

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

TRANSCRIPT OF DET. LEAN INTERVIEW

Subject: Thomas Lean
Case: People v. Douglas Stankewitz
Date: March 27, 2020
Age: 74
Occupation: Retired sheriff detective
Residence: Fresno County
Relation to defendant: One of two lead investigators of the case

Jonah Owen Lamb
415-302-7416
P.O. Box 31981
Oakland, CA 94604
P.I License # 18434

IN-PERSON INTERVIEW CONDUCTED Feb. 7, 2020:

Lamb: Can you tell me what you remember about the case and how you got involved?

Lean: Long time ago. As I remember, my partner was Art Christiansen and I think we were notified by the Fresno Police Department. There had been a robbery in either Modesto or Merced. And a young lady was kidnapped, brought to Calwa area and Douglas and a couple other associates - Douglas pulled the trigger on her, shot her in the head as she stood on the corner. Fresno Police department got involved, I think they even made the arrest if I recall correctly. But because the murder took place in the county in Calwa, it got turned over to us.

Lamb: Where you the lead detective on the case?

Lean: I can't remember. Either Art or I was.

Lamb: And he was your partner?

Lean: Yes, he's deceased.

Lamb: Was there a detective Moon involved?

Lean: Oliver Moon, he could have been I don't remember.

Lamb: So you worked the case after the PD handed it over.

Lean: They kinda basically handed it over, as far as I remember. We interviewed Douglas and the others, the co-conspirators.

Lamb: Marlon Lewis and two women?

Lean: There was a young boy too. There were like three or four of them. It was my understanding that they were without a ride and they and they sort of ended up kidnapping her for the car.

Lamb: According to the transcripts, it said you guys did follow up interviews with all the co-defends and that includes Stankewitz. Did you typically record them?

Lean: We would have recorded them.

Lamb: There was an ADA who prosecuted the case, I butcher the name every time I say it: Ardaiz

Lean: James Ardaiz

Lamb: He's a judge now, I know that. Do you remember if he was involved in the investigation at any point? Or how that would work?

Lean: I don't remember. Other than him being involved in the prosecution, and we turned all our information over to him. But I don't remember him being actively involved in it as far as going out on follow-ups. I know he did on other cases. But I don't remember, it's been, it's too long ago.

Lamb: I think you testified in part of one of the trials, but not that much. Do you remember why you – I figured you and your partner were the main detectives – why you didn't testify that much versus your partner.

Lean: We used to exchange the position of being the lead investigator that would sit with the district attorney. And we would, if they needed some prepping or something on a certain area, or something that he or she had asked during the investigation, during the court trial we would be there to help.

Lamb: Do you remember if that was you in this case?

Lean: I don't, I don't. I want to say I was, at least during one. I think we had two death penalty retrials, if I remember.

Lamb: So you were involved in some but not all?

Lean: Yes.

Lamb: A couple documents I want to show you to see if you can recognize a signature, but we can get to that later. Just going through my notes, sorry for my slowness. There was an earlier robbery that was kinda linked to the case that these guys were involved in right. Where they had like robbed a farm worker that same day or something. Do you remember that? Meras I think was the guy's name.

Lean: Vaguely. I don't remember. Very, very, vague. There was something about a check that showed up somewhere along the line.

Lamb: A payroll check, right. I was reading some of the transcripts of the trial and the prosecutor was linking, kinda saying that this earlier robbery shows that they were, you know, on a tear and they were doing stuff the whole way through. I know that happened, that robbery I think was in Manteca before they got to Fresno so I know you wouldn't be involved in that. But that doesn't ring any bells?

Lean: I'm sorry it doesn't; I know there was something over but I can't say specifically.

Lamb: Do you remember where, when did they find the gun, do you recall?

Lean: No I cannot.

Lamb: Do you remember if they found it on Stankewitz or they found it in a house or...

Lean: I don't, I'm sorry.

Lamb: Let me just show you this document see if you can recognize this signature. You signed this, it's a request for review? This is document 292 of the Fresno County Sheriff's Department. And there are two items listed on it. They are shell casing; I think it's a comparison. And the investigating officer, let me take a look, right there it says I think your name and your partners, just to make sure.

Lean: T. Lean and, let me get my glasses. I don't think that's Christensen. His first name is Art. That's probably Art Christensen.

Lamb: But that's your signature next to it yeah?

Lean: Yeah, that's me.

Lamb: The question we have, do we know what this means and do you know who signed it?

Lean: Negative...um. We used to have a criminologist back then who was named Andrea Vanderverdebont.

Lamb: Do you recognize what their document is?

Lean: Well, it's got all the criminal charges. It's hard to read. It's got a case number.

Lamb: The part that I can read...they compared shell casings not just from the scene of the crime, to make sure the pistol that they found later had fired at the scene, with an earlier incident.

Lean: I can't recall, other than my signature.

Lamb: Do you remember, did you know the Stankewitzes?

Lean: They had a reputation in the community. I think there were several, 11 children by five different moms and several of them had gone to prison. So they were known in the law enforcement community.

Lamb: Speaking of the pistol involved, do you remember what type of pistol was involved? It was a Titan.

Lean: I think it was a small caliber.is

Lamb: I'm going to have you look at this document, which is a trace serial number report on the pistol involved. I think, I'm not used to looking at these things, but we think it says, and I may be wrong, that this gun had been stolen out of Sacramento some years before and take a look. How long were you with the sheriff here?

Lean: 31 years

Lamb: When'd you start? Was it your first law enforcement gig?

Lean: I started in 1967. I started right out of college. I was 21 years old.

Lamb: So this pistol and the trace report, did you ever have a pistol like this, years before, that was stolen?

Lean: No I don't recall, no. I can't, like I say if it was 10 years ago.

Lamb: And the trace document, does it ring any bells? I'm sure you're more used to reading these than I am.

Lean: Um, I'm not sure, this is a CLETS document. It's a computerized document it comes out of the computer. It's a statewide document.

Lamb: Do you know what this one is referring to? I see your name on the top, which I'm thinking, did you request the report or is this a report...

Lean: We probably did, this came out of San Joaquin County; .25 caliber. I was right about the small caliber. No, I don't. Sacramento PD stolen back in 73. Says Stockton PD report of sale. I'm thinking it was probably a stolen gun.

Lamb: The case that was found with the gun, a leather case. They said I had initials on it that were --again apologies for asking the question, but um that's what I'm here to do- that had your initials on it.

Lean: I can't recall do that. If my initials were on there then I collected it somewhere, but I don't recall.

Lamb: Do you remember any evidence go missing that was pertinent to the case, like her watch that disappeared?

Lean: I don't recall.

Lamb: And you don't remember in terms of a check mentioned. Do you remember how they found the check or where?

Lean: The district attorney asked me this a year or so ago right when Douglas was up for review. And I couldn't recall for her either. We had a lot of cases back then. Sometimes just in the county alone we had 75 murders. At this point in my life a lot of them run together.

Lamb: Did you have procedure for confidential informants? Did you have confidential informants?

Lean: We did not in our crimes against person detail, our narcotics people and our vice people did have confidential informants but I don't know. I didn't ever have one in homicides that I recall.

Lamb: and in terms of the robbery, you didn't do any investigation related to that at all?

Lean: No, no. That was another county.

Lamb: Anything else with this case that rings any bells? Did you go to the scene of the killing?

Lean: Yes. It was right on the corner down there on like 10th in Calwa.

Lamb: Do you remember any blood splattered clothes or a watch or some hair go missing?

Lean: No, I don't recall any of that.

Lamb: and you said the interviews were recorded.

Lean: Yes. As I recall we recorded everything,

Lamb: Do you know where the interviews took place?

Lean: In our office, our detective office. We didn't have an interview room at that time.

Lamb: Did you meet with Ardaiz before the trial and in any way coordinate the case?

Lean: Yes, I'm sure we did. We always did. We always had a sit down. We may have done more than that. Jim may have come over to the office and sat down with us.

Lamb: How early does that happen in the investigation?

Lean: You know it just depends on their availability. And if we had any legal questions regarding search and seizure.

Lamb: And since you had all the co-defendants and everybody with in hours of the crime, do you recall him coming in at an early stage then to talk to you guys?

Lean: I can't recall. There was cases where he did; he actually was out in the field with us when we were looking for suspects he would actually come to the field and help us. He would write search warrants in the field for us.

Lamb: But in this case you don't recall?

Lean: I don't recall, I don't.

Lamb: You don't know anyone named Jesus Meras? It doesn't ring any bells?

Lean: No I don't recall that name.

Lamb: He was the victim allegedly of that robbery that happened...

Lean: Somewhere along the line.

Lamb: ...before Fresno. The DA made an argument that the same gun was used in that robbery and there were three shots fired and there were shells that were found. And the murder weapon were the same. Do you remember anything connecting those things?

Lean: Sorry.

Lamb: would you be willing to sign a declaration ageing to all the things you've said?

Lean: Why are we doing all of this?

Lamb: I'm doing it for them because they want, this is part of their habeas filings, just trying to see what's there. They're trying to go over the case and see what's there.

Lean: He was sentenced to life without, so are they trying to get him...a possibility? I would think so. I would think that would be coming.

Lamb: I think so. I've just started on the case so I'm not strategic, I'm more tactical, coming down and talking to folks. Can I have your phone number and give you a call?

Lean: Sure.

END

Det. Thomas Lean III, Retired, Fresno Sheriff's Office

March, 2020

Voicemail left for Jonah Lamb, Defense Investigator:

Good Morning. This call is for Jonah Lamb. Jonah, this is Tom Lean from Fresno regarding the Douglas Stankewitz case. Umm I wanted to call you back and let you know that I received this declaration in the door when you were here this past weekend. Umm As to Item #3 uhh I you know the case was 42 years ago. I may have misspoken. Uhh regarding interviewing Douglas. You know without looking at the case file and my reports, I can't at all in good conscience uhh say we interviewed Douglas Stankewitz. Umm The PD's interaction in this and if I recall correctly, again it's been 42 years ago, umm they made the original arrests in the field and they may have Mirandized umm the group, including Douglas uhh and he may have refused to or invoked his Miranda and refused to talk which would not allow us to interview him in the future. Umm I'm reasonably sure that there were interviews done but I'm not uhh I can't be definitive regarding Douglas uhh so I may have misspoken when I talked to you and interviewed you interviewed with you back in February. Umm Anyway umm so I will not be sending this declaration and signing it. I will not be sending it back to you. I That's really all I need to say I think. Umm I hope you're well. Hope you're not out there with that corona virus stuff I know I'm hunkering down here. So umm anyway that's all I have to say uhh thanks bye.

DECLARATION OF PETER JONES

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

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

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

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

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

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

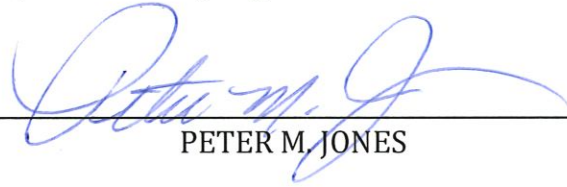
11. Among the documents was a sealed envelope marked "Confidential", which contents were never revealed. I asked to have duplicated all the documents in the Court's possession with the exception of the contents of the sealed "Confidential" envelope.

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

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

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

6/15/2020 Fresno, CA
Date and Place



PETER M. JONES

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

— The server fills out the section below. —

Proof of Service of CR-125/JV-525

- 1. I personally served a copy of this subpoena on:

Date: _____ Time: _____ a.m. p.m.

Name of the person served: _____

At this address: _____

After I served this person, I mailed or delivered a copy of this Proof of Service to the person in item 4 on (date): _____

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

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

Date: _____

 _____  _____
 TYPE OR PRINT NAME OF SERVER SIGNATURE OF SERVER

MEMORANDUMS

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

FROM : DAVID V. SCHIAVON
D. SCHIAVON INVESTIGATION

DATE : SEPTEMBER 12, 2016

SUBJECT: DOUG STANKEWITZ

RE : FSO CASE #78-1995

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

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

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

The cartridge casing were found not to match.

No other records have been located.

Detective Christensen and Criminologist W. Sarment are now deceased.

Detective Lean is retired and has not yet been located.

DAVID V. SCHIAVON, #PI 13508.

MEMORANDUMS

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

FROM : DAVID V. SCHIAVON
D. SCHIAVON INVESTIGATION

DATE : APRIL 25, 2016

SUBJECT: DOUG STANKEWITZ

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

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

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

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

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

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

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

DAVID V. SCHIAVON, #PI 13508.

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

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

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

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

2/8/78, approx 1125 hours, Wednesday

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

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

FOLLOW-UP REPORT

CONTINUATION REPORT

Page Number

2

Case No.

73-5610

2/3/73

~~7/7/73~~, Theresa
GREVIALCVC 10851/RECOVERED
(OUT OF TOWN)

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

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

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

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

Upon RO's original viewing of the crime scene area, RO noted the vict to be laying face up on the shoulder of the road at the S.E. corner of Tenth and Vine St. It should be noted that she was laying approx 15 feet south of the south curb line of Vine and approx 3 feet east of the east curb line of Tenth St. Vict was laying face up with her head in an easterly direction and her feet in a wasterly direction. It should be noted that the vict had extremely noticeable red hair, very long. Also RO noted that the vict had blood around her ear area and it possibly appeared to be the origin area of the wound that had possibly killed her. RO then viewed the vict and noted that she was clothed in a gray coat, under the coat area RO noted that she had on a blue sweater with a multi colored print on a stripe on the bottom area of the sweater. Subj had on a red shirt underneath the sweater and had on blue jeans and possible navy blue socks. She further had on brown shoes. Subj's purse was draped over her left shoulder and laying on the ground directly next to vict's left side. The purse was red and brown in color, made of a vinyl looking leather. It should be noted that the change flap on the outside coin section of the purse, was unshaped and open. Subj had on a turquoise ring on her right hand, the second finger. Vict also had, on her left hand, another ring on her middle finger. It should be noted that; in viewing the area around the vict's body, a filter tip cigarette was found laying next to the vict's right arm. Also found, approx 18 feet west of the vict's body, was a 25 caliber shell casing.

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

CONTINUATION REPORT

CONTINUATION REPORT

Page Number

3

Case No.

78-5019

2/9/78

GREVEAL, Theresa

CVC 10251/RECOVERED

(OUT OF TOWN)

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

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

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

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

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

This report will be continued.

CAPT. MOCIBALIS
BROWN, L. #189

2/9/78 twd

CONTINUATION REPORT

Petition for Writ of Habeas Corpus - EXHIBITS

Page 1658

FOLLOW-UP REPORT

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

PERSONS ARRESTED:

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

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

2/8/78, approx 1125 hours, Wednesday

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

2/9/78 twd

APR. MOCKALIS BROWN, L. #189

[Signature]

FOLLOW-UP REPORT

FRESNO POLICE DEPARTMENT
CONTINUATION REPORT

Page Number

2

Case No.

78-5819

2/9/78

~~XXXXXXXX~~, Theresa
GREVEAL

CVC 10851/RECOVERED
(OUT OF TOWN)

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

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

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

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

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CONTINUATION REPORT



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FRESNO POLICE DEPARTMENT
CONTINUATION REPORT

Page Number

3

Case No
78-5819

2/9/78

GREVEAL, Theresa

CVC 10851/RECOVERED
(OUT OF TOWN)

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

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

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

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

This report will be continued.

CAPT. MOCKALIS
BROWN, L. #189

2/9/78 twd

CONTINUATION REPORT

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FRESNO COUNTY SHERIFF'S DEPARTMENT
Fresno, California

78-39-26

DATE 2/9/78

Follow up

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

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

EVIDENCE

PHOTOS (15)

1-10. COLOR PHOTOS OVERALL OF VIC AND SCENE

11-12. B&W PHOTOS OF 25 CAL SHELL CASING FOUND IN
THE STREET (TENTH)

13. B&W PHOTO OF VIC. FROM THE LOCATION OF THE
SHELL CASING

14-15 B&W PHOTOS OF A CIGARETTE LIGHTER FOUND UNDER
VIC'S RIGHT LEG.

SEE DIAGRAM BY CRIM. PREHEIM.

REPORTING OFFICERS J. Duty 3I18	RECORDING OFFICER	TYPED BY	DATE AND TIME	ROUTED BY
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Fresno, California

78-39-26

DATE 2/9/78

Follow up

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

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

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

SEE DIAGRAM BY CRIM. PREHEIM.

REPORTING OFFICERS J. Duty	3 I 18	RECORDING OFFICER	TYPED BY	DATE AND TIME	ROUTED BY
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FRESNO COUNTY SHERIFF'S DEPARTMENT
Fresno, California

69. CASE NO.

78-1809
78-39-26

FPD No. 78-5819

DATE 2-9-78

-1-

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

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

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

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

The victim's position was raised and off the paved roadway with her head pointed slightly to the northeast, approximately 6½' onto the grassy portion of the dirt siding. Her feet, both turned outwardly, were approximately (1) one foot off the paved roadway and were also in a north-eastern direction (as RO looked from the paved roadway).

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

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

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

REPORTING OFFICERS G. Elliott	RECORDING OFFICER Same	TYPED BY rvk	DATE AND TIME 2-10-78 0916	ROUTED BY
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FRESNO COUNTY SHERIFF'S DEPARTMENT
Fresno, California

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

-2-

DATE _____

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

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

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

REPORTING OFFICERS G. Elliott	RECORDING OFFICER Same	TYPED BY vk	DATE AND TIME 2-10-78 0930	ROUTED BY
FURTHER ACTION <input type="checkbox"/> YES <input type="checkbox"/> NO	COPIES TO: <input type="checkbox"/> DETECTIVE <input type="checkbox"/> JUVENILE <input type="checkbox"/> DIST. ATTNY. <input type="checkbox"/> S.O./P.D.	<input type="checkbox"/> CII <input type="checkbox"/> PATROL <input type="checkbox"/> OTHER <input type="checkbox"/> OTHER	REVIEWED BY 77	DATE

FRESNO COUNTY SHERIFF'S DEPARTMENT
Fresno, California

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

-3-

DATE _____

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

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

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

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

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

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

See FPD case #78-5819.

See Modesto case #78-06706.

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

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

REPORTING OFFICERS G. Elliott	RECORDING OFFICER Same	TYPED BY vk	DATE AND TIME 2-10-78 0945	ROUTED BY
FURTHER ACTION <input type="checkbox"/> YES <input type="checkbox"/> NO	COPIES TO: <input type="checkbox"/> DETECTIVE <input type="checkbox"/> JUVENILE <input type="checkbox"/> DIST. ATTNY. <input type="checkbox"/> S.O./P.D.	<input type="checkbox"/> CII <input type="checkbox"/> PATROL <input type="checkbox"/> OTHER <input type="checkbox"/> OTHER	REVIEWED BY 78	DATE

FRESNO COUNTY SHERIFF'S DEPARTMENT
Fresno, California

69. CASE

78-39-26 MR

78-1809-FSO

FPD 78-5819

Modesto Missing
Person #78-06706

DATE 2-8-78 Follow-Up

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

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

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

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

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

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

REPORTING OFFICERS McDaniel	RECORDING OFFICER McDaniel 2D19	TYPED BY kj	DATE AND TIME 2-9-78 1255	ROUTED BY
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FRESNO COUNTY SHERIFF'S DEPARTMENT
Fresno, California

69. CASE NO.

78-39-26

DATE _____

-2-

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

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

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

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

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

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

REPORTING OFFICERS McDaniel	RECORDING OFFICER Same	TYPED BY kj	DATE AND TIME 2-9-78 1400	ROUTED BY
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FRESNO COUNTY SHERIFF'S DEPARTMENT
Fresno, California

69. CASE NO.
78-39-26

DATE _____

-3-

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

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

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

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

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

REPORTING OFFICERS McDaniel	RECORDING OFFICER Same	TYPED BY ki	DATE AND TIME 2-9-78 1410	ROUTED BY
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FRESNO COUNTY SHERIFF'S DEPARTMENT
Fresno, California

69. CASE NO.

78-39-26

-4-

DATE _____

70. CODE SECTION

71. CRIME

72. CLASSIFICATION

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

74. ADDRESS

RESIDENCE

BUSINESS

75. PHONE

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

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

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

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

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

REPORTING OFFICERS

McDaniel

RECORDING OFFICER

Same

TYPED BY

kj

DATE AND TIME

2-9-78 1420

ROUTED BY

FURTHER ACTION

YES
 NO

COPIES TO:

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

REVIEWED BY

136

DATE

FRESNO COUNTY SHERIFF'S DEPARTMENT
Fresno, California

69. CASE NO.

78-39-26

DATE _____

-5-

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

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

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

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

STANKEWITZ, Douglas Ray 5-31-56

LEWIS, Marlin [REDACTED]
[REDACTED] California

MENCHACA, Christina Garcia [REDACTED]
[REDACTED]

TOPPING, Teena Elaine [REDACTED]
[REDACTED] California

BROWN, Billie [REDACTED]
[REDACTED]

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

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

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

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

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

2/8/78, approx 1125 hours, Wednesday

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

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

FORM 3.10

FOLLOW-UP REPORT

CONTINUATION REPORT

Page Number

2

Case No.

73-5610

2/3/73

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

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

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

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

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

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

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

CONTINUATION REPORT

2/9/78

GREVEAL, Theresa

CVC 10251/RECOVERED

(OUT OF TOWN)

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

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

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

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

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

This report will be continued.

CAPT. MOCHALIS
BROWN, L. #189

2/9/78 twd

FOLLOW-UP REPORT

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

- PERSONS ARRESTED:
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 2. LEWIS, Marlin Edwin; IMA-22; DOB [redacted] address [redacted] (in custody; PC 836, PC 187, PC 211, PC 207, CVC 10851).
 3. TOPPING, Teena Elaine; IFA-19; DOB 5/20/58; address [redacted] (in custody; PC 836, PC 187; CVC 10851, PC 211, PC 207).
 4. MENCHACA, Christina Garcia; MEA-25; DOB [redacted] res address [redacted] (in custody; PC 836, PC 187, CVC 10851).

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

2/8/78, approx 1125 hours, Wednesday

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

FOLLOW-UP REPORT

FRESNO POLICE DEPARTMENT
CONTINUATION REPORT

Page Number

2

Case No.

78-5819

2/9/78

~~XXXXXXXX~~, Theresa
GREVEAL

CVC 10851/RECOVERED
(OUT OF TOWN)

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

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

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

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CONTINUATION REPORT



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FRESNO POLICE DEPARTMENT
CONTINUATION REPORT

Page Number

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Case No
78-5819

2/9/78

GREVEAL, Theresa

CVC 10851/RECOVERED
(OUT OF TOWN)

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This report will be continued.

CAPT. MOCKALIS
BROWN, L. #189

2/9/78 twd

CONTINUATION REPORT

226

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

[Inaudible]

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

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

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

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

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

LAMB: C-O-C-K.

ARDAIZ: Alright.

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

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

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

ARDAIZ: And what is the purpose of this?

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

ARDAIZ: Is there a pending Habeas petition?

LAMB: I'm sorry?

ARDAIZ: Is there a pending Habeas petition?

LAMB: I believe so, yes.

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

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

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

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

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

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

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

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

ARDAIZ: Yes, that's correct.

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

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

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

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

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

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

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

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

ARDAIZ: Uh, well, -

LAMB: - in the investigative phase, I guess.

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

LAMB: So you did talk to Billy Brown.

ARDAIZ: Oh, yes. Uh huh.

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

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

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

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

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

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

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

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

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

ARDAIZ: In an, in an interrogation?

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

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

LAMB: Got it.

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

LAMB: Yeah. He was 14, I think.

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

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

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

LAMB: Do you, that thing –

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

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

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

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

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

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

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

LAMB: Yeah, I'm sure.

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

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

ARDAIZ: What, what crime are we talking -?

LAMB: Sorry, the Meras robbery.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

LAMB: Um, -

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

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

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

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

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

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

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

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

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

LAMB: Right to have counsel present?

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

LAMB: Told me, yeah, yeah -

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

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

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

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

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

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

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

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

LAMB: Mm, hmm.

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

LAMB: Mm, hmm, mm hmm.

ARDAIZ: Um, and uh, -

LAMB: [inaudible]

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

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

ARDAIZ: Who?

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

ARDAIZ: Who is Jane Henderson?

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

ARDAIZ: Well, -

LAMB: - the questionnaire [inaudible].

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

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

ARDAIZ: Oh, [inaudible] Spradling?

LAMB: - yeah, giving Billy Brown any alcohol?

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

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

ARDAIZ: I don't recall.

LAMB: Um, -

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

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

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

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

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

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

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

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

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

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

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

LAMB: Marlo, Marlin Lewis.

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

LAMB: What do you mean, his family background?

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

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

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

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

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

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

LAMB: Mm hmm.

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

LAMB: Mm.

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

LAMB: Yeah.

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

LAMB: Yeah.

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

LAMB: Yeah.

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

LAMB: Yeah.

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

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

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

LAMB: [inaudible] interaction?

ARDAIZ: I'm sorry. Again, please?

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

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

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

LAMB: Understandable.

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

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

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

LAMB: Yeah. Yeah. Yeah, yeah.

ARDAIZ: Alright.

LAMB: Alright, hey, thank you so much.

ARDAIZ: You're welcome. Bye.

END OF RECORDING.

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

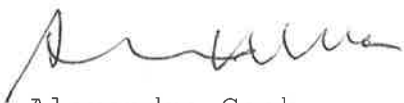
Government Code Section 6253(d) prohibits the use of the 10-day period, or any provisions of the Public Records Act "to delay access for purposes of inspecting public records."

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

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

Thank you for your time.

Very truly yours,



Alexandra Cock

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

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



December 16, 2019

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

Email: Alexandraatty@wealthplusinc.com

RE: FSO PRA 19-153

Dear Alexandra Cock,

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

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

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

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

Dedicated to Protect & Serve

Sincerely,



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

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

Dear. Ms. Cock,

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

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

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

Thank you,

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

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

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

Dear Lt. Devins,

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

Thanks

Alexandra

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

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

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

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

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

Subject: Request for Information-FSO PRA 19-153

Dear Alexandra Cock,

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

1. Any and all training manuals or instructions; policies; protocol; memoranda; bulletins; notices; or procedures, however described, regarding departmental processing, storage, retention of evidence in effect from 1972 – present, including any information related to whether officers mark or initial evidence, by law enforcement agents in the course of their employment.
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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.
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Please be advised SB 978 requires all agencies to conspicuously post all of their current standards, policies, practices, operating procedures and their education and training materials on their website. This information will be located on our webpage at www.fresnosheriff.org after January 1, 2020.

As your request is very broad and the information you are requesting is voluminous, be advised your request will require some time to process, which will exceed 10 days.

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

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

Thank you,

Lt. Frances Devins

Records Unit Commander

ICS Team Commander

Fresno County Sheriff's Office

(559) 600-8030 Office

(559) 488-1899 FAX

Frances.Devins@fresnosheriff.org

December 7, 2019

Fresno Police Department
2323 Mariposa
Fresno, CA 93721

Re: Access to Public Records

TO WHOM IT MAY CONCERN:

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

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

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

by law enforcement agents in the course of their employment.

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

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

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

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

or viewing and copying).

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

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

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

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

Thank you for your time.

Very truly yours,



Alexandra Cock

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

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

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

Ms. Cock,

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

Thank you.

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

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

External Email: Use caution with links and attachments

Hi Kimberly,

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

Thanks

Alexandra

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

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: 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.

TABLE OF MISSING EVIDENCE– STANKEWITZ HABEAS

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

TABLE OF MISSING EVIDENCE– STANKEWITZ HABEAS

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

TABLE OF MISSING EVIDENCE– STANKEWITZ HABEAS

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

TABLE OF MISSING EVIDENCE– STANKEWITZ HABEAS

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

TABLE OF MISSING EVIDENCE– STANKEWITZ HABEAS

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

TABLE OF MISSING EVIDENCE– STANKEWITZ HABEAS

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

TABLE OF MISSING EVIDENCE– STANKEWITZ HABEAS

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

TABLE OF MISSING EVIDENCE– STANKEWITZ HABEAS

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

TABLE OF MISSING EVIDENCE– STANKEWITZ HABEAS

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

TABLE OF MISSING EVIDENCE– STANKEWITZ HABEAS

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

TABLE OF MISSING EVIDENCE– STANKEWITZ HABEAS

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

TABLE OF MISSING EVIDENCE– STANKEWITZ HABEAS

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

TABLE OF MISSING EVIDENCE– STANKEWITZ HABEAS

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

TABLE OF MISSING EVIDENCE– STANKEWITZ HABEAS

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

TABLE OF MISSING EVIDENCE– STANKEWITZ HABEAS

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

TABLE OF MISSING EVIDENCE– STANKEWITZ HABEAS

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

TABLE OF MISSING EVIDENCE– STANKEWITZ HABEAS

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

CERTIFICATE OF DEATH
STATE OF CALIFORNIA

1097 0474

STATE FILE NUMBER			LOCAL REGISTRATION DISTRICT AND CERTIFICATE NUMBER				
1A. NAME OF DECEDENT—FIRST <i>Theresa</i>		1B. MIDDLE <i>Kay</i>	1C. LAST <i>Graybeal</i>		2A. DATE OF DEATH (MONTH, DAY, YEAR) <i>February 9, 1978</i> Found		
3. SEX <i>Female</i>	4. RACE <i>White</i>	5. ETHNICITY <i>American</i>	6. DATE OF BIRTH <i>April 20, 1956</i>	7. AGE <i>21</i> YEARS	IF UNDER 1 YEAR MONTHS	IF UNDER 24 HOURS HOURS MINUTES	
8. BIRTHPLACE OF DECEDENT (STATE OR FOREIGN COUNTRY) <i>California</i>		9. NAME AND BIRTHPLACE OF FATHER <i>Gerald Pawloski — Illinois</i>		10. BIRTH NAME AND BIRTHPLACE OF MOTHER <i>Naomi Moseley — Oklahoma</i>			
11. CITIZEN OF WHAT COUNTRY <i>U.S.A.</i>		12. SOCIAL SECURITY NUMBER <i>563 - 17 - 3016</i>	13. MARITAL STATUS <i>Married</i>		14. NAME OF SURVIVING SPOUSE (IF WIFE, ENTER BIRTH NAME) <i>David Graybeal -</i>		
15. PRIMARY OCCUPATION <i>Cannery worker</i>		16. NUMBER OF YEARS THIS OCCUPATION <i>2</i>	17. EMPLOYER (IF SELF-EMPLOYED, SO STATE) <i>Tri - Valley Cannery</i>		18. KIND OF INDUSTRY OR BUSINESS <i>Food Processing</i>		
19A. USUAL RESIDENCE—STREET ADDRESS (STREET AND NUMBER OR LOCATION) <i>1614 Las Vegas</i>				19B. ZIP CODE <i>98-000</i>	20. NAME AND ADDRESS OF INFORMANT—RELATIONSHIP <i>David Graybeal, Husband</i> <i>1614 Las Vegas</i> <i>Modesto, California</i>		
19C. CITY OR TOWN <i>Modesto</i>		19D. COUNTY <i>Stanislaus</i>		19E. STATE <i>Ca.</i>			
21A. PLACE OF DEATH <i>Street Corner</i>			21B. STREET ADDRESS (STREET AND NUMBER OR LOCATION) <i>10th, and Vine streets</i>				
21C. CITY OR TOWN <i>Calma</i>			21D. COUNTY <i>Fresno</i>				
22. DEATH WAS CAUSED BY: ENTER ONLY ONE CAUSE PER LINE FOR A, B, AND C) IMMEDIATE CAUSE (A) <i>Gunshot wound of the neck</i>						24. WAS DEATH REPORTED TO CORONER? Yes	
CONDITIONS, IF ANY, WHICH GAVE RISE TO THE IMMEDIATE CAUSE, STATING THE UNDERLYING CAUSE LAST							25. WAS BIOPSY PERFORMED? No
23. OTHER CONDITIONS CONTRIBUTING BUT NOT RELATED TO THE IMMEDIATE CAUSE OF DEATH							
27. WAS OPERATION PERFORMED FOR ANY CONDITION IN ITEMS 22 OR 23? OPERATION No DATE							
28A. I CERTIFY THAT DEATH OCCURRED AT THE HOUR, DATE AND PLACE STATED FROM THE CAUSES STATED. I ATTENDED DECEDENT SINCE (ENTER MO. DA. YR.)		28B. PHYSICIAN—SIGNATURE AND DEGREE OR TITLE		28C. DATE SIGNED	28D. PHYSICIAN'S LICENSE NUMBER		
I LAST SAW DECEDENT ALIVE (ENTER MO. DA. YR.)		28E. TYPE PHYSICIAN'S NAME AND ADDRESS					
29. SPECIFY ACCIDENT, SUICIDE, ETC. Homicide		30. PLACE OF INJURY Street	31. INJURY AT WORK No	32A. DATE OF INJURY—MONTH, DAY, YEAR 2-8-78	32B. APPROX. HOUR 2000		
33. LOCATION (STREET AND NUMBER OR LOCATION AND CITY OR TOWN) Southeast corner of 10th & Vine Fresno			34. DESCRIBE HOW INJURY OCCURRED (EVENTS WHICH RESULTED IN INJURY) Shot by another. (.25 Cal. Auto.)				
35A. I CERTIFY THAT DEATH OCCURRED AT THE HOUR, DATE AND PLACE STATED FROM THE CAUSES STATED. AS REQUIRED BY LAW I HAVE HELD AN (INQUEST- INVESTIGATION)			35B. SIGNED BY <i>MARY BIRNBAUM</i> By: <i>Mary Birnbaum</i>		35C. DATE SIGNED 2-13-78		
36. DISPOSITION <i>Burial</i>	37. DATE—MONTH, DAY, YEAR <i>Feb. 14, 1978</i>	38. NAME AND ADDRESS OF CEMETERY OR CREMATORY <i>Ceres Cemetery - Ceres, California</i>			39. ENBALMER'S LICENSE NUMBER 6670		
40. NAME OF FUNERAL DIRECTOR (OR PERSON ACTING AS SUCH) <i>Franklin - Downs Funeral Home</i>			41. LOCAL REGISTRAR—SIGNATURE <i>Linda J. [Signature]</i> by: <i>JD</i>		42. DATE ACCEPTED BY LOCAL REGISTRAR FEB 13 1978		
A.	B.	C.	D.	E.	F. 113		



STATE OF CALIFORNIA

This is to certify that this is a true transcript copy of this document, recorded and/or filed in this office, as provided by law.

Galen Larson, County Recorder, By Deputy

COUNTY OF FRESNO

Dated **7-26-78**

Book **123** Page **113**

[Signature]



CHRISTENSEN - LEAN - DET DIV 78-18 2-10-78

FROM CLET3:

CA030000.PP;SER/146425.
DATA ON AFS FILE.

*STOLEN-CONFIRM WITH ORIGINATING AGENCY.

SER/146425.MAK/TIA.CAL/25.TYP/PA.DOT/060773.FCN/430731581714.
ORI/CA0340400.DCA/7317877.

MIS/6 SHOT.

*DROS

SER/146425.MAK/TIA.CAL/25.TYP/PA.DOT/052673.FCN/475731700759.
NAM/CROW PAT L.ADR/347S SAN JOAQUIN ST.DOB/021936.

ORI/CA0390500.DCA/E512286.

MIS/FIE CORP TITAN E27B.CII/002806089.
END GUN.

SACRAMENTO PD STOLEN 6-7-73, CS#7317377

STOCKTON PD -DEALER REPORT OF SALE TO CROW, PAT L, 347 S. SAN JOAQUIN,
STOCKTON, CS# E512286,

Q-38

MEMPHIS POLICE DEPARTMENT
PROPERTY/EVIDENCE REPORT

Q-38

DATE 2-9-78

CASE NO. 78-5819

VICTIMS NAME MEXICAL, Theresa

OFFICER J. Bonesteel

ADDRESS ZIP

OFFENSE assist FSO-187/10651

PERSONS ARRESTED

ADDRESS

Article	BIN NO.	Date	OK TO RELEASE	Remarks
1 (1) TITAN 25 cal automatic serial number removed # 146425		2-11-78	2-9-78	DR 2178 No. Determined to be 146425
2 (1) W-W 25 cal auto rounds from chamber of weapon				65 to Det. T. Lean FSD
3 (1) magazine with 2 W-W 25 cal auto rounds from weapon		2-10-78		OK to Release all evidence in this case to Det. T. Lean FSD
4 (1) black leather holster for weapon				3-8-78 L.W. Brown #189
5 (1) folding knife and leather sheath "S. and W. Co." w/ one hole 10 3/4" over all length 6" blade				
6 (1) .22 cal gun (empty)				

I AM THE LAWFUL & RIGHTFUL OWNER OF THE PROPERTY DESCRIBED ABOVE
I DO HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT THE FOREGOING INFORMATION IS TRUE AND CORRECT.

NAME ADDRESS DATE
WITNESSED DATE
WAIVER THE UNDERSIGNED RELINQUISH ANY & ALL CLAIM TO THE ABOVE LISTED PROPERTY
NAME ADDRESS DATE
WITNESSED DATE

ORIGINAL RECORDS DIVISION

Q285

FRESNO POLICE DEPARTMENT

Q-38

PROPERTY/EVIDENCE REPORT

DATE 2-9-78

CASE NO. 78-5019

VICTIMS NAME G. LYNNAL, Theresa

OFFICER J. Bonosteel

ADDRESS ZIP

OFFENSE assist FSO-107/10051

PERSONS ARRESTED

ADDRESS ZIP

Article	BIN NO.	Date Out	Taken Out By	Returned	Remarks
9/8. (1) pr. sun glasses w/ red plastic frames	x	2/2/78	x		Court
9/9. (1) pink hair brush					J. W. Bonosteel 3-8-78 681#
9/10. (1) blk hair brush		3/8/78	x	Att. J. FSD	
9/11. (1) envelope addressed to Valente [redacted]					
9/12. (1) red bandana	+	2/3/78	x	Att. J. FSD	Court
9/13. (1) [redacted]		3/8/78	x	Att. J. FSD	
9/14. (1) [redacted]					

I AM THE LAWFUL & RIGHTFUL OWNER OF THE PROPERTY DESCRIBED ABOVE

I DO HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT THE FOREGOING INFORMATION IS TRUE AND CORRECT

NAME ADDRESS DATE

WITNESSED DATE

WAIVER: I THE UNDERSIGNED RELINQUISH ANY & ALL CLAIM TO THE ABOVE LISTED PROPERTY

NAME ADDRESS DATE

WITNESSED DATE

ORIGINAL RECORDS DIVISION

269

Q385

FRESNO POLICE DEPARTMENT PROPERTY/EVIDENCE REPORT

Q 38+39

DATE 2-9-78 CASE NO. 78-5819
VICTIMS NAME GREYNEAL, Theresa OFFICER J. Bonesteel
ADDRESS ZIP OFFENSE a sist F80-167/10051

PERSONS ARRESTED
ADDRESS ZIP

Table with columns: Article, BIN NO., Date Out, Taken Out By, Returned, Remarks. Contains entries for Virginia Slims, Camels, and leather belt with handwritten notes and dates like 3/8/78 and 2/28/78.

OF to Release
J.W. Brown #189
3-8-78

I AM THE LAWFUL & RIGHTFUL OWNER OF THE PROPERTY DESCRIBED ABOVE
I DO HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT THE FOREGOING INFORMATION IS TRUE AND CORRECT.

NAME ADDRESS DATE
WITNESSED DATE
WAIVER: I, THE UNDERSIGNED RELINQUISH ANY & ALL CLAIM TO THE ABOVE LISTED PROPERTY.
NAME ADDRESS DATE
WITNESSED DATE

ORIGINAL RECORDS DIVISION

2485

FRENO POLICE DEPARTMENT

Q38

PROPERTY/EVIDENCE REPORT

DATE 1-9-78

CASE NO. 78-5619

VICTIMS NAME GIMBEAL, Theresa

OFFICER J. Bone teel

ADDRESS _____ ZIP _____

OFFENSE Assist FSO/187/10851

PERSONS ARRESTED _____

ADDRESS _____ ZIP _____

Article	BIN NO.	Date Out	Taken Out By	Returned	Remarks
A/22. (1) pack Camels	Smith Calkie				
A/23. (1) brown leather wallet cont: \$2.00 in \$1.00 bills photo of Michael Hernandez misc papers (no ID)					OK to Release J.W. Brown 3-8-78 189
A/24. (1) brown hair brush					
A/25. (1) white colored women's sweater		3/8/78	Det. T. J. FSD.		
A/26. contents from center console					
A/27. contents from glove box					
A/28. contents from glove box, Berlin					

I AM THE LAWFUL & RIGHTFUL OWNER OF THE PROPERTY DESCRIBED ABOVE

I DO HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT THE FOREGOING INFORMATION IS TRUE AND CORRECT

NAME _____ ADDRESS _____ DATE _____

WITNESSED _____ DATE _____

WAIVER: I, THE UNDERSIGNED RELINQUISH ANY & ALL CLAIM TO THE ABOVE LISTED PROPERTY

NAME _____ ADDRESS _____ DATE _____

WITNESSED _____ DATE _____

ORIGINAL RECORDS DIVISION

271

2565

FRESNO. POLICE DEPARTMENT
PROPERTY/EVIDENCE REPORT

539

DATE 2-9-78 CASE NO. 78-5819
VICTIMS NAME GREYBAL, Theresa OFFICER J. Honsteel
ADDRESS _____ ZIP _____ OFFENSE ASSIST PSC
PC 107/10 10851
PERSONS ARRESTED _____

Article	BIN NO.	Date Out	Taken Out By	Returned	Remarks
N/29. NEUTRON KIT on the hands of STANKWITZ, Douglas	<i>Smith</i>				
N/30. NEUTRON KIT on the hands of POPPING, Teresa		<i>3/8/78</i>	<i>at T.J. P.S.D.</i>		
N/31. NEUTRON KIT on the hands of ...					
4.					
5.					
6.					
7.					

2

J.W. Brown
3-8-78

I AM THE LAWFUL & RIGHTFUL OWNER OF THE PROPERTY DESCRIBED ABOVE
I DO HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT THE FOREGOING INFORMATION IS TRUE AND CORRECT
NAME _____ ADDRESS _____ DATE _____
WITNESSED _____ DATE _____
WAIVER: I, THE UNDERSIGNED RELINQUISH ANY & ALL CLAIM TO THE ABOVE LISTED PROPERTY
NAME _____ ADDRESS _____ DATE _____
WITNESSED _____ DATE _____

ORIGINAL RECORDS DIVISION

**FREED.
POLICE DEPARTMENT**

PROPERTY/EVIDENCE REPORT

74

DATE 2-10-78

CASE NO. 78-5819

VICTIMS NAME GREY REAL, TERESA

OFFICER R. Wells ²⁰⁰ / T. Moore ²⁵⁸

ADDRESS UNK

ZIP _____

OFFENSE PL 187

PERSONS ARRESTED NONE

ADDRESS _____

ZIP _____

Article	BIN NO.	Date Out	Taken Out By	Returned	Remarks
1 ONE TIMEX LADY'S WRIST WATCH, SILVER BAND, RECTANGULAR FACE (WFD)	51	3/8/78	ART. T. J. FSD		OK to 9-16-80 B. Brown R. Moore
2.					
3.					
4.					
5.					
6.					
7.					

I AM THE LAWFUL & RIGHTFUL OWNER OF THE PROPERTY DESCRIBED ABOVE

I DO HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT THE FOREGOING INFORMATION IS TRUE AND CORRECT

NAME _____ ADDRESS _____ DATE _____

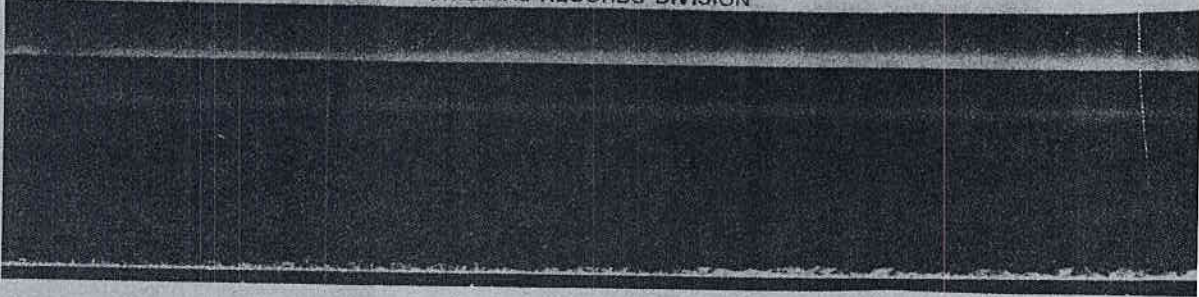
WITNESSED _____ DATE _____

WAIVER I, THE UNDERSIGNED RELINQUISH ANY & ALL CLAIM TO THE ABOVE LISTED PROPERTY

NAME _____ ADDRESS _____ DATE _____

WITNESSED _____ DATE _____

ORIGINAL RECORDS DIVISION



FRESNO
POLICE DEPARTMENT

241

PROPERTY/EVIDENCE REPORT

DATE 2-11-78

CASE NO. 78-5819

VICTIMS NAME GREY BEAL, TERESA

OFFICER WEBB ²⁰⁰ DAVIS ²⁰⁵

ADDRESS _____ ZIP _____

OFFENSE ASST FSO (PC 187)

PERSONS ARRESTED STANKWITZ, DOUGLAS RAYMOND

ADDRESS _____ ZIP _____

Article	BIN NO.	Date Out	Taken Out By	Returned	Remarks
1 ONE HELIXES LADY'S EAR RING SILVER BAND, 21 SEWEL	24	2-28-78	K. J. Snow		To Court FSD 2/28/78
2 ONE MASTER KEY					
3 TWO LAMINATED PAD- LOCK KEYS					
4 ONE HURD LOCK KEY					
5 ONE BEBBS NECKLACE AND MEDALLION.					
6 ONE KEY HOLDER + NAIL BITTER WITH "ALLEN C. HARVE GARAGE, INC" ON FACE					
7 ONE BOTTLE OF STAZ COLOGNE	3/8/78	3/8/78	Det. T. L. FSD.		OK to Release J. W. Brown 3-8-78 189
8 ONE CAPITOL 8 TRACE TAPES LASTING					
9 BOTTLE OF METHAMPHETAMINE					
10 " " ANACIN					
11 ONE RED DECORATIVE STEM WITH RIBBON PRINTED "YOU'RE MY SWEET HEART"					
12 ONE TOPGUISSE LADY'S RING SILVER BAND & 5 1/2 STONES					

I AM THE LAWFUL & RIGHTFUL OWNER OF THE PROPERTY DESCRIBED ABOVE

I DO HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT THE FOREGOING INFORMATION IS TRUE AND CORRECT.

NAME _____ ADDRESS _____ DATE _____

WITNESSED _____ DATE _____

WAIVER: I, THE UNDERSIGNED RELINQUISH ANY & ALL CLAIM TO THE ABOVE LISTED PROPERTY

NAME _____ ADDRESS _____ DATE _____

WITNESSED _____ DATE _____

ORIGINAL RECORDS DIVISION

Marshall, Clements 1-4-80

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

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

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

DETAILS: SYNOPSIS, EVIDENCE OBTAINED & COMMENTS

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

Evidence:

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

Physical:

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

Diagram:

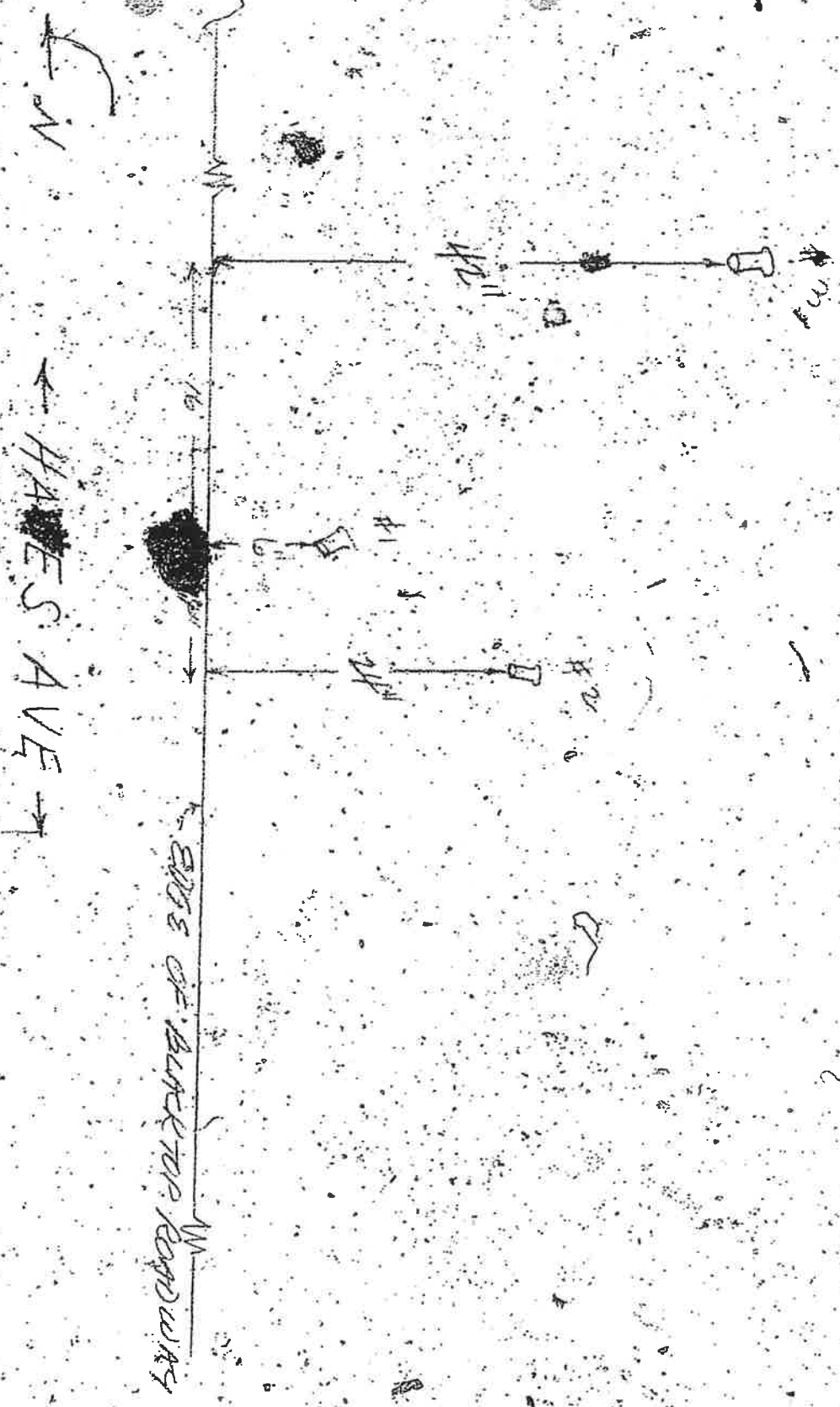
Of the location of the recovery of the above cartridge cases.

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

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

SO-85

Arnold, Clements 1-4-80



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

RELATED TO

GARY BEAL CASE

PC 187

CHRIS KEAN

PROPERTY DESCRIPTION	OUT BY	RET BY	LOCATION
[REDACTED]	<i>2-16-78</i>	<i>2-15-78</i>	<i>Evidence</i>
[REDACTED]			<i>From Conv.</i>
[REDACTED]			<i>Cabinet</i>

Rec'd By: _____ Date: _____

Released By: _____ Date: _____

FRESNO COUNTY SHERIFF'S DEPT. - PROPERTY RECORD

RETAIN + EVALUATE: none

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

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

INSPECTION

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

AUTOPSY

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

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

Examination of Cranial Cavity: The vagina & vulva are not altered. The scalp and skull are intact. The brain and vessels are uniform, but a little subarachnoid hemorrhage is on the base of the cerebellum and on the 1st & 2nd of the cord that is raggedly transected.

Other conditions noted: Gunshot wound of the neck

Specimens for: _____
To: _____
Other Containers: _____

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

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

78-5817

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

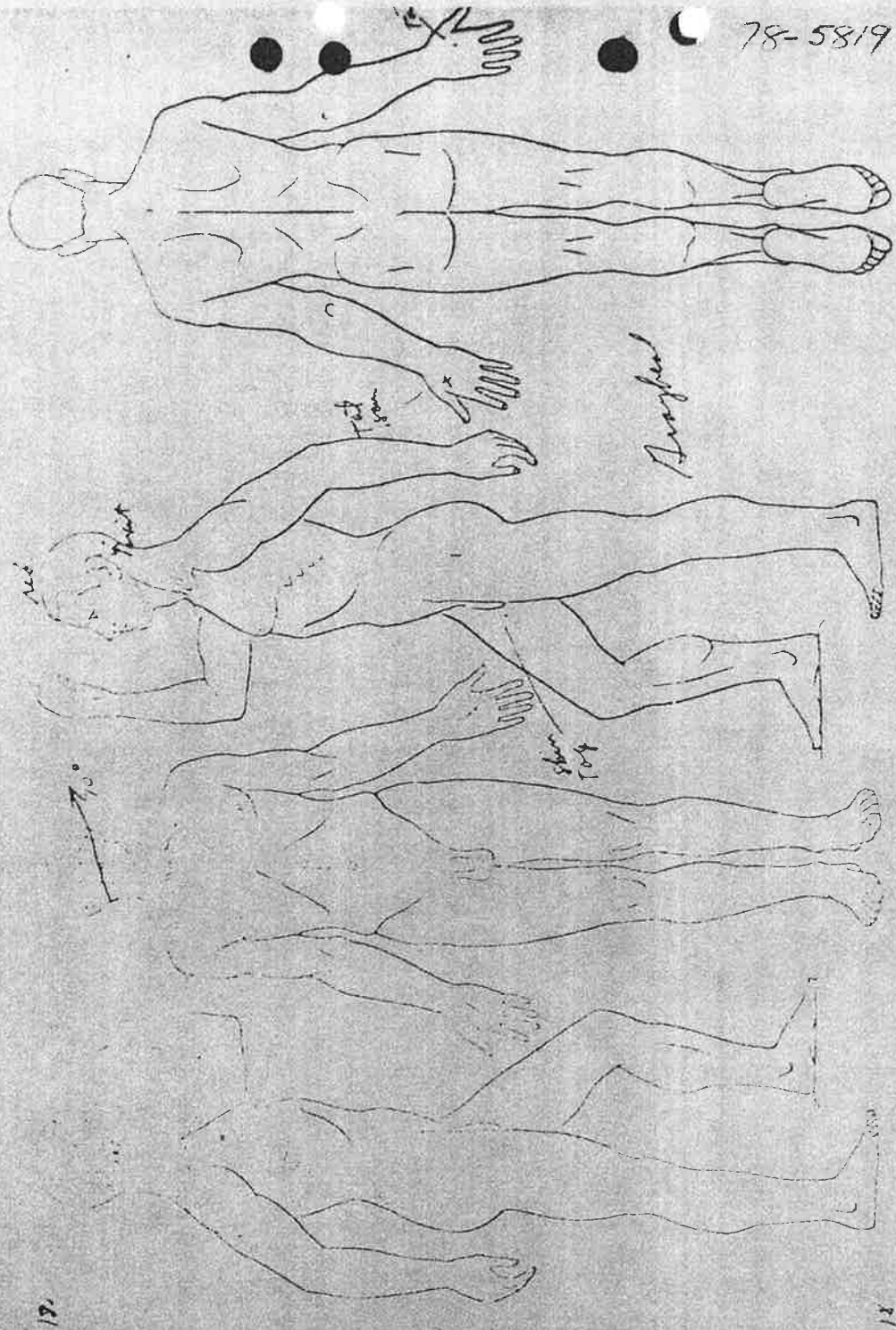
Name: *Theresa Graybeal*

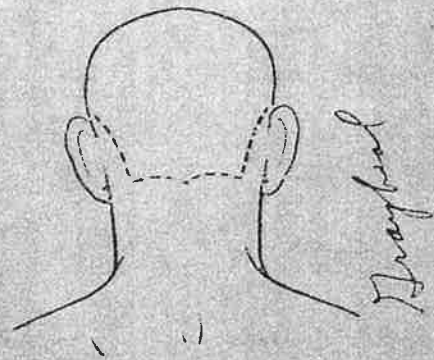
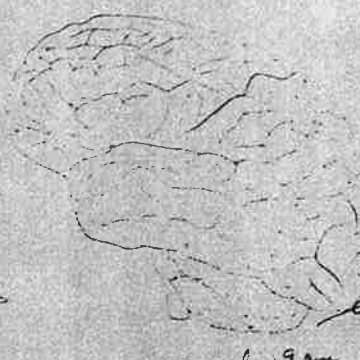
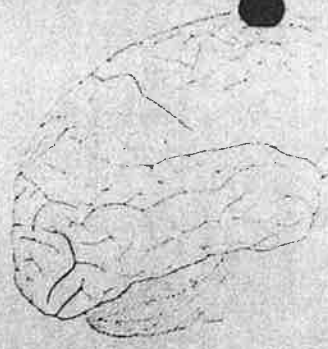
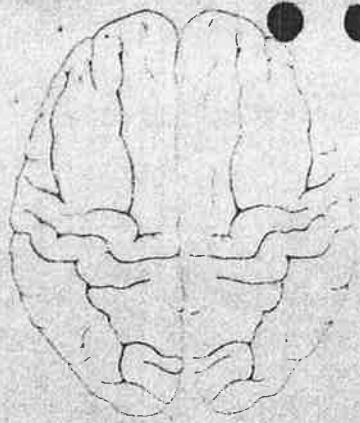
Harold M. Kinney

HAROLD M. KINNEY, Sheriff-Coroner, Fresno County

By _____ Date _____

253





TEST Prostatic Acid Phosphatase

PRECIME

RESULTS

Total Acid Phosphatase = 120 BLU

Tartrate Inhibited "Prostatic"

Acid Phosphatase = 110 BLU

78-5819

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

Attention DA - Jim Arden

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

MISCELLANEOUS

NAME Graybeal, Theresa
DOCTOR Fresno County Coroner
8 18946 np

W. NELSON, M.D.
Director

Med. Tech.

Date Received 2/3/78

Date 2/29/78

NO

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

78-5819-8-79
(TCN)

Oral smears: Negative for sperm. 78-1281

Vaginal smears: Negative for sperm.

Rectal Smears: Negative for sperm.

MISC.

fm Director

P. O. BOX 11866

PATHOLOGICAL & CLINICAL LABORATORY

TELEPHONE 226-3550

FRESNO, CALIF. 93778

file

FRESNO COUNTY SHERIFF'S DEPARTMENT
Fresno, California

69. CASE NO.

78-1809
78-39-26

Follow Up

FPD No. 78-5819

DATE _____

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

RO contacted Det. TOM LEAN at 1840 hours on 2-9-78, on the first floor of Fresno Sheriff's Department Headquarters.

Det. LEAN requested RO transport suspect DOUGLAS STANKEWITZ from the holding facility on Headquarters first floor to Valley Medical Center. Det. LEAN provided RO with a court order signed by Judge ARMANDO RODRIQUES ordering Valley Medical Center (VMC) to take a blood sample from suspect STANKEWITZ.

RO took custody of suspect STANKEWITZ and transported him to VMC. The blood sample was taken in RO's presence by the lab technician at 1920 hours. The technician signed and dated the sample and RO took the sample of blood into custody.

RO watched the technician take the blood sample from suspect STANKEWITZ left arm at the vein in the inner elbow.

RO returned the suspect STANKEWITZ to Fresno Sheriff's Department Headquarters Identification Bureau.

RO personally placed the sealed, signed and dated envelope containing the suspect's blood sample into the Identification Bureau evidence refrigerator.

RO escorted suspect STANKEWITZ to the Breathalyzer Room, where Deputy JACK DUTY of the Identification Bureau took color photographs of the blood sample site on suspect's inner left elbow. The photos were taken at 1945

REPORTING OFFICERS T. Ronlake	RECORDING OFFICER Same	TYPED BY vk	DATE AND TIME 2-10-78 0900	ROUTED BY
----------------------------------	---------------------------	----------------	-------------------------------	-----------

FURTHER ACTION	YES <input type="checkbox"/>	NO <input type="checkbox"/>	COPIES TO:	DETECTIVE <input type="checkbox"/>	CII <input type="checkbox"/>	JUVENILE <input type="checkbox"/>	PATROL <input type="checkbox"/>	<input checked="" type="checkbox"/> DIST. ATTNY.	<input checked="" type="checkbox"/> OTHER	<input type="checkbox"/> SO./P.D.	<input type="checkbox"/> OTHER
Fresno PD											

REVIEWED BY
Lt. Magarian

131

DATE
2-10-78

FRESNO COUNTY SHERIFF'S DEPARTMENT
Fresno, California

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

-2-

DATE _____

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

hours. RO then escorted the suspect to the jail and turned him over to jail personnel at 1950 hours.

REPORTING OFFICERS T. Ronlake	RECORDING OFFICER Same	TYPED BY vk	DATE AND TIME 2-10-78 0901	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 132
			DATE	

1 WILLIAM A. SMITH 35715
District Attorney
2 JAMES A. ARDAIZ 60455
Chief Deputy District Attorney
3 County of Fresno
Room 701 - County Courthouse
4 Fresno, California 93721
5 Telephone: (209) 488-3141
6 ATTORNEY FOR PLAINTIFF
7

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF FRESNO

10 THE PEOPLE OF THE STATE OF)
CALIFORNIA,) MUNICIPAL COURT CASE NO. F-32495
11) DA FILE: 78-1060
Plaintiff,)
12) PEOPLE'S
vs.) MOTION FOR AN ORDER TO
13) DEFENDANTS, DOUGLAS RAY
DOUGLAS RAY STANKEWITZ,) STANKEWITZ, MARLIN E. LEWIS,
14) CHRISTINA G. MENCHACA AND
MARLIN E. LEWIS,) TEENA E. TOPPING, TO SUBMIT
15) BLOOD SAMPLES
TEENA E. TOPPING,)
16)
Defendants.)

17 TO: THE HONORABLE SIMON MAROOTIAN, JUDGE OF THE SUPERIOR
18 COURT OF THE STATE OF CALIFORNIA, IN AND FOR THE
COUNTY OF FRESNO:

19 THE PEOPLE RESPECTFULLY MOVE the above-entitled Court.
20 for an Order to Defendants, DOUGLAS RAY STANKEWITZ, MARLIN E.
21 LEWIS, CHRISTINA G. MENCHACA and TEENA E. TOPPING, to Submit
22 Blood Samples to a representative of the District Attorney's
23 Office of the County of Fresno, State of California.

24 A F F I D A V I T

25 STATE OF CALIFORNIA)
26 COUNTY OF FRESNO) ss.

27 JAMES A. ARDAIZ, being first duly sworn, deposes and
28 says:

COUNTY OF FRESNO
FRESNO, CALIFORNIA

1 That he is a duly qualified and acting Chief Deputy
2 District Attorney of the County of Fresno, State of California;

3 That the above-entitled case against DOUGLAS RAY
4 STANKEWITZ, MARLIN E. LEWIS, CHRISTINA G. MENCHACA and TEENA E.
5 TOPPING, Fresno Municipal Court Case No. F-32495, charges
6 Felony violations of sections 211, 209(b), 211, 209(b),
7 664/187 and 187 of the California Penal Code;

8 That your Affiant has been informed and believes to
9 the best of his knowledge that the circumstances requiring such
10 Orders are as follows:

11 That on FEBRUARY 9, 1978, the above-named Defendants
12 were booked into the Fresno County Jail on the above charges;

13 That on FEBRUARY 8, 1978, the body of one, THERESA
14 GRAYBEAL, was found in the CALWA area of Fresno County with
15 a bullet wound to the head;

16 That on FEBRUARY 27, 1978, the above-named Defendants
17 were Held to Answer on the charge of murdering THERESA GRAYBEAL;

18 That ALLEN BOUDREAU of the Fresno County Sheriff's
19 Office informed your Affiant that what appeared to be blood
20 had been found on the T-Shirt removed from Defendant, DOUGLAS
21 RAY STANKEWITZ. The evidence at the Preliminary Hearing which
22 commenced on FEBRUARY 27, 1978, supported the allegation that
23 DOUGLAS RAY STANKEWITZ personally killed THERESA GRAYBEAL.

24 THEREFORE, a sample of the blood of DOUGLAS RAY
25 STANKEWITZ is necessary to compare to the blood on his T-Shirt
26 and a sample of the blood of the other above-named Defendants,
27 MARLIN E. LEWIS, CHRISTINA G. MENCHACA and TEENA E. TOPPING,
28 is necessary for comparison to the blood on DOUGLAS RAY

1 STANKEWITZ'S T-Shirt.

2 THE PEOPLE THEREFORE MOVE that the Defendants, DOUGLAS
3 RAY STANKEWITZ, MARLIN E. LEWIS, CHRISTINA G. MENCHACA and
4 TEENA E. TOPPING, be ordered to submit Blood Samples to a
5 representative of the District Attorney's Office of the
6 County of Fresno, State of California, for comparison of
7 the blood on DOUGLAS RAY STANKEWITZ'S T-Shirt. Such Blood
8 Samples shall be submitted at an appropriate time and place
9 as determined by the Court.

10
11
12 POINTS AND AUTHORITIES

13 The examination of the bodily characteristics of a
14 Defendant has been held to be not protected from disclosure by
15 any privileges. Specifically, such examinations are not
16 considered violative of the privilege against self-incrimination
17 because they are not testimonial in nature.

18 "The distinction which has emerged,
19 often expressed in different ways,
20 is that the privilege is a bar
21 against compelling 'communications'
22 or 'testimony', but that compulsion
23 which makes a suspect or accused
24 the source of 'real or physical
25 evidence' does not violate it."
26 SCHMERBER V. CALIFORNIA, 384 U.S. 757, 764.

27 WITKIN, in his work on evidence, reports the general
28 rule being that of the UNIFORM RULES OF EVIDENCE, RULE 25(b),
which declares that:

"No person has the privilege to
refuse to submit to examination
for the purposes of discovering

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"or recording his corporal features and other identifying characteristics, or his physical or mental condition." CALIFORNIA EVIDENCE, WITKIN, Section 905, Page 838 (1966).

WITKIN also cites California cases in which the rule has been applied, such as in the cases of: Examinations of a narcotics suspect's arms for puncture wounds, photographs of scars of a body and scrapings from beneath a Defendant's fingernails.

In summary, decisions of the United States Supreme Court, limiting a Defendant's Fifth Amendment Rights to "testimonial" or "communicative" evidence, but allowing use of "real or physical" evidence (such as blood tests, fingerprints and handwriting exemplars) are abundant. UNITED STATES V. MARA (1973), 410 U.S. 19; UNITED STATES V. DIONISIO (1973), 410 U.S. 1; SCHMERBER V. CALIFORNIA (1966), 284 U.S. 757. Furthermore, California Courts have shown no inclination to depart from the Federal interpretation of this self-incrimination prohibition. PEOPLE V. SUDDETH (1966), 65 C2d 543, 546.

For the above reasons, THE PEOPLE RESPECTFULLY REQUEST that the Defendants be ordered to submit Blood Samples for comparison to be made by an appropriate facility and by a qualified person selected by the Court at a time convenient to all parties.

DATED: MARCH 3, 1978, at FRESNO, CALIFORNIA.

WILLIAM A. SMITH
DISTRICT ATTORNEY, IN AND
FOR THE COUNTY OF FRESNO,
STATE OF CALIFORNIA.

Subscribed and sworn to before me this 3rd day of MARCH, 1978.

(SEAL) CHERYLENE V. DRACE

By /s/ JAMES A. ARDAIZ

NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE.

JAMES A. ARDAIZ
CHIEF DEPUTY DISTRICT ATTORNEY

DA FILE: 78-1060

Page 4.

UNTY OF FRESNO
FRESNO, CALIFORNIA

DP 78-1060

Case #: 78-1809

Date: 3-4-78

Page: 17

CITY & ADDRESS:

Suspect: Mercedes Christina Williams

OFFENSE:

Offense: Carrying Firearms

REMARKS:

Remarks: Williams

PROPERTY DESCRIPTION

OUT BY

RET. BY

LOCATION

27 Tubes Containing Sample of Suspect's blood.

Taken from Suspect at U.M.C. 3-4-78 1320 hrs.

W.R.C. FRESNELA, III

Lab-Fris

CITY & ADDRESS:

Released Authorized By:

DATE:

Released By:

Date:

P.C. #

FRESNO COUNTY SHERIFF'S DEPT. - PROPERTY RECORD

69-102

Suspect: D. STANKWITZ City & Address: Fresno County Jail Case #: 78-1809
 Victim: T. Graybeal Offense: PC 187, 207, 211, 10851 Date: 2-10-78
 Officer: Leon Lehnis Remarks: HOLA FOR COURT + LAB Page: 12

PROPERTY DESCRIPTION	OUT BY	RET. BY	LOCATION
(1) PAIR BLK + WHITE TENNIS SHOES	ADD 2-10-78	3/20/78	RB 30C
(2) PAIR CORDOY PANTS			
(3) SET OF BOYER SHORTS			
(4) PAIR SOCKS			
(5) SLEEVELESS WHITE SHIRT			

Rec'd By: _____ City & Address: _____ Release Authorized By: _____
 Date: _____ Lic. # _____ Released By: _____ Date: _____

FRESNO COUNTY SHERIFF'S DEPT. - PROPERTY RECORD

Murder

Suspect: C. MENCHACA City & Address: 3435 E. LIBERTY Case #: 78-1809

Victim: T. GRAYBEAL Offense: PC187, 207, 211, 1085 Date: 2-10-78

Officer: CHRIS LOAN Remarks: HOLD. Page: 12

PROPERTY DESCRIPTION	OUT BY	RET. BY	LOCATION
BAG CONTAINING BRN SHOES			Box #7
RUST COLORED TOP + PANTS			BT.
			Bldg. 348
			W-16

Rec'd By: City & Address: Release Authorized By:

Date: Lic. # Released By: Date:

FRESNO COUNTY SHERIFF'S DEPT. - PROPERTY RECORD

Murphy

Case #: 78-1809

City & Address: 2722 W PINOACLE

Suspect: T. Toppin

Date: 2-10-78

Offense: PC 187.207, 211.1085 ^{CR}

Victim: T. Gaby Bear

Page: 12

Remarks: Used for court

Officer: Loan Jenkins

LOCATION

RET. BY

OUT BY

PROPERTY DESCRIPTION

BOX # 7

Blue jeans

Box 348

Pink Top

B.T.

Blue sandals

LO ~~78~~

16

Release Authorized By:

City & Address:

Rec'd By:

Date:

Released By:

Lic. #

Date:

FRESNO COUNTY SHERIFF'S DEPT. - PROPERTY RECORD