8 15. Photos of vehicle per 2/9/78 R. Smith report
- 9 16. Jesus Meras paycheck per 2/15/78 Lean/Christensen
10 report
- 11 17. Videotape of Kmart parking lot per 5/5/78 Shandling and
12 Ardaiz report and 6/8/78 R. Smith
- 13 18. Photos of Kmart parking lot per 5/5/78 Shandling and
14 Ardaiz report and 6/8/78 R. Smith
- 15 19. 25 caliber shell casing found on Tenth Street per
16 2/9/78 report (30)
- 17 20. 35 mm Photos of vehicle showing left front seat seen
18 from rear seat area per 2/9/78 Garnsey Bonesteel report (31)
- 19 21. Photos 1 - 15 Overall views of evidence per Duty report
20 dated 2/23/79 (60)
- 21 22. Document prepared by Dean N. Ray, Examiner of
22 Questioned Documents per Original Invoice dated 7/27/78.
- 23 23. Analysis of 25 caliber casing found at the scene per
24 2/10-11/78 report of T. Lean and A. Boudreau (75).
- 25 24. Subpoena Duces Tecum to the Custodian of Records,
26 Valley Medical Center, regarding "all records pertaining to the
27 treatments of Billy Brown on Sept. 13, 1983, and a letter from
28 the attending physician regarding the specific medical ailment...

1 per the Declaration for Subpoena Duces Tecum from Warren Robinson
2 filed with the Fresno County Clerk on 9/14/1983.

3 25. DA's files for Brown, Menchaca, Lewis & Topping
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6 MEMORANDUM OF POINTS AND AUTHORITIES

7 I.

8 THE PROSECUTION'S FAILURE TO COMPLY WITH THE DEFENDANT'S
9 DISCOVERY REQUEST IS IN VIOLATION OF ITS DISCOVERY OBLIGATION.

10 The scope of the prosecution's discovery obligation extends
11 beyond the contents of the prosecutor's case file and encompasses
12 the duty to ascertain as well as divulge any "favorable evidence
13 known to others acting on the governments behalf". Kyles v.
14 Whitley, 514 U.S. 419, 437 (1995). Courts have thus consistently
15 declined to draw a distinction between different agencies under
16 the same government, focusing instead upon the 'prosecution team'
17 which includes both investigative and prosecutorial personnel."
18 United States v. Auten, 632 F.2d 478, 481 (5th Cir. 1980).

19 The prosecution's office is such an agency and it is the
20 spokesman for the government. Giglio v. United States, 405 U.S.
21 150, 154 (1972). Equally important, the Supreme Court of the
22 United States has unambiguously assigned the duty to disclose
23 solely and exclusively to the prosecution; those assisting the
24 government's case are no more than its agents. Kyles, supra at
25 438. As a concomitant of this duty, any favorable evidence known
26 to others acting on the government's behalf is imputed to the
27 prosecution. In re Brown, 17 Cal.4th 873, 879 (1998). The
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1 individual prosecutor is presumed to have knowledge of all
2 information gathered in connection with the government's
3 investigation. United States v. Payne, 63 F.3d 1200, 1208 (2d
4 Cir. 1995). The Supreme Court of the United States reiterated
5 this principle: "whether the prosecutor succeeds or fails in
6 meeting this obligation [to learn of favorable evidence]
7 (whether, that is, a failure to disclose is in good faith or bad
8 faith), the prosecution's responsibility for failing to disclose
9 known, or favorable evidence rising to a material level of
10 importance is inescapable." Kyles, *supra* at 437-38; *see also*
11 Giglio, *supra* at 154.

12 The sole purpose is to ensure that defendant has all
13 available exculpatory evidence. Without disclosure the right to
14 a fair trial is equally denied. In re Brown, *supra*, at 881. The
15 purpose is not to punish society for prosecutorial misdeeds, but
16 rather to avoid an unfair trial. Brady, *supra* at 87.

17 It is the State that tries an accused, and it is the State
18 that must ensure that the trial is fair. Moore v. Illinois, 408
19 U.S. 786, 809 (1972). "This obligation serves to justify trust
20 in the prosecutor as the representative ... of a sovereignty ...
21 whose interest ... in a criminal prosecution is not that it shall
22 win a chase, but that justice shall be done." Kyles, *supra* at
23 439. Such suppression amounts to a constitutional violation when
24 it deprives defendant of a fair hearing and undermines confidence
25 in the outcome of a trial. United States v. Bagley, 473 U.S.
26 667, 668 (1985).

27 Accordingly, the prosecution is obligated to disclose
28 relevant, material evidence in its possession, or in the

1 possession of any investigating agency, to ensure defendants' due
2 process rights are preserved.

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CONCLUSION

Wherefore, Defendant prays that this court issue its order requiring the prosecution to obtain and provide the evidence requested herein to defendant's counsel herein.

Dated: April 26, 2017

Respectfully Submitted,

J. TONY SERRA
PETER JONES
CURTIS BRIGGS
TYLER SMITH

Attorneys for Defendant
DOUGLAS RAY STANKEWITZ



By J. TONY SERRA

PROOF OF SERVICE

The undersigned declares:

I am a citizen of the United States. My business address is 506 Broadway, San Francisco, California 94133. I am over the age of eighteen years and not a party to the within action.

On the date set forth below, I caused a true copy of the within

NOTICE OF MOTION AND MOTION TO COMPEL SPECIFIED DISCOVERY

to be served on the following parties in the following manner:

Mail _____ Overnight mail _____ Personal service _____ Fax _____

Office of District Attorney
 2220 Tulare Street, Suite 1000
 Fresno, CA 93721

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration is executed on April 26, 2017, at San Francisco, California.

ERIKA LARSON

**OFFICE OF THE FRESNO COUNTY DISTRICT ATTORNEY
HOMICIDE UNIT**

DISCOVERY RECEIPT

Prosecutor: Noelle Pebet
Defendant: Douglas Stankewitz
DA Case #: 78H01
Court Case #: CF78227015

Counselors-

Enclosed, please find one CD titled "CASE PHOTOS PROVIDED BY FSO" which contains eighty (80) photos: #82710001- #82710005- depict autopsy photos, #82710006- #82710007- depict the crime scene; #82710008- #82710015- additional autopsy photos; #82710016- #82710017- unclear; #82710018- #82710023- photos of items of evidence; #82710024- #82710031- additional photos from the crime scene; #82710032- #82710043- additional photos of items of evidence; #82710044- #82710050- additional photos from the crime scene; #82710051- #82710057- additional black and white crime scene photos; #82710058- #82710066- depict victim's vehicle; #82710067- #82710070- black and white phone booth photos; #82710071- #82710079- black and white photos from Kmart; and #82710080- additional photo of an item of evidence.

Originally a CD was provided to you all containing 3961 pages of documents. I have since Bates stamped my copy. I recently requested a new and complete copy of Fresno County Sheriff Department Reports #78-1995 and #78-5819/78-1809. I believe that all of the documents I received in response to said request have previously been provided, however in the abundance of caution, I have Bates stamped those reports and included them within the CD titled "Stankewitz Discovery August 2017" as Bates 3962-4200. I also received a copy of documents found in the ID Technician's file and have included them on the same CD as Bates 4201-4221.

Additionally, I have provided Bates stamped copies of the Property Tags from FSO. Included in those tags are several of the items that you have requested in your discovery motion. Obviously, I cannot release those items to you. However, you can contact my DA Investigator, John Ciaccio at 559-600-7086 or 559-974-9893 to coordinate a viewing of the evidence booked at FSO. One suggestion might be arranging said appointment on Friday, August 11, 2017 when you are all here.

I have also included the Court Exhibit Records for items of evidence that were admitted during the previous trials. Again, some of the items you are requesting can be found there. I have included photos of the photos booked just in case they were different from those I had received. If you would like to arrange a time to view those items please contact the Court Evidence Clerk Cameron Pishione at 559-457-4920 or cpishione@fresno.courts.ca.gov.

With respect to your Discovery Motion, here is the information I have:

Item #1 has now been provided

Item #2 is believed to be the large magnifying glass that includes a light affixed to a table with a metallic arm

Items #3 through 7- pertain to the blood draw on the Defendant. An envelop and blood vial appear to be evidence admitted at the last trial and are with the Evidence Clerk referenced above. As for the results of the blood draw, you have that report in your previously provided discovery.

Item #8- appears to be booked at FSO

Items #9 and 10- pertain to the hand swabs of the suspect and the test results. Item #9 is booked in the FSO Property Room and the test results were previously provided to you in the original discovery packet.

Items #11-14, #19 and #23- pertain to the firearm recovered, any casings recovered, bullets recovered, test fires and results. The firearm, bullet and several casings (test fires or recovered items) are all booked either in the FSO Property Room or with the Court Exhibit Clerk. Everything we have is either in one location or the other. As for the tests results, there are various reports and they have all been provided in the original discovery packet.

Item #15- They have now been provided

Item #16- I believe this item is either in the FSO Property Room or with the Exhibit Clerk. If it is not, then I do not have it.

Item #17- There is no video from KMART as was indicated on the report

Items #18, 20, 21- have all now been provided

Item #22- was previously provided in the original discovery packet

Item #24- I have no SDT or records pertaining to any medical treatment Billy Brown received on or about September 13, 1983.

Item #25- the discovery I have pertaining to Mr. Brown, Ms. Menchaca, Ms. Toppings and Mr. Lewis are the same reports and items you have received thus far.

As you can see on the FSO Property Tags, there are some cassette tapes of interviews of the suspects in this case; efforts are being made to make copies of those for all of you.

If there is anything else that you need or any questions, please do not hesitate to contact me.

Thank you

Noelle Pebet

Defense or representative's name

Signature

Date

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 10th 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

****HOT****

Date of this report 7-9-78		Type of Original Report MURDER (IMV) SECURITY VEH/RECOVERED		Case No. 78-5819
Date crime occurred 7-9-78		Location of occurrence 1100 ST PETERS ST		Reporting Division DORCHESTER
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, SACTO, (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 [REDACTED], 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 FCJ WIC602, PC836, 187, 211a, CVC10851, PC207).

RELATED CASES:

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

Supervisor	Time Called In	Time Typed	By	TOTAL VALUE \$
Approving Sgt. [REDACTED]	Officer(s) Reporting	1210	[REDACTED]	
	Review Sgt.	277/REDACTED	[REDACTED]	
			Xeroxed By	Total Copies

FOLLOW-UP REPORT

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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] 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 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 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 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 & 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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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 BONSEBELS 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 MODEST 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 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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proceed to search the area around the tracks near the ANDYS BAR in the [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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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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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.

NAME AND ADDRESS OF ATTORNEY: JOHN B. SMURR, 044359 SMURR & HENRY 1330 "L" Street, Suite G Fresno, California 93721 ATTORNEY FOR: defendant	TELEPHONE NO.: (209) 237-0200	<div style="font-size: 2em; font-weight: bold; letter-spacing: 0.5em;">FILED</div> <div style="font-size: 1.5em; font-weight: bold;">OCT 25 1979</div> <div style="font-size: 1.5em; font-weight: bold;">OCT 22 1979</div>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF FRESNO 1100 Van Ness Avenue, P.O. Box 1628 Fresno, California 93717	GALEN LARSON, Clerk DEPUTY <i>R. T. ...</i> CLK 3012.00 E08-70 R02-75	
PLAINTIFF: THE PEOPLE OF THE STATE OF CALIFORNIA		
DEFENDANT: DOUGLAS STANKEWITZ and MARLIN EDWIN LEWIS		
APPLICATION AND ORDER FOR PAYMENT OF ATTORNEY'S FEES	Case Number: 227015-5	

1. I am an attorney at law duly admitted to practice in the State of California. I have not received compensation in this matter and according to my information and belief the person I represented has not had since the date of my appointment and does not now have any money or property with which to pay my fees or expenses which are claimed in this application. I hereby make application for payment of fees as follows (See footnote * below before completing):
- a. Appointed to represent (Name): **MARLIN EDWIN LEWIS**
 - b. Appointed on (Date): **March 27, 1978**
 - c. Legal services terminated on or about (Date): **April 6, 1979**
 - d. Attorney's fees claimed (Amount): **\$2,250.00**
 - e. Expense fees claimed (Amount): **\$ 293.62**
 - f. Total Amount claimed: **\$2,543.62**
 - g. Legal services performed (Specify):

SEE ATTACHED.

- h. Expenses paid out for (Specify):

Xerox	\$ 19.14
Travel expenses incurred after the change of venue was granted.	<u>274.48</u>
	\$293.62

I declare under penalty of perjury that the foregoing is true and correct and that this declaration is executed on (Date): 7/16/79 at (Place): Fresno, California.

JOHN B. SMURR
 (Type or print name)

John B. Smurr
 (Signature of applicant)

(Continued on reverse side)

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

ORDER

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

- a. Attorney's fees (Amount): \$ 1950.00
- b. Expense fees (Amount): \$ 199.14
- c. Total fees (Amount): \$ 2149.14

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

Dated: October 16, 1979

[Signature]
 Judge of the Superior Court

*reviewed and discussed
 with judge Best on 10-16-79*



The foregoing instrument is a correct copy of the original on file in this office.

ATTEST: JUN 18 1992

SUSAN B. ANDERSON, County Clerk
 State of California
 County of Fresno

[Signature]
 DEPUTY

g. Legal services performed:

Standard fee for pre-trial appearances, motions, and sentencing.

\$ 250.00

Pre-trial preparation (review of transcripts and police reports, consultation with client and Ray Cox, attorney for TEENA ELAINE TOPPING, legal research, conferences with Deputy District Attorney Ardaiz and District Attorney Clickenstaff) at \$25.00 per hour.

Pre-Trial Preparation

1. Review of transcript for preparation of 995 Motion, Motion for Discovery, Motion for Severance. 4 hrs. on 3/27/78. \$ 100.00
2. Preparation and dictation of Motions. 4 hrs. on 4/4 and 4/5/78. 100.00
3. Conference with James Adraiz re the argument of motions and continuances of trial date. 1/2 hr. on 4/11/78. 12.50
4. Extensive client interview concerning testimony of Billy Bob Brown (pages 9-222 of the Preliminary Hearing transcript) and review of Mr. LEWIS' statement. 5 hrs. on 4/19/78. 125.00
5. Court appearance for argument on motions and selection of new trial date. 2 1/2 hrs. on 4/24/78. 62.50
6. Research in regard to Determinate Sentencing Law. 2 hrs. on 5/11/78. ~~100.00~~
50.00
7. Interview with client on status of case. 3 hrs. on 5/18/78. 75.00
8. Trial confirmation and selection of new trial date. 1 hr. on 7/5/78. 25.00
9. Attendance at motions' filed on behalf of the co-defendants TOPPING and MENCHACA. 1/2 hr. 12.50
10. Selection of a new trial date and conference with Deputy District Attorney Ardaiz. 1 hr. on 8/9/78. 25.00

11. Review of Preliminary Hearing transcript, all police reports, and tape recorded statement of client. 6 hrs. on 9/12/78.	\$ 150.00
12. Research and preparation for Motion for Change of Venue. 6 hrs. on 9/26/78.	150.00
13. Argument on Change of Venue motion. 1 hr. on 10/5/78.	25.00
14. Conference with Judge Mardikian, Deputy District Attorney Ardaiz, Ray Cox re selection of jurisdiction where the matter would be transferred. 2 hrs. on 10/12/78.	50.00
15. Appearance in Alameda County for trial setting. 9 hrs. on 11/2/78.	225.00
16. Appearance for re-setting of trail and continuance. I appeared on behalf of Ray Cox and made a special appearance for TENNA ELAINE TOPPING. 4 hrs. on 1/8/79.	100.00
17. Research and discussion with Deputy District Attorney Ardaiz and Ray Cox, counsel for defendant TOPPING, re plea bargain and parimeters for sentencing. 3 hrs. on 2/8/79.	75.00
18. Preparation for trial after District Attorney Blickenstaff rejects settlement reached with Deputy District Attorney Ardaiz. 8 hrs. on 2/26/79.	200.00
19. Attempt to settle the case with a plea. Negotiations with District Attorney Blickenstaff, Assistant District Attorney Carlton and Deputy District Attorney Ardaiz. 6 1/2 hrs. on 2/27/79.	162.50
20. Appearance in Alameda County for transfer or return to Fresno. 4 hrs. on 3/5/79.	100.00
21. Change of Plea. 2 hrs. on 3/9/79.	50.00
22. Report of the Probation Officer and review with client of the contents. 3 hrs. on 4/6/79.	75.00
TOTAL	<u>\$2,000.00</u>
Minimum fee	<u>-250.00</u>
TOTAL LEGAL SERVICES PERFORMED	<u>\$2,250.00</u>

LAW OFFICES OF
SMURR, HENRY AND EBERLEIN

JOHN B. SMURR

JERRY E. HENRY

LEE EBERLEIN

July 16, 1979

1330 "L" STREET, SUITE G
FRESNO, CALIFORNIA 93721
AREA CODE 209
TELEPHONE 237-0207

441 SOUTH MADERA AVENUE, SUITE C
KERMAN, CALIFORNIA 93630
AREA CODE 209
TELEPHONE 846-9357

PLEASE REPLY TO:

FRESNO
KERMAN

The Honorable Robert Z. Mardikian
Judge of the Superior Court
Fresno County Courthouse
1100 Van Ness Avenue
Fresno, California 93721

Re: People v. Marlin Edwin Lewis
#227015-5

Dear Judge Mardikian:

During the past couple of days I have attempted to compute my bill for the handling of the above entitled matter. It has become quite apparent, as you can see from my bill, that the standard fee schedule is totally unrealistic in the instant case. One of the co-defendants, Douglas Ray Stankewitz, was convicted of murder in the first degree coupled with the fact that he received the death penalty. My client, Marlin Lewis, and Ray Cox's client, Teena Elaine Topping were placed in a unique situation as a result of the pleadings and rulings in the Stankewitz case in that if convicted of the charges alleged in the instant information, there was a great likelihood that they both could receive two life sentences since the District Attorney's Office was allowed to consolidate a homicide (victim was Theresa Greybeal) and an alleged violation of 209(b) of the Penal Code (victim was Jesus Meras). In essence, both Mr. Cox and myself had to defend our clients in two separate and distinct cases. The results could have resulted in a sentence which would have exceeded an "ordinary" conviction of murder in the first degree.

This case was further complicated by the attendant publicity which surrounded the trial of Douglas Stankewitz. His actions during the course of his trial compelled defense counsel to file a Notice of Motion and Motion for Change of Venue or in the alternative, a continuance. This motion required extensive research and compilation of articles published in The Fresno Bee since arraignment in the instant matter. The seven (7) hours reflected in my bill in no way reveal the amount of time Mr. Cox and myself invested in the Motion for Change of Venue. We had numerous "skull sessions" in regard to this particular motion which are not itemized.

The Honorable Robert Z. Mardikian
July 16, 1979
Page Two

Another factor which resulted in further expenditure of time on the part of both Mr. Cox and myself is the fact this trial was set at trial confirmation to go to trial. This necessitated a review of the 486 page transcript, the voluminous police reports, listening to tape recorded statements of the respective defendants, and numerous conferences with James Ardaiz, the prosecutor, on more than one occasion. Both Mr. Cox and I had to resort to a division of labor on certain tasks in this case because the material we had to review was overwhelming.

In reviewing the time spent in preparation, my records reflect more time than indicated in the itemization of this bill. The reason I am not including this additional time is the fact that the case never went to trial and since the trial was set to commence twice, I didn't feel justified in charging the time it took me to re-acquaint myself with the facts of the case.

Lastly, notwithstanding the fact that the amount of this billing, particularly with respect to preparation, exceeds the amount set forth in the standard fee schedule, I do feel that the billing herein represents a reasonable fee for the time expended by Mr. Cox and myself in the handling of this case.

Very truly yours,



JOHN B. SMURR

JBS:ed
Enclosures
cc: Ray Cox

F I L M E D

NAME AND ADDRESS OF ATTORNEY: Ray N. Cox #050332 SHIELDS, COX & ROBERTS 203 Helm Building Fresno, California 93721		TELEPHONE NO.: 486-7600	For Court Use Only: OCT 25 1979
ATTORNEY FOR: Defendant, TEENA ELAINE TOPPING		F I L E D OCT 22 1979 GALEN LARSON, Clerk <small>CLERK OF COURT E08-70 H02-75</small>	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF FRESNO 1100 Van Ness Avenue, P.O. Box 1628 Fresno, California 93717			
PLAINTIFF: PEOPLE OF THE STATE OF CALIFORNIA			
DEFENDANT: TEENA ELAINE TOPPING, ET AL			
APPLICATION AND ORDER FOR PAYMENT OF ATTORNEY'S FEES		Case Number: 227015-5	

1. I am an attorney at law duly admitted to practice in the State of California. I have not received compensation in this matter and according to my information and belief the person I represented has not had since the date of my appointment and does not now have any money or property with which to pay my fees or expenses which are claimed in this application. I hereby make application for payment of fees as follows (See footnote * below before completing):
- a. Appointed to represent (Name): Teena Elaine Topping
 - b. Appointed on (Date): March 27, 1978
 - c. Legal services terminated on or about (Date): April 6, 1979
 - d. Attorney's fees claimed (Amount): \$ 1,750.00
 - e. Expense fees claimed (Amount): \$ 83.69
 - f. Total Amount claimed: \$ 1,833.69
 - g. Legal services performed (Specify):

SEE ATTACHED.

- h. Expenses paid out for (Specify):

Travel expenses after Change of Venue - \$83.69

Air fare - \$40.00
Hotel - 24.84
Meals - 8.85
Gas - 10.00

I declare under penalty of perjury that the foregoing is true and correct and that this declaration is executed on (Date): July 19, 1979 at (Place): Fresno, California.

Ray N. Cox
(Type or print name)

Ray N. Cox
(Signature of applicant)

(Continued on reverse side)

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

5033

ORDER

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

a. Attorney's fees (Amount):	\$	1487.50
b. Expense fees (Amount):	\$	83.69
c. Total fees (Amount):	\$	<u>1571.19</u>

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

Dated: October 16, 1979

[Signature]

 Judge of the Superior Court

*Reviewed and dismissed
with judge Best on 10-16-79*

The foregoing instrument is a correct copy of the original on file in this office.



ATTEST: JUN 16 1992

SUSAN B. ANDERSON, County Clerk
State of California
County of Fresno

[Signature]

 DEPUTY

1. Appointment fee - for ordinary court appearances, motions, sentencing, etc.		\$250.00
2. Special Pre-Trial preparation at \$25.00 per hour		
3/27/78 - Review transcripts for motions	3.5 Hrs.	\$100.00 87.50 Bm
4/04/78 - Preparation of Motions (995, discovery, severance)	3.0 Hrs.	75.00
4/11/78 - Conference w/DA Ardaiz re. motions and new investigation information	0.5 Hrs.	12.50
4/19/78 - Conf. w/client; review statement and testimony of Billy Brown; Co-defendants and client	2.0 Hrs.	50.00
4/24/78 - Court appearance - argument on motions	2.5 Hrs.	62.50
5/09/78 - Legal research	1.0 Hrs.	25.00
5/17/78 - Conf. w/client re. investigation, new reports, etc.	1.5 Hrs.	37.50
7/05/78 - Court appearance - Trial confirmation	1.0 Hrs.	25.00
8/04/78 - Court appearance- continued to 8/9/78	1.0 Hrs.	25.00
8/09/78 - Court appearance- trial continued to 10/16/78	0.5 Hrs.	12.50
9/12/78 - Conf. w/attorney John Smurr; review tape and recorded statements; review all reports		
9/13/78 and transcript (preparation for trial)	5.5 Hrs.	137.50
9/25/78 - Legal research and preparation of Motion for Change of Venue	2.5 Hrs.	62.50
10/05/78 - Argument on Change of Venue Motion	1.0 Hrs.	25.00
10/12/78 - Conf. w/Judge Mardikian/DA Ardaiz, co-counsel re. Change of Venue	2.0 Hrs.	50.00
11/02/78 - Court appearance - Alameda - for trial setting	9.0 Hrs.	225.00
12/12/78 - Conf. w/client re. trial, status of case, etc.	1.5 Hrs.	37.50
2/08/79 - Conf. w/DA Ardaiz and atty. John Smurr; research re. plea bargain & sentencing	3.0 Hrs.	75.00

2/20/79 - Conf. w/DA Blickenstaff - rejected offer to settle case	2.0 Hrs.	50.00
2/22/79 - Conf. w/client and further trial prep.	4.0 Hrs.	100.00
2/26/79 - Further trial preparation	5.0 Hrs.	125.00
3/05/79 - Court appearance in Alameda for transfer of case to Fresno	4.0 Hrs.	100.00
3/09/79 - Change of plea	2.0 Hrs.	50.00
4/06/79 - Conf. w/client and RPO	2.0 Hrs.	50.00

TOTAL TIME - 60.0 Hrs. - ^{1,487.50} \$1,500.00

APPOINTMENT FEE - 250.00

TOTAL SERVICES - \$1,750.00

FRESNO COUNTY SHERIFF'S DEPARTMENT
Fresno, California

69. CASE NO.

78-5819

78-39-26

-1-

DATE _____

70. CODE SECTION

71. CRIME

72. CLASSIFICATION

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

74. ADDRESS

RESIDENCE

BUSINESS

75. PHONE

(Tape started in middle of conversation)

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

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

REPORTING OFFICERS

SNOW/LEAN/ARDIAZ

RECORDING OFFICER

TYPED BY

Is

DATE AND TIME

2-11-78

ROUTED BY

FURTHER ACTION YES NO

COPIES TO:

DETECTIVE CII
 JUVENILE PATROL
 DIST. ATTN. OTHER
 SO./P.D. OTHER

REVIEWED BY

DATE

FRESNO COUNTY SHERIFF'S DEPARTMENT
Fresno, California

69. CASE NO.

78-5819

-2-

DATE _____

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

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

LEWIS: Okay.

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

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

A: Yeah

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

A: Yeah

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

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

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

69. CASE NO.

78-5819

DATE _____

-3-

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

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

A: I think so.

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

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

Q: She said what?

A: It ain't going to be nothing.

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

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

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

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

Q: You think Tina may have opened the door?

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

69. CASE NO.

78-5819

-4-

DATE _____

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

A: Yeah, she could have, or

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

A: Yeah,

Q: What did you say to her?

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

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

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

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

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

69. CASE NO.

78-5819

DATE _____

-5-

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

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

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

A: Not ah, no.

Q: Uhm?

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

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

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

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

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

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

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

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

69. CASE NO.

78-5819

DATE _____

-6-

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

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

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

Q: When did you pick CHRIS up at?

A: I don't know (unintelligible).

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

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

Q: Who went up?

A: Nut?

Q: Who went up?

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

Q: What did they go up there for?

A: They did even say nothing.

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

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

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

A: Yeah.

Q: What did they do?

A: Used.

REPORTING OFFICERS Snow/Lean/Ardiaz	RECORDING OFFICER	TYPED BY jac	DATE AND TIME 2-13-78	ROUTED BY
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FURTHER ACTION <input type="checkbox"/> YES <input type="checkbox"/> NO	COPIES TO: <input type="checkbox"/> DETECTIVE <input type="checkbox"/> JUVENILE <input type="checkbox"/> DIST. ATTNY. <input type="checkbox"/> SO./P.D.	<input type="checkbox"/> GII <input type="checkbox"/> PATROL <input type="checkbox"/> OTHER <input type="checkbox"/> OTHER	REVIEWED BY	DATE
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FRESNO COUNTY SHERIFF'S DEPARTMENT
Fresno, California

89. CASE NO.

78-5819

DATE _____

-7-

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

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

A: Huh?

Q: How'd you know this?

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

Q: Well just CHRIS got a buzz or?

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

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

A: About twenty minutes.

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

A: Yeah

Q: Doug and CHRIS and TIMA.

A: Yeah

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

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

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

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

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

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

still had the gun?

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

Q: Did he have the gun then?

A: He must have because I had the knife.

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

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

Q: TINA driving?

A: Um huh (Positive)

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

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

Q: You mean a pick up of heroin?

A: Yeah and so . . .

Q: How did you gather that?

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

Q: What did she say?

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

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

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

just before you stopped at the Olympic Hotel did you hear ah TINA telling CHRIS that the car was hot?

A: Uhm, I don't remember.

Q: Was she talking telling him . . .

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

Q: What were you saying?

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

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

A: I didn't hear that part.

Q: Didn't hear that part.

A: Uh huh (negative)

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

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

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

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

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

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

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

A: I don't know.

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

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

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

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

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70. CODE SECTION	71. CRIME	72. CLASSIFICATION		
73. VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS.)		74. ADDRESS	RESIDENCE	BUSINESS
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CHRIS or TINA so BILL went in the car (unintelligible) you know. How come BILL getting in the car and then DOUG pushed me I just took a couple of steps before (unintelligible) that's when I heard the gun shot and then I jumped in the car and . . .

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

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

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

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

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

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

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

A: Well he handed it back to me.

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

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

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

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

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

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

Q: He'll have somebody what?

A: Off us. You know pull us away.

Q: Did he say why he killed her?

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

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

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

Q: Did she have her purse there?

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

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

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

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73. VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS.)		74. ADDRESS	RESIDENCE	BUSINESS
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Q: Did he say why he shot her after he got back into the car, he just told you, everybody to keep there mouth shut.

A: Yes

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

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

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

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

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

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

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

A: No" we drove right through Chinatown

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

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

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

A: Yea

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

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

A: No after

Q: After ward. then you drove back to Chinatown

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

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

A: And then"

Q: Why did you stop at the Seven Seas?

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

Q: Who was going to sell the watch?

A: Uh, CHRIS was.

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

A: I think DOUG and TINA.

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

A: Yes

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

A: She said she would try.

Q: And who gave her the watch?

A: TINA did.

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

A: Yes

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73. VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS.)		74. ADDRESS	RESIDENCE	BUSINESS
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Q: And where did you park the, this Cougar when you arrived at the Seven Seas?

A: Across the street from it.

Q: And who went inside the Seven Seas?

A: CHRIS went in first.

Q: CHRIS went in first?

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

Q: Did TINA go inside.

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

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

A: No.

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

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

Q: Uh'

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

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

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

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

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

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

A: Uh, uh.

Q: What did she do with the watch?

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

Q: Describe this watch to me.

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

Q: Who got this watch from TERESA?

A: Uh, she just gave it to us.

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

A: Yes.

Q: After you ^{were} checked out by the officers did you supply the officers with your name there?

A: They didn't talk to me.

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

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

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

A: No.

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73. VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS.)		74. ADDRESS	RESIDENCE	BUSINESS
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Q: She was already shot?

A: Yes.

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

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

Q: Do you no where that's at on

A: No

Q: Close to the Seven Seas?

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

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

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

Q: Why did you go to Clovis?

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

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

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

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

A: No.

Q: Nothing was said about her.

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73. VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS.)		74. ADDRESS	RESIDENCE	BUSINESS
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A: Nothing said about her, then after that went out to Pine Dale and dropped BILLIE off.

Q: Ok, and then you went from where?

A: We just drove around.

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

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

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

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

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

A: YEA,

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

A: Yes, they must have been ...

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

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

Q: They could talk, and walk ...

A: YES man

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

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

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

A: NO, he uh

Q: Was he joking about blowing her away?

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

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

A: Yea, that sounds like something he said.

Q: I mean was he joking about it then?

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

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

A: Yes, something like that

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

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

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

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

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

Q: After you dropped off BILLIE?

A: Yea.

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

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

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

A: I wouldn't no.

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

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

Q: What she do in the Seven Seas?

A: I don't no that

Q: Why she go back in there?

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

Q: AND what happened then?

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73. VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS.)		74. ADDRESS	RESIDENCE	BUSINESS
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A: That's when they told us to go to the car one by one.

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

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

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

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

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

A: I didn't say nothing.

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

A: That must have been Manteca.

Q: That's right, you remember that?

A: Yea.

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

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

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

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FRESNO COUNTY SHERIFF'S DEPARTMENT
Fresno, California

69. CASE NO.

78-5819

DATE _____

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

A: Uh, VALENTE CAPICCHINO.

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

A: Cause I was on probation

Q: For what.

A: Burglary

Q: Out of where?

A: Sacramento

Q: Felony

A: No Misdemeanor

Q: What happened?

A: She caught up with me now

Q: I mean uh, you think uh

A: No she wasn't any ways in

Q: DOUG came in and let her go anything

A: I don't no about that

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

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

Q: It's right in Clovis itself.

A: Yes, I just no we got there.

Q: Are you familiar with Clovis at all?

A: Uh, uh

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

69. CASE NO.

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DATE _____

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

Q: Do you no where the main street of Clovis is, Clovis Avenue as you go through the main part of town there.

A: I am not familiar with that part

Q: Was it east or west of that, the main part of town, could be toward the mountain here to the east or back toward town to the west?

A: Towards the mountains to the east

Q: This CHARLIE MARCUS does she work someplace?

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

Q: What

A: Wish-i-ah

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

A: Up at Auberry.

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

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

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

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

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

A: Oh, I knew he used

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

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

been using?

A: No

Q: Did he look....how do you no he used?

A: Well I just knew it cause he'd mention it you no every so often

Q: You mean in the past he's used something?

A: Yea,

Q: That night did he mention to you that he'd used anything?

A: No.

Q: Did he look like he'd used anything?

A: He looked alright to me.

Q: Did he tell you now try and think careful at anytime where he had shot her at?

A: He just said the head

Q: When did he tell you that he'd shot her in the head?

A: Huh"

Q: When did he tell you that he'd shot her in the head?

A: I think when we were driving away from there, he would have gone again everybody you no, everybody in the car was quiet and everything we said nothing.

Q: Was everybody quiet when he made this remark that he'd shot her in the head?

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70. CODE SECTION

71. CRIME

72. CLASSIFICATION

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

74. ADDRESS

RESIDENCE

BUSINESS

75. PHONE

A: Yea, the radio was going.

Q: Did you have any problem hearing him when he said that to you?

A: Uh uh, he just said he shot her in the head.

Q: Say why he did it?

A: He didn't say nothing to me, just said that

Q: Do you no how long he's had that gun?

A: I didn't no he had it till we got to Modesto.

Q: But you no he's committed some robbery since he's been out of custody right?

A: Yea.

Q: Do you no what he used to commit those robbery?

A: I knew at the time he did them, I was either home or somewhere that night I wasn't even around.

Q: Do you no how many robbery he's pulled off?

A: No, cause he would never talk about it.

Q: But he told you about one of them

A: YEA, About one of them

Q: And what did he say about that?

A: He just said that he rolled some Bar in Sacramento.

Q: Cacerasas?

A: Castle's

REPORTING OFFICERS

Snow/Lean/Ardiaz

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DATE AND TIME

2-13-78

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

Q: Castle's I mean

A: Go there and drink some beer

Q: Out at Castle's ? What about a robbery of some Mexican man, farm worker around Rolinda?

A: Rolinda...I dont no.

Q: Took a pay check from him.

A: I don't no about that, I was asleep then, we had been in the car quite a while, and I was getting tired and so TINA was in the back seat asleep.

Q: Did he tell you about taking a pay check from somebody in the farm worker?

A: Uh uh

Q: Did you notice if there was a pay check in the car?

A: No I didn't no nothing like that

Q: HE told you about since he's been out regards to another shooting?

A: UH, uh, like when?

Q: Like when he was in Sacramento.

A: I didn't no he was in Sacramento.

Q: Any other place ?

A: I really don't no about anyplace

Q: Anything that he may have mention at all, ...Anything about doing another shooting, it may not mean much to you but it may mean something to us?

A: He never mention anything

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

Q: CAN You think of anything that uh, question that....when uh DOUG and you was standing there with the girl when she was shot, did you have the knife then?

A: No it was in the car.

Q: It was in the car, you were holding the knife?

A: Uh, uh

Q: You weren't holding the knife, in your hand, next to your side

A: No because see um they just did um, the other um, they just go um, so they just told us to um, to go around the corner, so I just skipped around there um, the back seat.

Q: When you got out of the car, did you see uh Doug take this gun out?

A: Unh unh (negative) I didn't know he had he took the gun with him.

Q: How did he get the gun from you? Originally? You said you had it up there and, in Modesto.

A: I think um, I, lets see, I gave the gun back to him, when we was parked in front-of the Olympic Hotel and thats when the deal when I gave it to him, and he kept it since, and thats what happened.

Q: Who, who pointed the gun at her when you were in the the car, Uh when you first got in the car and she was pushed in, who was pointing the gun at her then?

A: I wouldn't, I was pointing the gun case at her.

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

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

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

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

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

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

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

Q: You pointed the gun at her?

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

Q: She get nervous too?

A: Mhmm, she was at first.

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

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

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

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

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

A: I don't know

Q: Wasn't it plan, wasn't it planned ahead of time, you knew it ahead of time that the, she was gonna be pushed over, and that the door was gonna be open, uh, this TINA was gonna come up and push her down and open the door, why didn't you just kick her out then?

A: I don't know. I didn't even know we was gonna do that.

Q: You, you knew that TINA was going to uh push her into the car.

A: Not, not until after they told me.

Q: Well this is before it happened.

A: Yeah

Q: I mean you were told by uh I uh think you told me uh that uh Doug had told TINA that this is what were gonna do, you follow her and when she gets in the car you push and shove her down and then we'll get in, isn't that what was said.

A: Yeah, something like that. So, then as soon as this girl came out of the store, then TINA followed her and I kinda hesitated on the sidewalk, and I just, followed TINA and then BILLY kinda stood back there like he didn't want to come. So then he followed and then the girl got to the car. You know, I wanted to (unintelligible), you know I didn't want to do that to her. You know I hitchhiked from Sacramento to Fresno you know

Q: Who had the gun though when you first got in the car?

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

A: I did

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

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

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

A: He must have cause

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

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

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

A: Yeah

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

A: Mhmm

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

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

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

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

REPORTING OFFICERS	RECORDING OFFICER	TYPED BY Dlc 2-	DATE AND TIME 14-78	ROUTED BY
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FRESNO COUNTY SHERIFF'S DEPARTMENT
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70. CODE SECTION	71. CRIME	72. CLASSIFICATION		
73. VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS.)		74. ADDRESS	RESIDENCE	BUSINESS
				75. PHONE

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

A: Modesto.

Q: Who gave you the gun?

A: Uh, Doug

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

A: No

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

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

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

A: Yeah. Cause then (unintelligible)

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

A: Yeah

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

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

Q: Yeah

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

A: I don't know.

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

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

REPORTING OFFICERS	RECORDING OFFICER	TYPED BY Dlc 2-14-78	DATE AND TIME	ROUTED BY
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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: and I guess she musta opened the car when she was doing that to.

Q: Was she on top of her then?

A: Yeah

Q: Was she hitting her?

A: No just holding her down.

Q: Holding her down?

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

A: No I was still coming towards the car.

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

A: Yeah but I couldn't understand it.

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

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

Q: Who said that?

A: The girl

Q: Which girl

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

Q: Yeah. Did she explain herself about that.

A: Unh unh (negative)

Q: She didn't have time to.

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

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

Q: She was pretty scared at that time huh? Was she crying?

A: No but her voice was shaky.

Q: She was, saw that gun for a split second there and

A: No she didn't even see the gun

Q: Thought you said you pointed it at her

A: Uhm at the side, then I put the gun back in my pocket and got the gun case and

Q: I think she thought that was a gun, if you had a gun case sticking in there?

A: Yeah, but that that was not my fault.

Q: Did you try at any time to tell uh, uh Doug hey lets get rid of this young lady?

A: NO. Okay then I thought you know, the only reason we'd get the car was just take her as far as Fresno we'd get out and let her be on her way and then somebody said well everythings gonna go alright, you know cause, along, all all the way Doug kept saying, well were not gonna harm you so don't, theres nothing for you to worry about. So the girl you know she started talking you know and being friendly, she offered us a cigarette.

Q: What kind of cigarettes she smoke?

A: I don't know it was an off brand.

Q: Where did you get out of the car, whenever the girl was, Calwa, why did you get out of the car?

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

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

Q: Take a car load where?

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

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

A: It couldn't have been.

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

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

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

A: car. And Billy got back, CHRIS got back in the car, and BILLY and DOUG shoved me like that and took two steps forward and jumped across the puddle thats when I heard the gun shot. So I just jumped in the car

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

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

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

A: No the car was always open, already open

Q: Alright

A: Okay now Ah

Q: Was the gun handed to you then?

A: After I got in the car it was

Q: Who handed it to you

A: Doug did

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

A: Something like that.

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

A: Yeah. Nobody said nothing.

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

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

FRESNO COUNTY SHERIFF'S DEPARTMENT
Fresno, California

69. CASE NO.

78-5819

-36-

DATE _____

70. CODE SECTION

71. CRIME

72. CLASSIFICATION

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

74. ADDRESS

RESIDENCE

BUSINESS

75. PHONE

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

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

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

Q: How about her wallet.

A: I don't know about no wallet.

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

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

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

A: No nobody went through her purse.

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

A: Yeah.

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

A: I guess because they could identify her.

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

REPORTING OFFICERS

RECORDING OFFICER

TYPED BY

DATE AND TIME

ROUTED BY

Dlc 2-14-78

FURTHER ACTION

YES

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DIST. ATTNV.

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REVIEWED BY

DATE

FRESNO COUNTY SHERIFF'S DEPARTMENT
Fresno, California

69. CASE NO.

78-5819

DATE _____

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

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

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

78-39-26MR

69. CASE NO.
78-1809/FSO
78-5819/FPD

-1-

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

SNOW: CHRIS we talked the other night when we was a, briefly, this is Tom Leen, he's working on this case also, a Detective from the Sheriff's Office and since this thing occur out in the County that the reason he working on it also. A since I talked to you last time I've talked with a number of other individuals. There's some other information that we've got that a, I'd like to let you know about. In fact, some of them we got questions about.

MENCHACA: I'll do whatever I can, to help you out, I'll do whatever I can.

SNOW: Ok. Well, maybe you can clear up some of these thing. like I say I don't think that you're the one that did the trigger for the

MENCHACA: Yeah.

SNOW: this thing, ok, but you became a suspect because you happened to be there at the time that this thing went down.

MENCHACA: Like I say, I was at the wrong place at the wrong time, and I didn't know these people or anything.

SNOW: What I would like to do, like I say we do have some extra information and we've talked to people and everything has come to light and we want to go over some of these things and I got some question to ask you about them. It involves this killing of this gal. What I'm going to do is read your rights to you first of all. We are required to do that and the same rights that I read

REPORTING OFFICERS Snow/Lean/Ardaiz		RECORDING OFFICER	TYPED BY lg	DATE AND TIME 2-12-78 2115	ROUTED BY		
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FRESNO COUNTY SHERIFF'S DEPARTMENT
Fresno, California

69. CASE NO.

78-5819

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

SNOW: to you the other night. I'll read these from of the card and we'll go in the same (unintelligible)

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

MENCHACA: Yes, I do.

SNOW: Ok, having these rights in mind do you wish to go over this and answer some additional questions?

SNOW: Ok, you're shaking your head "yes" I assume.....

MENCHACA: Yes, I ...

SNOW: Why don't we start, what I would like to do is get a completely truthful statement from you, ok, in regards to everything. A don't leave out anything, don't try to cover these people.

MENCHACA: I'm not.

SNOW: Where you come in problems here, on this thing, is if, when, for instance when ya, you didn't do the triggering on the thing, you

REPORTING OFFICERS Snow/Lean/Ardaiz	RECORDING OFFICER	TYPED BY lg	DATE AND TIME 2-12-78 2145	ROUTED BY
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Petition for Writ of Habeas Corpus - EXHIBITS

FRESNO COUNTY SHERIFF'S DEPARTMENT
Fresno, California

69. CASE NO.

78-5819

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

SNOW: were involved in it, because you happened to be there and you happened, after it happened you were still with these people and you were still in the car and all. What I want is the truth step-by-step of how it happened.

MENCHACA: First of all, I'm not that stupid to get in a car, with somebody that if I was known that she had been kidnapped, you know.

SNOW: Why don't we start from the beginning as to exactly where you were when you first contacted a, the night this occurred.

MENCHACA: I was out by the Flor De Mexico.

SNOW: Ok.

MENCHACA: I was out there and then she came up to me.

SNOW: Who came up to you?

MENCHACA: TINA.

SNOW: Ok, talking?

MENCHACA: Uh-huh. If I would score for her, a little score you know, I said alright, so I did, I scored for her, you know.

SNOW: Ok, when TINA came up to you were you inside the Flor or the Mexico, or were you outside?

MENCHACA: I was outside.

SNOW: And about what time was this?

MENCHACA: I don't know, it was just

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FRESNO COUNTY SHERIFF'S DEPARTMENT
Fresno, California

69. CASE NO.
78-5819

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

SNOW: Well, approximately.

MENCHACA: It was, I know it was in the evening.

SNOW: Ok, did you see TINA at that time, get out of this this a car white over burgundy Cougar.

MENCHACA: Um-hum.

SNOW: Ok, where did they park at, when when they got there?

MENCHACA: By the Flor, on the side.

SNOW: Ok, and a CHRIS come up to you, I mean TINA come up to you and wanted you to go score for them, ok. what did you say?

MENCHACA: I said alright, so I did. you know, I went and scored for them.

SNOW: Ok, where did. did you go with them in the car at that time?

MENCHACA: No.

SNOW: Did you leave the Flor in the car?

MENCHACA: Did I what?

SNOW: Did you leave someplace in the car at that time when she wanted you to go score?

MENCHACA: Afterwards I did.

SNOW: Did you go score first?

MENCHACA: Yeah, I didn't need to go to the car.

SNOW: Where did you go to?

MENCHACA: Around there, somewhere around there.

REPORTING OFFICERS Snow, Tean, Anlaiz	RECORDING OFFICER	TYPED BY lg	DATE AND TIME 2-12-78 2330	ROUTED BY
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FRESNO COUNTY SHERIFF'S DEPARTMENT
Fresno, California

69. CASE NO.

78-5819

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

SNOW: Well, just be level with me, don't don't hold back.

MENCHACA: Just went inside the, let's see, I think I went inside the Flor, yeah, I came back out.

SNOW: Did you score something inside there?

MENCHACA: I didn't get nothing there.

SNOW: Nothing inside?

MENCHACA: No.

SNOW: Wasn't wasn't your contact there?

MENCHACA: Nobody was there.

SNOW: Nobody was there, so you didn't score at that time?

MENCHACA: So then we went back, you know, and a

SNOW: So you and TINA, you and TINA.

MENCHACA: I think I got the score there.....I didn't get.....I think I went to the Seven Seas too. Yeah, I went to the Seven Seas, peeked in there and and ah Officer ahm Mora was in there and he asked me I.D. and he knows I didn't have, and I don't have no I.D. and because.....

SNOW: Was this later in the evening though when you went in there to the Seven Seas?

MENCHACA: After I got out of the Flor I went over across the street over

SNOW: This wasn't right at the beginning was it?

REPORTING OFFICERS Snow/Lean/ ⁴³ rdaiz		RECORDING OFFICER	TYPED BY lg	DATE AND TIME 2-12-73 2340	ROUTED BY
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FRESNO COUNTY SHERIFF'S DEPARTMENT
Fresno, California

69. CASE NO.
78-5819

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

MENCHACA: Um hum. This was at the beginning. You told me to start from the beginning, remember.

SNOW: Okay, start from the beginning then okay, after you contacted was contacted by a, a TINA, she wanted you to score, you went in the Flora, you couldn't score there..

MENCHACA: So I came out and then I went to the Seven Seas..

SNOW: Did TINA, did TINA come with you?

MENCHACA: Um hum, and then a, a ..

SNOW: Officer MORA stopped you there?

MENCHACA: Yeah, yeah he stopped me then he asked, he goes where's your I.D. Chris and then I go I haven't got it yet MORA and then he goes remember I told you that you can't be here in town if you don't have an I.D.

SNOW: Um hum

MENCHACA: I.D. or a Health Card, you know

SNOW: Yeah

MENCHACA: So that's what I do at (unintelligible) worked, I worked in the streets you know, a hooker sometimes up there you know and he..so then he goes you have to leave I said okay.

SNOW: You have to what?

MENCHACA: Leave

REPORTING OFFICERS Snow/Lean/Ardaiz		RECORDING OFFICER	TYPED BY kj	DATE AND TIME 2-13-78 0830	ROUTED BY
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Petition for Writ of Habeas Corpus - EXHIBITS

FRESNO COUNTY SHERIFF'S DEPARTMENT
Fresno, California

69. CASE NO.

78-5819

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

SNOW: You have to leave, did he check out TINA TOPPING there too, talk to her?

MENCHACA: No huh uh. She went outside when she saw the cops come in too.

SNOW: Did Officer WEBB go out there and talk to her then?

MENCHACA: I think he went and talked to her by the car.

SNOW: Okay

MENCHACA: He went by the car

SNOW: Alright, then after you were checked out by Officer MORA did you leave the Seven Seas?

MENCHACA: Yeah, I left. We stopped and they said let's go riding around so I said okay.

SNOW: You, after you left the Seven Seas didn't you go over and get in the car then, the white over burgundy Cougar?

MENCHACA: Uh huh (yes) I didn't know it was stolen, I didn't know who... was sittin in the back seat.

SNOW: Who else went over there, did TINA go over there and get in the car with you?

MENCHACA: Yeah

SNOW: Alright, how did you know to get in the car?

MENCHACA: Well what do you mean how did I know?

SNOW: After you left the Seven Seas you walked from there how did you

REPORTING OFFICERS Snow/Lean/Ardaiz		RECORDING OFFICER	TYPED BY kj	DATE AND TIME 2-13-78 0840	ROUTED BY
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FRESNO COUNTY SHERIFF'S DEPARTMENT
Fresno, California

69. CASE NO.
78-5819

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

know to go over and get into that a, that Cougar? Had you been in it before?
/never

MENCHACA: She was..no huh uh (no) I hadn't been in it before.

SNOW: Alright

MENCHACA: And then a, so then a we got in the car

SNOW: You and TINA?

MENCHACA: Yeah. We got in the car and I was sittin in the front seat and..

SNOW: Did Officer MORA and WEBB come over and talk to you then when you got in the car?

MENCHACA: Huh uh (no) I don't know when he..I think after he left the Seven Seas, after they check me out, they went across and talked to them and then after /when I saw them take off you know..

SNOW: In other words they talked to the people in the car, Officer WEBB and MORA had talked to the people in the car before you went over and got in?

MENCHACA: I don't, I don't understand the question, I don't know, I was, you know I was still in the Seven Seas.

SNOW: When you got in, when you got into the Cougar, who all was in the Cougar at that time?

MENCHACA: A..let's see was a..oh everybody was in there, I didn't take a

REPORTING OFFICERS Snow/Lean/Ardaiz		RECORDING OFFICER	TYPED BY kj	DATE AND TIME 2-13-78 0850	ROUTED BY
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FRESNO COUNTY SHERIFF'S DEPARTMENT
Fresno, California

69. CASE NO.

78-5819

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

good look in the back, but I know there was people in the back
you know and

SNOW: Well you know, you know..

MENCHACA: the front.

SNOW: you know these people?

MENCHACA: I never had seen them in my whole life before, just that girl,
TINA, I just..that's the only one I knew out of everybody.

SNOW: Well you mentioned that a, a this one person back here that was
arrested with you the other night you a indicate they were in the
car when a a the people that were in that car were arrested, those
people were with you when you got into the car originally?

MENCHACA: Well with me, what do you mean with me? What do you mean by that?

SNOW: Okay well let's, let's begin..when you first got into that car,
who did you see in the car besides TINA?

MENCHACA: I saw people, but I didn't know who it was cause I never, you know,
I didn't never had seen them bef...you know I had seen them before
I went to school you know, I didn't, I didn't really pay attention
you know, you know, I didn't really pay attention, but I knew
there was other people in the car that's as much as I can tell you
you know, see I didn't know you know who they were cause I didn't
know them, I'd never seen them in my whole life. The only one I

REPORTING OFFICERS Snow/Lean/Ardaiz		RECORDING OFFICER	TYPED BY kj	DATE AND TIME 2-13-78 0900	ROUTED BY
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FRESNO COUNTY SHERIFF'S DEPARTMENT
Fresno, California

69. CASE NO.
78-5819

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

had seen in my whole life before was TINA, I'd seen her around three times before.

SNOW: Did you..

MENCHACA: That's the only one that I knew in that car.

SNOW: notice, did you notice this gal that a with the red hair and the blue eyes in the car at that time?

MENCHACA: No, I didn't, I noticed that there was people in the back and, and I know it was a female, but I didn't know what she looked like. I didn't bother to look, turn around and look, you know. I didn't bother to to anything you know.

SNOW: Where...

MENCHACA: they didn't tell me that..

SNOW: What happened after you got into the car?

MENCHACA: They say let's go riding around, you know, well let's go riding around. I say okay, so that's when they drove out by a, by Calwa. You know I had been drinking, everything, I had been kind a drunk, you know, I was kinda drunk when they picked me up, that's alright let's go you know.

SNOW: Why did you a want to go out by Calwa?

MENCHACA: I didn't want to go over there, they just drove out there. I didn't want to.

REPORTING OFFICERS Snow/Lehman/Ardaiz		RECORDING OFFICER	TYPED BY kj	DATE AND TIME 2-13-78 0910	ROUTED BY
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Petition for Writ of Habeas Corpus - EXHIBITS

FRESNO COUNTY SHERIFF'S DEPARTMENT
Fresno, California

69. CASE NO.
78-5819

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

SNOW: Weren't you gonna score out there?

MENCHACA: No, huh uh (no) we had already forgot about it, you know.

SNOW: You forgot about it, they didn't want to score anymore?

MENCHACA: No, I knew they wanted to score, but then I didn't, I just go
(unintelligible) cause I was kinda high like I told you, you know,
cause I had been drinking and then a, so then a, anyways I know
that they drove out by Calwa cause I know where Calwa is at.

SNOW: Um hum (yes)

MENCHACA: And then we were talking and this and that and me and TINA were
talking, I told them put the radio up or something like that, they
stopped the car and three of them got out. Three guy's got out.

SNOW: How about the other gal?

MENCHACA: Oh and her too. They got..she got out too.

SNOW: Do you know who she looked like?

MENCHACA: No, I didn't get a glance, because

SNOW: What about, what about the hair, I think you mentioned the other
night..

MENCHACA: That her hair was long because see when she got out of the car, she
got out my side and the seat went up front, you know when the seat
goes up like that, you gotta scoot up like that and you know, like
that.

REPORTING OFFICERS Snow/Lehman/Ardaiz		RECORDING OFFICER	TYPED BY kj	DATE AND TIME 2-13-78 0920	ROUTED BY
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FRESNO COUNTY SHERIFF'S DEPARTMENT
Fresno, California

69. CASE NO.
78-5819

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

SNOW: You mentioned the other night though, when you got in the car you noticed a gal with long red hair.

MENCHACA: I didn't say red hair. I just know that her hair was long and it was light, a light color.

SNOW: She a white gal?

MENCHACA: She looked kinda white, you know I just by a small glance you know.

SNOW: The three...

MENCHACA: I never turned, I never turned around and talked to her or or /your what's name or anything like that you know I never got to turn around and do that you know.

SNOW: Okay there were three people who had a, three guy's that got out of the car with this gal with the long hair.

MENCHACA: I never had seen those guy's before in my life either.

SNOW: When they got out, where did you stop at first of all?

MENCHACA: By the side on the road, I didn't know, I didn't notice what street it was.

SNOW: Was it near an intersection?

MENCHACA: No, I don't know,

SNOW: Okay

MENCHACA: I just know that it was on a street..

SNOW: Okay, okay Chris..what I'd like..

REPORTING OFFICERS Snow/Lean/Ardaiz	RECORDING OFFICER	TYPED BY kj	DATE AND TIME 2-13-78 0930	ROUTED BY
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Petition for Writ of Habeas Corpus - EXHIBITS

FRESNO COUNTY SHERIFF'S DEPARTMENT
Fresno, California

69. CASE NO.

78-5819

-13-

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

MENCHACA: The windows were rainey you know, the windows were rainey and smogged in you know.

SNOW: Okay Chris what I'd like you to do, is just like I said it's important that you..

MENCHACA: I try my best to tell you..

SNOW: that you be, like I said, is that you be completely truthful as to

MENCHACA: Okay

SNOW: what you saw and what you heard when you stopped the car and these three guy's got out with this girl..

MENCHACA: Okay

SNOW: it's very important that you be truthful here.

MENCHACA: I am trying to be truthful.

SNOW: Okay, alright..

MENCHACA: I never knew this was gonna happen I didn't know they were gonna..

SNOW: Tell me..

MENCHACA: go up there and do that.

SNOW: Alright, tell me exactly what you can remember that happened after you stopped the car.

MENCHACA: The three got out, the three got out, all three of them got out.

SNOW: Alright

MENCHACA: And the girl got out too.

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FURTHER ACTION <input type="checkbox"/> YES <input type="checkbox"/> NO	COPIES TO: <input type="checkbox"/> DETECTIVE <input type="checkbox"/> JUVENILE <input type="checkbox"/> DIST. ATTNY. <input type="checkbox"/> S.O./P.D.	<input type="checkbox"/> CII <input type="checkbox"/> PATROL <input type="checkbox"/> OTHER	REVIEWED BY		DATE

FRESNO COUNTY SHERIFF'S DEPARTMENT
Fresno, California

69. CASE NO.
78-5819

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

SNOW: Alright

MENCHACA: And the door closed behind me, you know, after they all got out and me and TINA stayed in the car and the radio was on, I didn't know, I thought they were just gonna leave her out, you know, I thought maybe she probably lived or something, I don't know they just stopped the car and told her to get out I thought maybe she lived around or something cause I didn't know what was going on. I didn't know they had kidnapped her from another town. Now ain't that stupid to get in a car, a hot car and then with somebody they'd kidnapped and especially if they, you know, what happened you know.

SNOW: Alright, it's important that you tell me exactly what you saw and what you heard when they got out of the car.

MENCHACA: They got out, all three got out, the three guy's, I can't tell you their names, their names, you know, cause I never seen them in my whole life none of them three guy's I never seen in my whole life.

SNOW: What did you see them do after they got out of the car?

MENCHACA: Nothing, I didn't see them.

SNOW: Chris

MENCHACA: They got out the car and that's as much as I saw and then I heard

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			<input type="checkbox"/> S.O./P.D.	<input type="checkbox"/> OTHER	
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Petition for Writ of Habeas Corpus - EXHIBITS

FRESNO COUNTY SHERIFF'S DEPARTMENT
Fresno, California

69. CASE NO.

78-5819

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

a gunshot and they came running to the car, all three of them back inside the car.

SNOW: It's important to know who you saw with a gun at that time.

MENCHACA: Hmm.ahm...what's that guy's name, the one with the long hair.

SNOW: What's he look like besides long hair?

MENCHACA: He has a, I notice he has a missing tooth.

SNOW: Okay, alright. Did he have the gun when he came back to the car?

MENCHACA: I know he had a black thing, but I didn't see the whole thing.

SNOW: Well, did you see him with a gun when he come, when you said you saw all three of them come running back to the car, did you see this guy with the kind of long hair, a tooth either missing or chipped in front, did you see him with a gun when he come running back?

MENCHACA: I saw something like a black thing, kinda like a holster like, you know.

SNOW: What did they..

MENCHACA: But I didn't see a gun..

SNOW: Alright

MENCHACA: I mean you know, could have been one you know.

SNOW: How far did they have to run to the car?

MENCHACA: Like from, I don't know how far it was because I didn't see them

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FRESNO COUNTY SHERIFF'S DEPARTMENT
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69. CASE NO.
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73 CODE SECTION	71. CRIME	72. CLASSIFICATION		
73 VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS.)		74. ADDRESS	RESIDENCE	BUSINESS
				75. PHONE

how far away they got from the car.

SNOW: Okay, this is im..

MENCHACA: But I know they got in real fast..

SNOW: this is important because like I said I..

MENCHACA: Okay, I'm telling you the best I can you know.

SNOW: Fine, you got a murder involved here and it's important because you happened to be there at the time and you were, from our information were just a few feet from where this thing happened at.

MENCHACA: Yeah I didn't know that that was gonna happen though.

SNOW: Alright, that's fine..

MENCHACA: I didn't even know that car was stolen or anything.

SNOW: What I want you to do is to tell me exactly what you saw after

MENCHACA: They just got in the car..

SNOW: Where was this gal, did she?

MENCHACA: I didn't, I didn't..see her.

SNOW: Well you heard, you heard the shot, did the shot sound like it was close by?

MENCHACA: It sounded pretty close.

SNOW: And then, actually if you hear a shot you're gonna look to find out what the heck is going on and it's.

MENCHACA: I couldn't...We were..You know I couldn't see anything because they

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

got in the car. They got in just like that real fast, all three of them, you know they got in so quick.

ARDAIZ: Okay, why don't I go get those..do we have a picture of all three?

LEAN: Yeah

SNOW: After, why don't you have a, a..is a ARDAIZ still up front?
Yeah

SNOW: Why don't you have him come in for a few minutes he's familiar with it too.

Okay

MENCHACA: No, I don't want to blame anybody cause I didn't get out of the car to see it you know.

SNOW: Alright I understand, if you didn't get out of the car fine, but the important thing here is Chris that if, if you're withholding information.

MENCHACA: I'm not withholding nothing.

SNOW: Okay, we know, alright we know exactly what happened there and we know who got out of the car and we a know we have a good idea who fired the shot..

MENCHACA: The only one that could be that could tell you is one of the guy's that was out there.

SNOW: Alright

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FRESNO COUNTY SHERIFF'S DEPARTMENT
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69. CASE NO.
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70. CODE SECTION	71. CRIME	72. CLASSIFICATION			
73. VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS.)		74. ADDRESS	RESIDENCE	BUSINESS	75. PHONE

MENCHACA: They got out you know.

SNOW: The vital thing here is, is that a you don't try and cover up or withhold information.

MENCHACA: I wouldn't try and do anything like that cause I don't want to get into it cause I didn't know they were gonna go and do that. You know that I'm not that type of a person.

SNOW: Let's start as to exactly and try and recall, I know it's kind of difficult, but let's recall exactly what you saw when they were out of the car.

MENCHACA: I didn't check back to look. I was just in the front seat talking with TINA. We had the radio on.

SNOW: Was there anybody else left in the car besides you and TINA?

MENCHACA: No, nobody

SNOW: Who was driving the car?

MENCHACA: A..

(door opens)

LEAN: We got to go get the pictures, I'll be right back.

SNOW: Okay, this is Jim ARDAIZ and he's with the D.A.'s Office and he's also familiar with this case a, a he'll probably have a few questions as we go along too..

MENCHACA: Okay

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	<input type="checkbox"/>	JUVENILE	<input type="checkbox"/>	PATROL	
	<input type="checkbox"/>	DIST. ATTNY	<input type="checkbox"/>	OTHER	
	<input type="checkbox"/>	SO./P.D.	<input type="checkbox"/>	OTHER	
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FRESNO COUNTY SHERIFF'S DEPARTMENT
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70. CODE SECTION	71. CRIME	72. CLASSIFICATION		
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SNOW: Do I have, we're gonna get some pictures to show you as to, so you can pinpoint the person that you saw, when the three ran back to the car, the person that you saw a which looked to you like a holster or a carrying case of some sort.

MENCHACA: I know it was a black case.

SNOW: Okay, after they got back into the car, now this is important, what was said at that time?

MENCHACA: The little boy wanted to go home real fast.

SNOW: Alright, what did they say that they had done?

MENCHACA: They didn't say anything, they go, he goes, well you guy's gonna drop me off right now, he goes like that cause I gotta get home cause my mom knows that I've been gone for a while and she probably called up my..

SNOW: After they got back into the car..

MENCHACA: (unintelligible)

SNOW: Did you see this person with a gun?

MENCHACA: He had a gun, a, a case, you know, a black case.

SNOW: Did you see a gun in the case?

MENCHACA: I didn't get to see it.

SNOW: You said he had a gun now, now how do you..

MENCHACA: I mean a case, you know it was kinda like that.

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FURTHER ACTION	<input type="checkbox"/> YES	COPIES TO:			
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			REVIEWED BY	DATE	

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70. CODE SECTION	71. CRIME	72. CLASSIFICATION		
73. VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS.)		74. ADDRESS	RESIDENCE	BUSINESS
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A holster, is that what you're saying, he had a holster?

MENCHACA: Yeah, something like a holster you know, but I didn't get to see if he had a gun.

SNOW: What comment did you hear made as far as shooting this gal?

MENCHACA: Nothing, they just, the little boy, the one that says, he says you guy's I gotta go home right away cause my mom, he was talking about his mother you know and then a that's when TINA said, yeah well we're gonna drop you off right now. That's when we took off and a they dropped him off in Pinedale somewhere, I don't know what street.

SNOW: Where did you guy's go to immediately after these three ran back and got in the car?

MENCHACA: To drop of the little boy.

SNOW: Where did you go to drop him off?

MENCHACA: Somewhere in Pinedale.

SNOW: Did you make any stops before you went to Pinedale?

MENCHACA: We made a stop at a, in Clovis, that's right, in Clovis we made a stop, I thought that's where that little boy lived at, that they were gonna drop him off at.

SNOW: Where did you stop at in Clovis?

MENCHACA: I don't know the house, I've never been there before.

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FRESNO COUNTY SHERIFF'S DEPARTMENT
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69. CASE NO.
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70. CODE SECTION	71. CRIME	72. CLASSIFICATION		
73. VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS.)		74. ADDRESS	RESIDENCE	BUSINESS
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SNOW: Who got out of the car when you stopped in Clovis?

MENCHACA: That guy that didn't have a tooth.

SNOW: Okay. The person that didn't have a tooth right now we'll refer to him as being Douglas STANKEWITZ, okay.

MENCHACA: Yeah, cause I don't know their names you know.

SNOW: We'll show you some pictures in a minute, but a the person with the tooth kind of, where did he, why did he get out of the car in Clovis?

MENCHACA: I don't know, he ran inside the house and came right back out.

SNOW: What did he say he was gonna go get a Chris?

MENCHACA: Oh, some, oh he went in to see if there was anymore bullets and if he could find any.

SNOW: Okay, what did..

MENCHACA: There wasn't any, he didn't find any.

SNOW: Okay, from the time that you drove..

MENCHACA: then from there we drove and dropped off the little boy in a Pinedale. Then that's when they going to drop me out.

SNOW: Okay, from the time that you drove from Calwa to Clovis and this /with person with the tooth missing in the front, the long hair, got out to run inside and see if he could find some more bullets, from the time that you drove from Calwa to Clovis did you

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FRESNO COUNTY SHERIFF'S DEPARTMENT
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70. CODE SECTION	71. CRIME	72. CLASSIFICATION		
73. VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS.)		74. ADDRESS	RESIDENCE	BUSINESS
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MENCHACA: I think he was trying to see if he could sell the car too.

SNOW: Sell the car?

MENCHACA: Um hum (yes)

SNOW: Did he say he wanted to sell it?

MENCHACA: Something, he said something like that.

SNOW: Did he and this guy you said who wanted to sell the car, that would have been a the person with the tooth missing in front?

MENCHACA: Yeah.

SNOW: Did you a hear him talking about wanting to get some more bullets for a gun?

MENCHACA: Um hum (yes)

SNOW: Can you remember exactly what he said?

MENCHACA: I'm gonna see if there is any shells, if there is any shells there. I don't know for what type a, he said something for a gun, you know, I don't know..

SNOW: Do you remember what type of gun he said?

MENCHACA: A, no huh uh (no) I don't know, but I know that he said something shells for a, I don't know he said the kind of gun.

SNOW: Did he say..

MENCHACA: But I didn't, I don't remember.

SNOW: Did he say, does this sound familiar did he say anything about a

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

MENCHACA: No, huh uh, I don't know. He did say he wanted to get some shells.

SNOW: Alright

MENCHACA: But he said a gun

SNOW: Did he show you the gun at that time?

MENCHACA: No, huh uh

SNOW: Did you see the gun at that time?

MENCHACA: No

SNOW: What did he do with the holster?

MENCHACA: I didn't see it no more after that?

SNOW: Did he put it away?

MENCHACA: I guess, I don't know what he did.

SNOW: Did he tell you people in the car, after he got to driving, you know, all of you just keep your mouth shut about this or be quiet?

MENCHACA: Yeah he said something like that.

SNOW: What else did he say in regard, afterwards?

MENCHACA: That was it. He didn't mention nothing else no more and then a..

SNOW: Did he tell all of you just to keep quiet about what happened there?

MENCHACA: In fact I think he said, oh, coming back to when he got in the car I think that's when he said that, when they got in the car all of

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

them and they run to the car, now that I remember he did say that he says a everybody keep their mouth shut.

SNOW: Okay, then after you left Clovis, did you drive directly to Pinedale?

MENCHACA: Um hum (yes)

SNOW: Who was driving?

MENCHACA: I think TINA was driving.

SNOW: Okay, you let the boy off, then where did you go after you let him off?

MENCHACA: To drop me off.

SNOW: Where did, where did you get dropped off?

MENCHACA: Over there by the motel where I was staying at.

SNOW: The Olympic Motel, Chinatown?

And what happened after you arrived at Olympic Motel?

MENCHACA: I was going upstairs.

SNOW: Okay, had you been at the Olympic Motel with a TINA or any of these other people before you drove out to Calwa?

MENCHACA: I think I went up there, yeah, that's right cause my pants had busted to put a safety pin on them, but I took only TINA up there.

SNOW: When was that?

MENCHACA: After when a, the officer told us to leave. Before we went, that's

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

right, before we went to Calwa, before we went to Calwa and
(unintelligible)

SNOW: Was this before you were checked out at the Seven Seas or was this
after you were checked out?

MENCHACA: After

SNOW: After you were checked out at the Seven Seas..

MENCHACA: Um hum

SNOW: by Officers MORA and WEBB then you stopped over at the Olympic
Motel?

MENCHACA: Um hum

SNOW: What was the reason for you stopping over there at the Olympic
Motel?

MENCHACA: Cause I live there and I wanted to put a safety pin on my pants
as you can see my pants were busted.

SNOW: Did you and TINA get out of the car?

MENCHACA: Uh huh (yes) she went with me.

SNOW: How about the others that were in the car?

MENCHACA: Nobody got out.

SNOW: How many other people were in the car when you, you two got out
to go to the motel, hotel?

MENCHACA: Let's see, four

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	<input type="checkbox"/> NO		<input type="checkbox"/> JUVENILE	<input type="checkbox"/> PATROL
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70. CODE SECTION	71. CRIME	72. CLASSIFICATION		
73. VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS.)		74. ADDRESS	RESIDENCE	BUSINESS
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SNOW: That's interesting. You know this gal here?

MENCHACA: That's TINA, that's the only one I know.

SNOW: That's TINA

MENCHACA: I don't know

SNOW: Did you see him in the car that night?

MENCHACA: Yeah

SNOW: Okay, do you know his name.

MENCHACA: No

SNOW: But he was one of them in the car?

MENCHACA: Yeah

SNOW: Okay, his name is LEWIS, Marlin LEWIS, okay. How about this one?

MENCHACA: I remember seeing him in the car too.

SNOW: You remember seeing him in the car, was this the individual, his name is Billy BROWN, is he the a..?

MENCHACA: That's the one we left off in Finedale.

SNOW: Alright

MENCHACA: I can tell by his (unintelligible)

SNOW: How about this guy?

MENCHACA: That's the one who told us to keep my mouth shut.

SNOW: Is that the person you saw with the holster and that's the same person you said stopped in Clovis and ran inside to get some more

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

bullets?

MENCHACA: Um hum (yes) that's him.

SNOW: That's him, alright, his name is Doug STANKEWITZ, of course you know who she is. Ahm what a, while you were with these people did you ever score, did you ever go get any Heroin?

MENCHACA: No I didn't get to get any, I didn't find anybody there.

SNOW: Okay, after you got back from dropping this boy off and you went back to the motel what happened from there?
They

MENCHACA: dropped me off and we were waiting (unintelligible) around Chinatown and we waited and we parked by the Tokyo.

SNOW: Right there on Kern St.?

MENCHACA: Um hum (yes) on Kern Street and a I got out to get, go to my room and TINA was gonna go up there I was gonna lend her a blouse (unintelligible).

SNOW: You and TINA got out of the car?

MENCHACA: Yeah and the Officer that was taking care of the, the, the Olympic goes she can't go in, she can't go up there cause you don't live up there.

SNOW: Um hum

MENCHACA: She doesn't live up there and I (unintelligible) I'll see you then then I told her like that you know.

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70. CODE SECTION	71. CRIME	72. CLASSIFICATION		
73. VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS.)		74. ADDRESS	RESIDENCE	BUSINESS
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SNOW: And these two guy's remain in the car, LEWIS and STANKEWITZ?

MENCHACA: Um hum (yes) and then a when I went up to my room I laid in the bed you know and then the a, a heard the police say something about put your hands up and get out of the car slowley or something like that and a, and a Officer came up to the room where I was staying and said you come, you come here you know and so I went over there and then he goes a what's your name and I told him Christina MENCHACA you know and then he goes yeah that's her and they handcuffed me and they took me down real fast, the stairs, and they already had all the other ones there, the other three, down there handcuffed.

SNOW: Okay (unintelligible)
I want to clear up something in my own mind, do you recall when Officer MORA came by the, the Seven Seas?

MENCHACA: He was in the Seven Seas and I walked in there.

SNOW: He talked to you?

MENCHACA: He asked me where's your I.D., where's your I.D. at Chris and I told him well I don't got it, I haven't went and got it yet you know.

SNOW: Christina when you were at the Seven Seas and you got in the car with STANKEWITZ (unintelligible) where was the girl that got shot?

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70. CODE SECTION	71. CRIME	72. CLASSIFICATION		
73. VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS.)		74. ADDRESS	RESIDENCE	BUSINESS
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MENCHACA: She was still in the back seat. I know there was a girl back there, but I don't know what she looked like. I noticed a bunch of people sittin in the back, you know, there was three of them sitting in back. The little boy, Billy, the little one, and that other one with the long hair, I don't know his name.

SNOW: That's STANKEWITZ. The guy with the broken tooth, or the missing tooth? (unintelligible) the other one?

MENCHACA: No, the other one

SNOW: LEWIS.

Oh LEWIS, Marlin LEWIS

MENCHACA: He was sittin in the back and I know there was a, that one was sitting in the back.

SNOW: Where was this girl with the long hair when a MORA and LEWIS were

MENCHACA: In the back

SNOW: She was sitting in the back?

MENCHACA: Yeah

SNOW: The girl with the long hair?

MENCHACA: Yeah

SNOW: That's the same girl that a..

MENCHACA: They..

SNOW: Took out to..

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

SNOW: Took out to Calwa?

MENCHACA: Um hum (yes)

SNOW: That's the same girl that they took out of the car and the three of them got out with her and when you heard the gunshot..

MENCHACA: The three, yeah the three

SNOW: And when you heard the gunshot did you see this girl?

MENCHACA: I didn't get to see her face, I didn't get to see, I just got to see the back of her, you know, I thought they were gonna drop her off ^{/right} there somewhere, I don't know, I didn't have no idea cause I didn't know what they were doing, I didn't know they had came from another town and they had kidnapped her, I didn't know what was going on, I didn't know they had stole a car or nothing. You can, you can ask any of them, they'll tell you that I didn't know that the car was stolen and they had took the girl and, you know I didn't know none of that shit was going on. Now ain't that stupid to get in a car with somebody they had kidnapped.

SNOW: Well, we know from the statements that we got that a, a somehow, someway, you come into control or possession of a watch. Now I don't know if TINA gave this to you or if you found it in the car or what, but you had a watch and we've got more than one individual

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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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that can verify that.

MENCAHCA: (unintelligible)

SNOW: Well you may not have it now, but it a, you had it that night.

MENCHACA: Huh uh (no)

SNOW: You think carefully now.

MENCHACA: No

SNOW: Somebody give you a watch there, in the car?

MENCHACA: Huh uh (no)

SNOW: And tell you to go sell a watch?

MENCHACA: (unintelligible)

SNOW: Chris, I want to go over a couple of things and like I said, I don't want you to go out here and try and protect these individuals because we are talking about a very serious crime, alright, something much more serious than anything I think you've been involved in here recently, okay. A..we have the..we know exactly what occurred that night and I want to go over a few things with you, okay, point out some things to you and a I want you to be truthful with me because we're gonna have to make a decision as to what we're gonna do on this case and a..

MENCHACA: That's why I'm tryin to tell you that..

SNOW: Alright, some of the things that you've, some of these things

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70. CODE SECTION	71. CRIME	72. CLASSIFICATION		
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that you've told me here I know to be true okay. There's other things here that you've left out and a I don't want you to do that okay. I would rather have you be completely truthful with us and come down the line exactly what happened, don't change the thing around and don't withhold. But you do that and all you do is confuse the issue and get yourself into difficulty a I would rather you'd just come down and be completely truthful, okay. Now look I know that you were contacted, apparently at the Flor De Mexico, the bar originally, alright. Chris is a..not..Chris . . . TINA is the one that got a hold of you originally is that correct?

MENCHACA: Yes

SNOW: And I know that a after you were contacted there a she did, she wanted you to go find something for them to score is that correct?

MENCHACA: Yeah

SNOW: Alright then you didn't go over to the, across the street right away to the Seven Seas, but you did take a ride, you did go over to, to the a where you were staying, and apparently Pat was there at the time a and a what I want is just the truth as to exactly what happened, don't, don't cover for these people.

MENCHACA: I'm not covering for them.

SNOW: Alright, okay, just come down and tell me exactly what happened

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70. CODE SECTION	71. CRIME	72. CLASSIFICATION		
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				75. PHONE

your talking, like I said, about a serious matter which..

MENCHACA: I know

SNOW: I would hope that you would be completely truthful with me, alright
What, what happened after you left, you, you got in the car I
know you did, okay.

MENCHACA: We drove out to Calwa

SNOW: Alright, but didn't you make a stop first over to the hotel, before
you went to Calwa?

MENCHACA: Yeah to fix the, my pants.

SNOW: Alright, you and Chris got out..

MENCHACA: Chris?

SNOW: Well Chris and TINA..

MENCHACA: (unintelligible)

SNOW: both of you got out of the..you went up to the, to the motel for
a little bit okay, didn't the gal with the long hair, she stayed
in the car with these other guy's when you went upstairs, right?

MENCHACA: Yeah

SNOW: And a..

MENCHACA: She didn't make no noise or nothing, she wouldn't say anything,
you know, you know, she didn't talk or anything.

SNOW: Okay a..

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MENCHACA: She didn't make nothing, she didn't make no signs that she was in danger or anything.

SNOW: Alright, well she'd already, like I said she'd already been kidnapped and she'd already had her property taken from her at least we believe this to be true all the statements we've got. When you went upstairs a TINA had told you that the car was hot and we know this, TINA has told us this, not only TINA, a we knew this conversation, some of it took place in the car too and we've talked to everybody involved in this thing and I mean you weren't there when the car was stolen, you weren't there when the property was taken from her when, originally, but you did take a ride. Now maybe you were trying to do a favor for these people, I don't know maybe score for them, she did want you to score you know, right?

MENCHACA: Right

SNOW: Then, you know, she asked you to do a favor for her and theres no.

MENCHACA: I didn't know what was going down (unintelligible) I didn't know that, you know, what they had did.

SNOW: Alright, you weren't there when the gal was forced into the car and forced to drive, alright. You weren't there when they said alright give me your, your property, alright, but you were told and that's why I, be completely truthful with us, come down the

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

line don't, you know, that's why it's important when you talk about a homicide, a murder, you gotta, don't leave out facts, don't don't a lie to us because that is where we get into difficulty. Just come down the line, everything that you know, alright. Didn't you go up to the hotel when you stopped there, maybe it was to get your pants fixed, I don't maybe it was to pick an outfit up, I don't know, whatever it was tell us?

MENCHACA: To fix, to fix my pants.

SNOW: Alright

MENCHACA: Then we went back down and sat in the car..

SNOW: When you, when you...

MENCHACA: she was still in there.

SNOW: Alright, I know that. Before you got down, when you were upstairs and your coming downstairs a TINA said yeah I told her the car was hot and a..

MENCHACA: She didn't tell me

SNOW: This is what we've got from more than one source.

MENCHACA: She didn't tell me that car was stolen.

SNOW: Do you remember that a the owner of the car is inside?

MENCHACA: She told me this is a her car, but I, to me in my mind I thought, you know the girl probably let her drive it or something, but I

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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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didn't know she had stole it from her, you know, she didn't tell me hey well we kidnapped her from so and so and..

SNOW: No, maybe she didn't tell you she kidnapped, but she told you the car was hot.

Now TINA wouldn't lie to us about that, you know that as well as I do. It's beyond (unintelligible).

MENCHACA: She didn't tell me the car was hot, she didn't tell me the car was hot, she didn't tell me the car..well

SNOW: Didn't you have a good idea Chris that the car was hot at that time?

MENCHACA: No, no cause I thought maybe they were just riding around and stopped, you know. I didn't know that the car was hot.

SNOW: Okay, what happened after you got in the car?

MENCHACA: That a, they..

SNOW: Do you remember, did this red haired gal, do you remember seeing the red haired gal, long red haired gal in there?

MENCHACA: I just know she had long hair.

SNOW: The other night you told me you remembered it was red hair.

MENCHACA: I don't remember it very well at all, what color, but I know it was a light color.

SNOW: Alright, what happened after you got in then?

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MENCHACA: They drove out there by a..by Calwa somewhere, I know..

SNOW: These people, these people you pointed out..

MENCHACA: Yeah

SNOW: Those were the ones that were in the car?

MENCHACA: Um hum (yes)

SNOW: The pictures that you've identified here, yourself, TINA, the guy with the broken tooth, STANKWITZ, Marlin LEWIS and the kid, Bobby a, Billy, okay.

MENCHACA: They drove out there.

SNOW: Why were you gonna go out there, were you gonna score something for them out there?

MENCHACA: No, she just say well let's go riding around, I said okay, so then a we took off and then they went out towards Calwa I know. I know it was Calwa cause I know Calwa you know.

SNOW: Alright, tell me where they stopped and just don't leave out anything this time, okay.

MENCHACA: Okay, okay and a they parked by a (unintelligible) you know they parked by a house on the right hand side of the road and they told her to get out or something like that and all three of them got out, the three, the three guy's got out and the girl got out and me and TINA stayed in the car and a we were talking, you know, we

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/in the car
were talking me and TINA and I just heard something like a
fire (unintelligible) or gunfire you know, just now you know real
real loud and here they come running stumbling into the car you
know real fast and a while we were driving off that guy said nobody
better say nothing what happened.

SNOW: Which guy said that?

MENCHACA: The one with the long hair.

SNOW: This one here?

MENCHACA: Yeah

SNOW: STANKEWITZ

MENCHACA: He said nobody better not say nothing.

SNOW: Did you see STANKEWITZ when he come running back to the car, did
you see STANKEWITZ with a gun then?

MENCHACA: I didn't see the gun.

SNOW: What did you see?

MENCHACA: I know he had something black in his hand.

SNOW: What did it look like?

MENCHACA: Like a holster of some kind.

SNOW: Well could you tell if there was a gun inside that holster?

MENCHACA: No, I don't know, I'm trying..

SNOW: Did you..

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MENCHACA: I know it was short like that.

SNOW: After he got in the car could you see if there was a gun in the holster?

MENCHACA: No, huh uh, he must have put it away somewhere, but I know he had something in his hands like that, you know and he said nobody better say nothing and a then the little boy goes well, you guy's better take me home now because my mother..

SNOW: Before you took off, now I know that they didn't have to run very far, and I know that for sure, they were only out of the car just a few feet where you , from where you stopped the car cause TINA was doing the driving and she can recall what, what went on there and a she can also recall exactly where a this gal had been shot and where she fell and a I know..

MENCHACA: I can't because see I didn't turn around to see or anything.

SNOW: before you took off I'm sure that you'd be looking around if you saw something you give just a general idea as to where she saw her laying.

MENCHACA: I didn't see her laying anywhere. I didn't see her. I didn't get to see her because the..I didn't even, I just, you know, you know I just went, I heard the fire you know of the gun, the shot whatever it was the noise that sounded like a gun you know before

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70. CODE SECTION	71. CRIME	72. CLASSIFICATION		
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I knew they was coming in the car you know and she was already driving off.

SNOW: Do you remember them saying something to the fact that a a, about dropping her?

MENCHACA: No

SNOW: What did they say?

MENCHACA: That guy just turned around and said, you better, nobody better not say nothing. I didn't hear what they were talking about in the back seat or anything. The radio was on on (unintelligible) and then a he said, he said a nobody better not say nothing, you know and then a..

SNOW: Who said that STANKWITZ?

MENCHACA: Yeah, that guy with the, the missing teeth, he told everybody nobody better not say nothing and then a that's when they drove out to Clovis and he got to see for some shells you know and then a he came back in the car.

SNOW: Did he have some bullets when he came back in the car?

MENCHACA: No he didn't say he did or he didn't.

SNOW: Alright, what did...

MENCHACA: Oh, he said there's none here he went like that and then he goes a then the little kid goes well, he said it again, that little boy

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said well you guys better drop me off and he say yeah we're gonna drop you off now.

SNOW: Alright

MENCHACA: Then that's when we drove out to Pinedale.

SNOW: You here these guys talking in the car while they were driving from Calwa to Clovis?

MENCHACA: No I didn't hear nothing, they were whisper to each other.

SNOW: You saw him in the car didn't you?

MENCHACA: Saw him?

SNOW: All of these individuals that you pointed out?

MENCHACA: Yes they were all in the car, but I hadn't ever seen none of them in my whole life before. None of them I had never seen except for the girl like I said I'd seen her before.

SNOW: Did they appear to be sober to you?

MENCHACA: They looked sober to me.

SNOW: I mean, you heard them talking and

MENCHACA: I was kinda high myself cause they picked me up at a bar you know. I had been drinking you know and... /I was

SNOW: What happened after you dropped the kid off, where did you go to from there?

MENCHACA: We drove back to Fresno

REPORTING OFFICERS Snow/Lean/Ardaiz	RECORDING OFFICER	TYPED BY kj	DATE AND TIME 2-14-78 1340	ROUTED BY
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FURTHER ACTION YES 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.
78-5819

DATE _____

-42-

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

SNOW: Alright, then where did you go after you drove back to Fresno?

MENCHACA: That's when we parked.

SNOW: When did you go into the Seven Seas?

MENCHACA: A before we went to Calwa.

SNOW: No you didn't go in the Seven Seas before you went into Calwa because that girl wasn't in the car at that time?

MENCHACA: Yes she was.

SNOW: No she wasn't in that vehicle at that time Chris.

MENCHACA: When we went to the Seven Seas?

SNOW: Um hum (yes)

MENCHACA: We went there first, before they drove..

SNOW: Did you stop back at the Seven Seas after you came back?

MENCHACA: No

SNOW: When Officer MORA and Officer WEBB contacted you and TINA?

MENCHACA: That was he... she was still in the car. I know she was going back because that's when, after that, that's when a I stopped at the room and then after that they went, they dropped off, they went drove by Calwa. That's when they took her out of the car.

SNOW: Chris I've talked to Officer WEBB, I've talked to Officer MORA and when they checked you out they were inside the Seven Seas, you came in there and TINA came in there, TINA spotted them, she's

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FURTHER ACTION	COPIES TO:	DETECTIVE <input type="checkbox"/> CII		REVIEWED BY _____ DATE _____	
<input type="checkbox"/> YES	<input type="checkbox"/>	JUVENILE <input type="checkbox"/> PATROL			
<input type="checkbox"/> NO	<input type="checkbox"/>	DIST. ATTN. <input type="checkbox"/> OTHER _____			
	<input type="checkbox"/>	S.O./P.D. <input type="checkbox"/> OTHER _____			

Petition for Writ of Habeas Corpus - EXHIBITS

FRESNO COUNTY SHERIFF'S DEPARTMENT
Fresno, California

69. CASE NO.
78-5819

DATE _____

-43-

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

to young to be in a bar, she turned around and she started to come back out and that's when Officer WEBB stopped her outside and talked to her.

MENCHACA: Even go to the car and checked her out.

SNOW: Yeah, he did in a little bit, a few minutes he did, he checked her out, talked to her briefly, he'd also gone over to the car, he'd talked to everybody in that car at that time and he can recall what they looked like, he got the license number of that car, he checked that vehicle out a..that gal was not in the car at that time and while he was checking out the occupants of that car a..Officer MORA was checking you out a..you were a, he thought you had a warrant for you and you'd already taken care of that and a..

MENCHACA: She well, I don't know, but she was in there, she was, she was still in there.

SNOW: Chris there's a couple of things I think you'd better consider here.

MENCHACA: I'm telling the truth she was still in the car.

SNOW: Listen, listen to what I have to say, okay. I know that when Officer MORA and WEBB made contact with you and TINA that who was in that car and I've talked to both of them and they know who exactly was in there and they've made Follow-Up Reports to that

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		<input type="checkbox"/> DETECTIVE	<input type="checkbox"/> G11		
		<input type="checkbox"/> JUVENILE	<input type="checkbox"/> PATROL		
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		<input type="checkbox"/> SO./P.D.	<input type="checkbox"/> OTHER		
REVIEWED BY				DATE	

Petition for Writ of Habeas Corpus - EXHIBITS

FRESNO COUNTY SHERIFF'S DEPARTMENT
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69. CASE NO.
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70. CODE SECTION	71. CRIME	72. CLASSIFICATION		
73. VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS.)		74. ADDRESS	RESIDENCE	BUSINESS
				75. PHONE

effect and the gal with the long hair, the person that was killed, was not in the car at that time when Officer WEBB and MORA checked you out.

MENCHACA: Then she must have got out when I was inside the bar, but I know that when I got back in the car she was in there.

SNOW: Then what you're trying to tell me is that a a something we know is not true, we've talked to TINA, to TINA, we've talked to BILLIE a we've talked to LEWIS, Marlin and we know what, what happened there and that's the reason why it's important to bring out exactly what happened.

MENCHACA: Okay, I'm telling you the truth. That's what you want to know, I'm telling you the truth.

SNOW: Did you stop back there after you dropped off a..a this BILLIE out in a Pinedale, did you stop back there again to have a..is that when Officer Webb and Mora checked you out?

MENCHACA: Um Um (no)

SNOW: It certainly would make more sense than a, because she wasn't around at that time.

MENCHACA: Well why should I tell you something that I know is not true.

SNOW: Well I can't figure out what a, what happened to her, you know.

MENCHACA: I know that she was in there when I got, went back and got in the

REPORTING OFFICERS Snow/Lean/Ardaiz	RECORDING OFFICER	TYPED BY kj	DATE AND TIME 2-14-78 1410	ROUTED BY
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	<input type="checkbox"/> NO		<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

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Petition for Writ of Habeas Corpus - EXHIBITS

FRESNO COUNTY SHERIFF'S DEPARTMENT
Fresno, California

69. CASE NO.

78-5819

DATE _____

-45-

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

car.

SNOW: She was in there when you got into the car?

MENCHACA: Cause I know all of us, okay, after that well a when we drove, told you went back up to my house and I came back down and then they drove out there to a..

SNOW: Was she in the car when you come down from your room?

MENCHACA: I know there was a, they were still back there, you know, but I didn't, you know. Like I say I just know she was back there because when they drove out to Calwa that's when they got her out, so she had to have been in the car.

SNOW: Christina I want you to understand something, we know that Officer WEBB and Officer MORA checked you out at that bar, we know that you came into that bar with TINA, we know from talking to the others that the girl was already dead, we know that you came into that bar, we know why you came into that bar and we know why you came in with TINA. This thing is here Chris.

MENCHACA: When they first contacted me that's what they wanted me to do.

SNOW: Chris the thing is here is that I'm not trying to put you on the spot or give you bad time, alright, but we need to know...

MENCHACA: I'm just telling you the truth.

SNOW: Well, you haven't been completely truthful with us and when I

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FRESNO COUNTY SHERIFF'S DEPARTMENT
Fresno, California

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-46-

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

write a Follow-Up Report I don't want to put down something that a is untruthful, I'd rather have you come out and just tell me like it was and we do know what happened a we do that when Officer WEBB and MORA checked you out and TINA out this girl had already been killed a she'd already been taken out to a Calwa area and the shot had already been fired and a we know that a when you went back there this was afterwards, in fact, Billie was still in the car and TINA was still there, of course TINA was with you, and a when you went into the Seven Seas.

SNOW: When we came back to town, when we came back to town a he wasn't with us. We had already dropped him off when they were gonna drop me off.

SNOW: Officer MORA and WEBB talked to BILLIE a, they talked to him while he was in the car.

MENCHACA: He was in the car, yeah he was in the car.

SNOW: And that female wasn't in the car. She'd already been killed out there in Calwa, now I don't know, you know. I want you to just come down the line and tell us you know in sequence what happened, it's not you, most of what you've told me here a, I feel is the truth, you know, but there is no need to, just be truthful with me.

REPORTING OFFICERS Snow/Lean/Ardaiz	RECORDING OFFICER	TYPED BY kj	DATE AND TIME 2-14-78 1430	ROUTED BY
FURTHER ACTION <input type="checkbox"/> YES <input type="checkbox"/> NO	COPIES TO: <input type="checkbox"/> DETECTIVE <input type="checkbox"/> CII <input type="checkbox"/> JUVENILE <input type="checkbox"/> PATROL <input type="checkbox"/> DIST. ATTNY. <input type="checkbox"/> OTHER <input type="checkbox"/> SO./P.D. <input type="checkbox"/> OTHER	REVIEWED BY		DATE

Petition for Writ of Habeas Corpus - EXHIBITS

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

MENCHACA: She was still in the car Mr. WHITE, I mean Mr. SNOW, she was still in the car. I don't know what time there talking about that I went over there.

SNOW: We're talking, hey we've talked to TINA, we've talked to, to BILLIE, we've talked to Officer WEBB, talked to Officer MORA.

MENCHACA: I'm telling you what I know, my part. I don't care what anybody else said. I'm telling you what I know, what I know that when I went back to the car she was in this car outside the Seven Seas I know that, that a, that after that happened we went to my room and then after that we drove out to Calwa and that's when it happened and then after that, after that they drove out to, to Clovis, and after Clovis they drove out to Pinedale, after Pinedale they drove back to, to Chinatown to drop me off.

SNOW: Christina, we, the information that we have from the other people, including people that you talked to, is that you went into the Seven Seas and you went in there with the watch to get rid of the girls watch and that you also scored some Heroin that night and that these other people helped pay for it.

MENCHACA: TINA had a, had asked me to score for them, yeah she did.

SNOW: Did you?

MENCHACA: I didn't get anything because I couldn't find any people.

REPORTING OFFICERS Snow/Lean/Ardaiz	RECORDING OFFICER	TYPED BY kj	DATE AND TIME 2-14-78 1440	ROUTED BY
FURTHER ACTION <input type="checkbox"/> YES <input type="checkbox"/> NO	COPIES TO: <input type="checkbox"/> DETECTIVE <input type="checkbox"/> G11 <input type="checkbox"/> JUVENILE <input type="checkbox"/> PATROL <input type="checkbox"/> DIST. ATTN. <input type="checkbox"/> OTHER <input type="checkbox"/> SO./P.D. <input type="checkbox"/> OTHER	REVIEWED BY		DATE

FRESNO COUNTY SHERIFF'S DEPARTMENT
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-48-

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

SNOW: You scored thirteen bags of Heroin that night.

MENCHACA: What??

She had only showed, gave me, showed me the money like a..

SNOW: How much money did she show you Chris?

MENCHACA: She told me she had around thirty dollars cause she asked me she wanted three bags, that's all

LEAN: Has Officer SNOW told you that we've talked to Pat? Pat's been completely true, alright. We know what happened in regards to it what I want you to do is like I said when we sat down here from the outset is that where you fall into difficulty is where you start protecting and hey we don't feel that your the one that a went out here and pulled the trigger on this man, on this gal. You've got to understand that a being truthful here is important and a I'd hoped that, we've talked to Pat and she's not lying to us, there's no reason for her to lie to us and a I want you to come down and let us know what happened on this thing.

MENCHACA: It's the truth about that, she was still in the car though.

LEAN: Alright, let's (unintelligible)

MENCHACA: And a , and a we went out there and a drove to Calwa, went up to my room like I said.

LEAN: Chris, let's just bring out what happened okay?

REPORTING OFFICERS Snow/Lean/Ardaiz		RECORDING OFFICER	TYPED BY kj	DATE AND TIME 2-14-78 1450	ROUTED BY
FURTHER ACTION <input type="checkbox"/> YES <input type="checkbox"/> NO	COPIES TO: <input type="checkbox"/> DETECTIVE <input type="checkbox"/> JUVENILE <input type="checkbox"/> DIST. ATTNY <input type="checkbox"/> S.O./P.D.	<input type="checkbox"/> CII <input type="checkbox"/> PATROL <input type="checkbox"/> OTHER	REVIEWED BY		DATE

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

MENCHACA: What do you want to know?

LEAN: Exactly what happened. CHRISTINE, I think, I get the distinct feeling from just sitting her watching you, I haven't said much sitting here watching you that there are things that you'd really like to tell us and and for some reason a whether you're frightened of these other people or you feel that you'll be telling on them or something like that is making you very uncomfortable, ok, but believe me if I was sitting where you are sitting and involved in this situation that you're involved in, then I would tell us everything that you know exactly as you know it. About the watch and about what you did see out there when the girl was killed and the whole thing. Because I think it's important that you you think about yourself, right now. We've talked to these other people and they (unintelligible) a whole different story, ok, and I wouldn't kid you, you don't know me, so you wouldn't know if I'd lie to you or not, ok, and I could understand that but, I don't lie to people, I don't tell them anything that is not true, ok, because that's not fair to you and that's not fair to me, ok, it's important that we develop a relationship of honesty between us and that you tell everything that you know because when you get into court and you start telling totally

REPORTING OFFICERS Lean/Snow/Ardaiz		RECORDING OFFICER	TYPED BY lg	DATE AND TIME 2-14-78 2255	ROUTED BY
FURTHER ACTION	<input type="checkbox"/> YES <input type="checkbox"/> NO	COPIES TO:			
		<input type="checkbox"/> DETECTIVE	<input type="checkbox"/> CII		
		<input type="checkbox"/> JUVENILE	<input type="checkbox"/> PATROL		
		<input type="checkbox"/> DIST. ATTNY.	<input type="checkbox"/> OTHER _____		
		<input type="checkbox"/> SO./P.D.	<input type="checkbox"/> OTHER _____		
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FRESNO COUNTY SHERIFF'S DEPARTMENT
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-50-

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

LEAN: different than all these other people, they are going to look at you and say, you know, she's hiding stuff. See where I'm coming from, I think it's important that you understand that. I have no reason to lie to you, Mr. Ardaiz has no reason to lie to you and either does Mr. Snow. We would just like you to be very truthful and honest just like Mr. Snow has been asking you, because I would start thinking about yourself sitting in that chair right there. In that situation that you're in. I think Mr. Snow has explained to you he doesn't believe that you're the gunman, or the gunperson, out there. But we know about the watch, we know about what Hal said, we know what TINA said, we know what all the people said, now, I have no reason to lie to you, it's all right here, it's all written down, it's all these statements.

MENCHACA: All right they did give me the watch to sell.

LEAN: Ok, when did they give you the watch to sell?

MENCHACA: That's when I was in the, in the Seven Seas.

LEAN: In the Seven Seas? Ok, was this when the girl was still alive?

MENCHACA: Um-hum.

LEAN: It was when the girl was still alive. Did, did they tell you where the watch came from?

REPORTING OFFICERS Snow/Lean/Ardaiz	RECORDING OFFICER	TYPED BY lg	DATE AND TIME 2-14-78 2305	ROUTED BY
FURTHER ACTION <input type="checkbox"/> YES <input type="checkbox"/> NO COPIES TO: <input type="checkbox"/> DETECTIVE <input type="checkbox"/> GII <input type="checkbox"/> JUVENILE <input type="checkbox"/> PATROL <input type="checkbox"/> DIST. ATTNY. <input type="checkbox"/> OTHER <input type="checkbox"/> SO./P.D. <input type="checkbox"/> OTHER		REVIEWED BY		DATE

FRESNO COUNTY SHERIFF'S DEPARTMENT
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69. CASE NO.
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-51-

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

MENCHACA: No.

LEAN: Can you describe the watch for me?

MENCHACA: It was silver.

LEAN: It was silver, was it a ladies watch?

MENCHACA: It was a ladies watch.

LEAN: Was it kind of white gold, you know, what you're saying silver, white gold.

MENCHACA: Yes.

LEAN: Do you recall it having it having little diamond chips on it?
On the side?

MENCHACA: Um-hum.

LEAN: You do recall that. What did you do with that watch?

MENCHACA: I

LEAN: Be truthfull, ok.

MENCHACA: Yeah. I left it in my pocket.

LEAN: You left it in your pocket of what?

MENCHACA: In the (unintelligible)

LEAN: In where, the patro(?). In the pocket of what?

MENCHACA: In a, I had a a pendleton on.

LEAN: A pendleton? A like my pendleton shirt, kind of thing?

MENCHACA: Yeah.

REPORTING OFFICERS Snow/Lean/Ardaiz	RECORDING OFFICER	TYPED BY lg	DATE AND TIME 2-14-78 2315	ROUTED BY
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FURTHER ACTION	<input type="checkbox"/> YES	COPIES TO:	<input type="checkbox"/> DETECTIVE	<input type="checkbox"/> CII
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FRESNO COUNTY SHERIFF'S DEPARTMENT
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69. CASE NO.
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DATE _____ -52-

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

LEAN: What color was it?

MENCHACA: Like a, like a mustard in it, greyish.

LEAN: Mustard with green, is that what you're saying?

MENCHACA: Yeah.

LEAN: It was in the shirt pocket, do you know what shirt pocket?

MENCHACA: The otherside.

LEAN: The right one, pointing at the right one. And you left it up there (END OF SIDE TWO OF TAPE ONE)

(TAPE #2)

LEAN: So you don't know whether it's still there or not. Did you mention to PAT that it was in there?

MENCHACA: Um-uh. (no)

LEAN: OK.

MENCHACA: What's her name, I gave it to.

LEAN: Ok, she, while you were gone, Gary, she said she'd been trying to sell the watch, and it's in PAT'S room, in a, when the officers came to arrest her, she didn't take pendleton shirt on that she had with her downstairs, and it's in the top right pocket.

SNOW: In the pendleton?

LEAN: In the pendleton shirt in PAT'S room.

REPORTING OFFICERS Snow/Lean/Ardaiz	RECORDING OFFICER	TYPED BY lg	DATE AND TIME 2-14-78 2330	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"/> SO./P.D. <input type="checkbox"/> OTHER		REVIEWED BY _____ DATE _____		

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

SNOW: Does PAT know it's there?

MENCHACA: I don't think so, no, she doesn't know.

SNOW: She does.

MENCHACA: She doesn't know, cause I just took off my shirt and layed on the bed.

SNOW: Cause I know Webb went over there last night and talked to her, and I don't know if he got it back or not but he was going to go ask and talk to her and see if she knew it was there, and we had a feeling it was up in her room, but a, I don't know for sure if he was able to get her to find it, cause I had...

MENCHACA: Cause when I went back up to the room, I took off my shirt, you know, the pendleton, and I just layed it on the bed and I layed down, then the officer's came and found it on the door.

SNOW: Can we have.....

MENCHACA: TINA had gave me the....

SNOW: Go ahead, I'm sorry.

MENCHACA: No, the guy with the long hair had gave it to me.

SNOW: The watch?

MENCHACA: Uh-huh. He said, hey, why don't you see if you could sell this for me.

SNOW: Which one, this one here? That's STEINKOWITZ. When did he give

REPORTING OFFICERS Snow/Lean/Ardaiz	RECORDING OFFICER	TYPED BY lg	DATE AND TIME 2-14-78 2345	ROUTED BY
FURTHER ACTION <input type="checkbox"/> YES <input type="checkbox"/> NO	COPIES TO: <input type="checkbox"/> DETECTIVE <input type="checkbox"/> JUVENILE <input type="checkbox"/> DIST. ATTNY. <input type="checkbox"/> SO./P.D.	<input type="checkbox"/> CII <input type="checkbox"/> PATROL <input type="checkbox"/> OTHER	REVIEWED BY	
			DATE	

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69. CASE NO.

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DATE _____

70. CODE SECTION

71. CRIME

72. CLASSIFICATION

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

74. ADDRESS

RESIDENCE

BUSINESS

75. PHONE

SNOW: YOU THE WATCH. Was it out there when this thing occurred or was it later on when...

MENCHACA: No, it was before it happened.

SNOW: Before it happened?

MENCHACA: Yeah.

SNOW: So you talked to STEINKOWITZ, when you first told us the story if you, you just told us that he gave it to you, right.

MENCHACA: Yeah.

SNOW: And when you first told us the story about this thing, that TINA contacted you and the guy was in the car. So that wasn't true then?

MENCHACA: I went to the car.

SNOW: You went to the car. Ok now see see what's happened. See what's happened? We've been here a while, we've been talking, you've told so many different stories now you can't remember what you said. Isn't that true? When you start... what happens let me explain, when you start telling little lies pretty soon you can't remember what lies you told before. And now you're trying to think "What'd I say last time?". Ok?

MENCHACA: Ok, when they gave me the money to score for them, they said "Do you think you can get rid of this watch too?"

REPORTING OFFICERS

Snow/Lean/Ardaiz

RECORDING OFFICER

TYPED BY

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DATE AND TIME

2-15-78 0520

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FURTHER ACTION

YES

NO

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SNOW: Is this right at first? When they first contacted you?

MENCHAKA: Okay, yeah

SNOW: Okay, why don't you run through it again okay?

ARDAIZ: Just exactly what happened.

SNOW: EXACTLY, AND don't leave anything out this time.

ARDIAZ: I mean not even when you were out there you know when this thing happened. Just whatever you saw alright?

SNOW: If you saw him shoot her, you say you saw him shoot her, you know if you did.

MENCHAKA: I didn't

SNOW: Okay, well go through the whole thing for us okay? And don't leave anything out this time, cause remember all of those stories you told me before, we know those now. If you forget one of em we'll know you weren't telling us the truth, okay, so just off the top just run right through it.

MENCHAKA: Okay, when TINA came up to me she asked me to score for her okay, and then she had thirty dollars.

SNOW: She had thirty dollars, she say where she got the thirty dollars?

MENCHAKA: Mhmm (negative) she didn't tell me nothing about it.

SNOW: Okay, was she at the Flora De Mexico? Is that where she contacted you first of all?

MENCHAKA: I think it was out, I can't remember to much cuz I was trying

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MENCHAKA: to hid you know, and through drinking, its so hard for me to remember, anyways I know she contacted me and she asked me to score for her. And then she told me something about, she said hey well theres I have a watch you know too but this guy has it. You think you could try and sell it for me? I said well I don't know maybe I can sell it. I thought maybe it was probably her watch you know.

SNOW: You thought it probably was her watch?

MENCHAKA: I don't know, she just handed it to me, she was telling me,

SNOW: TINA's watch

MENCHAKA: She just told me yeah, here can you try and sell this thing? And I took it I thought maybe it was her watch.

SNOW: Okay

MENCHAKA: Then uh, thats when I went into uh the Seven Seas.

SNOW: Now was this before you went out to uh the Calwa, or afterwards?

MENCHAKA: Before

SNOW: Your certain about that?

MENCHAKA: Yeah I'm certain. And then uh I couldn't sell it so, they told me I could sell it some other time so later, something like that, and uh and then we went back up to the room.

SNOW: Olympia

MENCHAKA: Yeahh.

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SNOW: Did you stop there to get a some stuff, or outfit or something?

What were you gonna do there?

MENCHAKA: Okay, we, after we , after I couldn't sell that, uh I did, I scored them some dope and I scored them some dope.

SNOW: Where?

MENCHAKA: Three bags

SNOW: Where at

MENCHAKA: On the second floor, then we went back up to the room and we fixed her, unintelligible, then I picked up, she picked up an outfit, and the dude with the long hair,

SNOW: STANKOWITCZ

MENCHAKA: Yeah he scored, he did it himself you know, then uh came back down (unintelligible)so we went, they drove out to Calwa and uh

SNOW: Was the girl in the car when he got back in the car, that long red haired girl? After you scored and fixed?

MENCHAKA: There, she was still there cuz we drove out to Calwa and I know she was there because, cuz three guys got out the seat went flat like that you know and I noticed she was out, and I saw the back of her hair, it was long, it was light color, a real light color.

SNOW: CHRISTINA, you didn't see STANKOWITCZ shoot her?

MENCHAKA: No I didn't see it. The only way, one that could have seen

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MENCHAKA: that had to see was the other two guys.

SNOW: No, no I don't mean that, I mean when you were up in your room when you fixed, you say he went, in the bathroom, how do you know he fixed in the bathroom?

MENCHAKA: Because TINA took him the thing. The object.

SNOW: Did he ask for it?

MENCHAKA: I don't know, but I know that he was gonna get some stuff.

SNOW: But you neversaw him inject?

MENCHAKA: No.

SNOW: When he came out did you see any blood or anything?

MENCHAKA: No, I didn't see him, I didn't go in there with him, I stayed in the room. TINA went with him you know.

SNOW: But you saw him come out.

MENCHAKA: Yah he went back to the, I didn't see him come out he went, I was still in the room, and she came back and he was already back in the car.

SNOW: Okay

MENCHAKA: and then uh the three guys got out, the dude got out, and I saw just the back of her head.

SNOW: What happened after they got out of the car?

MENCHAKA: Uh, me and TINA stood talking and and we were listening to the radio and we heard a fire, a gun a gun shot real loud, real real loud, and

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MENCHAKA: the guys came back running real fast you know, and like uh, like the guy with the long hair, yeah, had a black thing in his hand like a holster, and uh he said to everybody, nobody better open their mouth, nobody better not say nothing. Then we drove off to uh

SNOW: Did you see the girl laying out there then?

MENCHAKA: No I didn't get to see her, I didn't see no object, to see her she was down, to look her, I didn't want to see her anyway, (unintelligible) you know, okey, then we drove to uh Clovis and then uh she, he went into, he said he was gonna go in there, he says I'll be right back, and I want to check and see if theres any bullets he said that, and uh -

SNOW: STANKOWITCZ just inside a few minutes and come back out.

MANCHEKA: Mhmm, he went, just ran in and back out, real fast, but I thought that, I thought we were dropping off the little boy there because that boy...

SNOW: At that time, tell me, now uh what you recall, at that time did STANKOWITCZ the guy that had the black thing in his hand, the holster, that guy that went in and got the bulletts, or said he was gonna go in and look for some bullets, what did he look like to you. Did he look like he was sober?

MENCHAKA: Mhmm (positive)

SNOW: Could he walk and talk alright?

MENCHAKA: Mhmm

SNOW: This is right after this occurred, right, the shooting?

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MENCHAKA: He got back in the car, and I thought were dropping that little boy off cause he wanted to get out of the car and all that. And uh I told you know, cuz they were gonna drop me off I said, uh, so the little boy was scared and he wanted uh uh TINA to get out with him, to talk, go talk to his mother and explain why he was gone all, I don't know, I don't know how long he had gone, just tell her, I don't know what she told him to tell her. She goes no, I uh, uh, I ain't gonna go in there, or something like that she told him thats when we drove back, he ran out ---

SNOW: Tell me was this gal after you scored for TINA and the, Flora De Mexico and you got three bags, uh right after you scored, where did you go to from there.

MENCHAKA: Up to the room

SNOW: Up to the room, to Olympic?

MENCHAKA: Mhmm (positive)

SNOW: When did you stop there and have MOORE and WEB check you out?

MENCHAKA: When, When I was in the Seven Seas trying to sell the watch.

SNOW: When did you go into Seven Seas?

MENCHAKA: Before we scored.

SNOW: Before you scored? In other words you contacted, were contacted by TINA in the Flora De Mexico.

MENCHAKA: Outside

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SNOW: Outside, and she gave you thirty dollars for three bags and wanted you score and before you scored you had gone over with TINA into the Seven Seas?

MENCHAKA: You know we got out to that other guy with the long hair got out of the car to.

SNOW: MARVIN LEWIS

MENCHAKA: Yeah, he he, all three of us got out

SNOW: Okay, he came in to to use the bathroom in the Seven Seas didn't he?

MENCHAKA: He got out too.

SNOW: When you got out of the Seven Seas you went back over to the car this Cougar, you got in, was that girl with the long hair in the car?

MANCHAKA: Mhmm

SNOW: Are you certain of that? Because after you got back in the car from the Seven Seas you -

MENCHAKA: Wait, they came back down and she was, I know cause they drove to Calwa after that, and after Calwa,

SNOW: Why were you gonna go to Calwa? Were you gonna score again?

MENCHAKA: Unh uh

SNOW: Why'd you wanta drive out there?

MENCHAKA: I didn't ask to go over there. She, we just uh, drive around.

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SNOW: I know you didn't wanta uh, it wasn't your idea to kidnap this girl, and it wasn't your idea to

MENCHAKA: I didn't know they were gonna do that to her.

SNOW: Why did TINA uh she kinda drug you in the middle of this thing uh mainly to the fact she asked you to score. Secondly, she explained to you you know, at the time and she's told us this uh

MENCHAKA: She's telling you, she's telling me different stories you know, cuz I talked to her.

SNOW: I know, but I'm telling you the truth, now as to what happened.

MENCHAKA: Well I told her, you know, I told her you didn't know the car was stolen, and see she's telling you a different story and I told her you better tell the truth cuz you know damn well I didn't know the car was stolen you think I'm stupid to get in the car with you guys, I didn't even know you did that kidnap that girl. I go and I'm with you guys right there and I'm I'm innocent, but I didn't know you guys were gonna go do all that stuff. She goes yeah well, she goes but I, she goes you probably get loose, cuz I told them you didn;t know the car was stolen, and the first place, I had you there (unintelligible) and I go thats the truth, I go you better tell the truth.

SNOW: Tell me this, you left the watch on your Pendleton up in your room right? Which room is that?

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MENCHAKA: Room 5

SNOW: 5. Would we have permission to go up into your room to search it to try and just obtain were not interested in drugs, were interested in obtaining the watch back, okay. Would we have your permission to go up there and look for the watch.

MENCHAKA: Yeah, you can go up there and go thru my stuff,

SNOW: Is it in the pocke, is it in the pocket? Okay, what we'd like to like I said is, the reason first we wanted to check the room just to find the Pendleton okay?

MENCHAKA: The pendleton, we left the pendleton that CHRIS left when she got arrested she left the Pendleton on top of the bed cause they didn't know about the watch.

SNOW: They didn't know it was in there.

MENCHAKA: Mhmm

SNOW Who knows it was in there. Who was in that room?

MENCHAKA: Uhm,

SNOW: Can we go into your room, and have a look for the Pendleton.

MENCHAKA: Thats not my room that CHRIS 'S room but I seen it there.

SNOW: At his room.

MENCHAKA: At his room

SNOW: Okay I understand.

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MENCHAKA: Its not my room I don't pay for it.

SNOW: Whats his name.

MENCHAKA: Manuel

SNOW: Manuel what? TORRES? He's about 60 years old. You stated, is it alright, do we have your permission to go and we'll check with him too first before we do anything uh, uh do we have your permission to search for the Pendleton shirt that she left in there with the watch? Thats all were interest in. What I'd like to do is get her permission.

MANCHEKA: Why don't you just ask him for it.

SNOW: No, were gonna ask him for it, I don't know.

MENCHAKA: Just ask him to give uhm, to give us the Pendleton she left on top of the bed.

SNOW: Whats the address of the Olympic Motel? 14 something? Room 5?

MENCHAKA: Mhmm

SNOW: [redacted]. Thats upstairs right?

SNOW: What this is is a permission to search warrant which your giving us permission to check the room for the Pendleton uh uh I'll read it to you.

The undersigned residing at the Olympic Hotel Rm. #5, [redacted] Kern does hereby give voluntary authorize Det. Snow and Lean and other officers needed to assist in the search of my residence for any real property located at 1435 Kern. Uh Uh, we have no vehicules, I left that part out, I further authorize said

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officers to remove from my residence real estate and or motor vehicle one per document or items or property whatsoever which they need for their investigation. I understand said officers will give me a receipt for whatever is removed. I give this written permission to these officers voluntarily without any promises being made and for having been informed by said officer that I have a right to refuse this search and seizure. Okay, all we need to do is have you sign it. We'd like to check it, try and find the watch.

MENCHAKA: But you guys have to go to the manager, and

SNOW: Yeah we will. What'd this watch look like? Can you describe it to me?

MENCHAKA: It had like little diamonds on it.

SNOW: Little diamonds huh/ uh what, how, excuse me, you said STANKOWITCZ this guy with the long hair gave it to you?

MENCHAKA: Mhmm

SNOW: Where'd he say he got it from?

MEHCAKA: He didn't tell me, he just told me here, go and

SNOW: What'd he say he wanted you to do with it?

MENCHAKA: Sell it.

SNOW: Sell it?

MENCHAKA: He wanted me to sell it for,

SNOW: Did he say how much he wanted out of it?

MENCHAKA: Mhmm (negative)

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SNOW: Uh, can you remember, this is important, as I understand it I think we got most of it out here is conversation that they had while they were in the car. Uh before this thing went down, what they were talking about, what they said to each other.

MENCHAKA: They didn't say they were going to do anything to her.

SNOW: What did they say back and forth when they were driving out.

MENCHAKA: It was quiet.(unintelligible)

SNOW: Why'd they stop there in the road?

MENCHAKA: To drop off that girl.

SNOW: Did anybody say stop here?

MENCHAKA: I think that guy with the long hair said stop you know.

SNOW: STANKOWITCZ, the guy with the, said stop here? TINA was driving.

MENCHAKA: Then they stopped, and got out, they didn't gang her up or there was no struggle, you know what I mean, thay I thought they were just gonna drop her off.

SNOW: Did you see who was smoking what type of cigarettes in the car?

MENCHAKA: I don't smoke. I don't smoke cigarettes. There wasn't no struggling when she got out the car, pushing, I didn't see them pushing her out or anything like that, they you know, they just got out.

SNOW: When did this STANKOWITCZ the guy with the long hair, missing tooth, when did he tell you uh that he wanted to sell the car.

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MENCHAKA: Over there by when he was gonna go get the bullets. Over there in Clovis.

SNOW: Clovis?

MENCHAKA: We were on the way to drop off the kid.

SNOW: Why did you return back to the Olympia hotel, after, afterwards, what were you gonna do there?

MENCHAKA: Stay there.

SNOW: All of you were gonna stay there?

MENCHAKA: No. There were dropping me off.

SNOW: Why'd CHRIS, I mean why'd TINA get out of the car?

MENCHAKA: To, oh yeah, she wanted a blouse, cuz, she hadn't, she hadn't been home or something. She wanted a blouse. And thats when the officer, you can't get out.

SNOW: Did you see

MENCHAKA: She went, she said she was going back to the car.

SNOW: Did you see any of these guys with a gun? When you dropped off the kid in Pinedale? Did you see im with a gun when you were coming back to your place?

MENCHAKA: Uhm, I didn't see it no more, after, after he got in the car you know, after it happened, I didn't see it anymore, he didn't bring it out anymore.

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SNOW: But that fellow with the holster would have been that guy STANKOWITCZ that had it.

MANCHEKA: He was the one that had it in his

SNOW: When he come running back to the car.

MANCHEKA: Yeah, he had the holster down

SNOW: You knew what it was at that time didn't you, you heard the shot and saw it in his hand.

MANCHEKA: Well, he had, what else could it be? You know. I know it couldn't a been a knife, a knife don't make sounds like a gun.

SNOW: Did you see uh, did yousee uh, did they say something about, uh where they got her at?

MANCHEKA: No, I just you know, just uh, you know, I heard

SNOW: Chris, it surprises me, if I was in that situation that you describe,

MANCHEKA: I didn't know wether to get out of the car or run or what,

SNOW: You know why you didn't, why somebody didn't do it

MANCHEKA: I didn't wanta open my mouth, he said to

SNOW: Say, what the hell happened here, you know, maybe you were shocked, I know if I was that shocked

MANCHEKA: He said be quiet. Thats when he said nobody better say nothing.

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SNOW: Then you didn't say what happened.

MANCHEKA: I was just was quiet, you know in case he might have gotten an idea, well you know this girl is gonna talk, or something, I better do it to her too, you know.

SNOW: Nobody said anything, Marlin LEWIS didn't say anything, they didn't talk between themselves, they didn't say uh?

MANCHEKA: The little boy said he wanted to get out right away, he was scared to.

SNOW: Did they mention to you, tell ya when uhm, when you went up to the ho, uh, Olympia Hotel before you took her out, before she was killed, did they mention to ya at that time it was you and STANKOWITCZ and uh TINA that were up there in the hotel, uh, of, all of you fixed right? Right?

MANCHEKA: Yeah

SNOW: You eached fixed with just one bag

MANCHEKA: Yeah

SNOW: And uh, and when you fixed, uh er, did STANKOWITCZ mention at that time that uh.

MANCHEKA: He wasn't with me, around me when I did it, he was in the room with these two guys.

SNOW: Alright, but when you were up the Motel, or comin in the motel or

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SNOW: coming out of the motel, while you were up there in your room did you hear either TINA or STANKOWICZ mention that uh hay were gonna have to go out and get rid of her, or

MENCHAKA: No they didn't say nothing about her. Thats how come I didn't know we was going, you know, when they drove out there, and we already went out, and they drove out there and they told her to get out you know, all of them got out you know.

SNOW Didn't you have some idea uh, what'd you think they were taking her outta the car for just to

MENCHAKA: No I don't know, just to drop her off I wasn't payin attention to that, I didn't think, you know, If I woulda known they was taking her out there to kill her, I wouldn't even wanta be around her, or you know, I wouldn't wanta be around her like that you know, cause I you know.

SNOW: Why didn't you just come down the line at first and tell us in regards to us uh, scoring for these people, and selling, trying to sell a watch and having the girls watch, and uh, uh, hearing the shot and going out and trying to get bullets.

MANCHEKA: Cuz I was scared that guy might try to come after me for saying something. (Unintelligible)

SNOW: What do you uh,

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MENCHAKA: But if I have to you know, I'll speak, cuz I know. After they dropped off that little boy where we was going to drop him, then thats when (unintelligible)

SNOW: Why was you afraid to tell us about the watch at first?

MENCHAKA: I was afraid to say anything about anything but I said what I had to say . I can say it now. That guy did it to her, and he might do it to me, (unintelligible). He came out here and wanted to talk to me when he asked me about, after he got back in the car cuz he might you know, he thinks she might talk so lets get rid of her to, you know; I just you know.

SNOW: You had never seen him before? Not in Chinatown? You had been down there quite a while hadn't you.

MENCHAKA: Never, never, Yeah, never in my whole life have I seen none of those three guys, none of em. I seen that girl in the streets, before, TINA I seen her, but I never had seen them in my whole life. Like I could say, you know she didn't tell me the car stolen, we kidnapped this girl, were gonna go out and do this. She didn't tell me none of that. You think I woulda got in the car like that. I'm not that stupid. Being more scare of being in the car with them.

SNOW: When they guy with the chipped tooth and long hair was up there

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SNOW: and you guys uh shot up up there, did uh

MANCHAKA: I didn't see him go back down

SNOW: Did he act like he was, ah, this was the first time he'd ever done anything like this. Did he act like he knew what he was doing? When he talked about the dope. You know, dope, dope language right?

MANCHAKA: Nah, she's the one that talked to me.

SNOW: He didn't say anything?

MENCHAKA: She was the

SNOW: She got it for him?

MENCHAKA: Yeah

SNOW: His bag? He never said anything. He never acted like the you know the language, you know street talk right.

MENCHAKA: No he never talked nothing like that. Like he knew about it, or knew it was good, he never even said if it was good or not. He talked in Chinatown anyway in bars.

SNOW: Did he mention why he uh uh he uh blew this gal away?

MENCHAKA: No. He didn't mention it. And I didn't even wanta talk to him bout it, because this deal

SNOW: What'd Marlin say, did he act a little shocked, surprised.

MENCHAKA: I didn't pay attention to him, the one that was talking a lot

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MANCHEKA: was the little boy. He wanted to get off the car, and he said it about three times, when you guys gonna talk, take me, you know, I wanta go, I have to get home cuz I know my moms waiting for me and and then he said

SNOW: Whats uh, the guy with the chipped tooth, long hair, when he got back, when all three guys ran back in the car, what was his actions, how was he acting?

MANCHEKA: He said, nobody better say anything. Nobody better say anything.

SNOW: Did you feel it was a threat to you?

MANCHEKA: Yeah

SNOW: Did you feel threatened?

MANCHEKA: Well I felt I'm in danger, like that, he said nobody better say anything, nobody, he went like that you know. So I didn't wanta ask what happened, he'd blow my head away, blow me away to

SNOW: He wasn't laughing when he said that was he?

MANCHEKA: No, he wasn't laughing

SNOW: DID you hear them laughing when they came back to the car?

MANCHEKA: Everybody was quiet

SNOW: Did you hear somebody uh, uh,

MENCHACA The little boy was scared. I know the little boy was scared

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MENCHACA: because he went into...

SNOW : Did she say, the girl in the long hair, did she say anything when she was getting out of the car?

MENCHACA: She didn't say anything, nobody said anything, no, she didn't say anything.

SNOW : Did you have any...

MENCHACA: She didn't say "don't," she didn't say, that's why I didn't think anything was happening, because...

SNOW : If you went driving around like that, you know, out in Calwa, uh, and somebody said stop here, and, four people pile out of the car, uh, wouldn't it make you kinda wonder what the hell is going on? Are we going to have a street party or...

MENCHACA: Like I told you, I was, uh, I didn't, I didn't bother, it didn't go through my head, you know, and...

SNOW : I mean, would it, if I were driving around and had uh, you know, three guys in the car, and three gals, and uh, four of them pile out, and, uh, I was sitting in the car, would it ...

MENCHACA: I was sitting in the front seat.

SNOW : Didn't it occur to you to wonder what the hell was going on? How come everybody is getting out?

MENCHACA: All, cause they said they were dropping her off.

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SNOW : Who said that?

MENCHACA: Uh, that guy

SNOW : STANKEWITZ?

MENCHACA: Yeah

SNOW : Said...

MENCHACA: He's the one who said, "Stop the car."

SNOW : And then he said what?

MENCHACA: Come on, let's get out.

SNOW : Did he tell her, "let's go?"

MENCHACA: Why, everybody in the back seat, got out.

SNOW : Did he look, did he mention anything in particular to her?

MENCHACA: No, uh, uh.

SNOW : "You, too, honey," or...

MENCHACA: No, uh, uh

SNOW : When he said, dropping her off, did you think he meant uh...

MENCHACA: Drop her off. To get out of the car, like that.

SNOW : Did he make, OK...

MENCHACA: I already thought she, I didn't know they had kidnaped her from over there. I thought maybe she lived right there, you know, or something. They were dropping her off. And here I hear the shot and they come running to the car, you know, and then he turns

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around like that, and tells all of us, nobody better say nothing, you know. Like that, ... I didn't even want to say nothing, and I didn't say nothing.

SNOW : Is that the girl?

MENCHACA: I don't know, I didn't see her face.

SNOW : Does that look about her hair, her clothes, she might have had on?

MENCHACA: That looks like it; her hair was long.

SNOW : Those are black and white pictures, not colored pictures.

MENCHACA: I can't say that was her because I never got to see her face.

SNOW : Did you see her purse? She have a purse with her, when she got out of the car?

MENCHACA: Now, I didn't get to see if she had a purse or what.

SNOW : Do you remember a jacket she might have had on?

MENCHACA: No

SNOW : Sweater?

MENCHACA: No, the only thing I noticed was that when she got out, I just noticed her hair was long, you know.

SNOW : You're pointing to the middle of your back,

MENCHACA: Yeah, back here, back here. That's all I noticed--she had long hair. I didn't notice what she was wearing, or what. Or, if she had a purse or not.

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SNOW : Not to change the subject at all, but what do you know in regard to what happened in Madera, the other day? This wetback was killed.

MENCHACA: What? Oh, I don't know anything about that.

SNOW : I think you know a little bit about it.

MENCHACA: I don't even know anything about that.

SNOW : Were you out there in Madera when, take a ride with somebody, when uh...

MENCHACA: I never been out there, towards that way.

SNOW : There will be an officer that will talk to you in regard to that; because there's one down here today and your name came up ...

MENCHACA: Well, I don't know, I don't know. I never been out that way.

SNOW : We're going to go over and have a talk with uh, Pat, and try to get your compact.

MENCHACA: Yeah, tell her and she'll give it to you. Because she doesn't know anything, if the watch is there, or anything.

SNOW : OK, you understood the rights I read to you earlier, and agreed to talk to us. Is that right? There's been no promises made to you; no threats. Right?

MENCHACA: Right.

SNOW : Can you remember anything else that happened out there that night; or anything that was said, anything additional that might be

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important?

MENCHACA: No, I just told you the best I could--the truth.

SNOW : OK.

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