

Murder

Suspect: M. Lewis
 City & Address: 1410 F St Sacramento Case #: 78-1809
 Victim: T. Gray Beal
 Offense: PC 187, 207, 211, 10851 Date: 2-10-78
 Officer: Lea / chin
 Remarks: Held for Court. Page: 12

PROPERTY DESCRIPTION	OUT BY	RET. BY	LOCATION
(1) WHITE Sockey SHORTS			BOX # 7
(1) Blue jeans			Bag 348
(1) Blue + Red lg. Sleeve SHIRT			W-16
(1) WHITE Socks - tan + yellow STRIPES			
(1) Blue SACKET, WITH INDOOR PATCH ON X Sabalopa	ADP 7-23-78		
(1) BROWN LEATHER TENNIS SHOES			B.T.

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

FRESNO COUNTY SHERIFF'S DEPT. - PROPERTY RECORD

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 TON 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

Suspect: T. Toppinb

City & Address: 2722 W PINOACLE

Case #: 78-1809

Victim: T. Gaby Bear

Offense: PC 187.207, 211.1085 ^{CR}

Date: 2-10-78

Officer: Loan Jenkins

Remarks: Used for court

Page: 12

PROPERTY DESCRIPTION	OUT BY	RET. BY	LOCATION
Blue jeans			BOX # 7
Pink Top			Box 348
Blue Sandals			B.T.
			W- 348 16

Rec'd By: _____ Lic. # _____

Date: _____ Released By: _____

City & Address: _____ Release Authorized By: _____

Date: _____

FRESNO COUNTY SHERIFF'S DEPT. - PROPERTY RECORD

SUPPLEMENTAL DECLARATION OF CHRIS COLEMAN

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

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

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



9. The shoes and shirt of Marlin Lewis:



10. The sweatshirt of Christina Mencha:



11. The shirt and jeans of Douglas Stankewitz:



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



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



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



Chris Coleman,
Senior Forensic Scientist
Forensic Analytical Crime Laboratory

PROPERTY & EVIDENCE RECORD

Victim: GRAYBEAL, AHERESA	City & Address:	Case #: 78-1809
Suspect: STANKWITZ, DOUG	Offense: PC 187	Date: 8-18-82
Officer: PROPERTY CLERK	Remarks: VTL CARD OR TAG	Page: 1364 388
PROPERTY DESCRIPTION		LOCATION
CAR SEAT PAD, BLUE		PH
		Box 77
		1076
I hereby declare, under penalty of perjury, that I am the rightful owner of the above items and acknowledge receipt thereof.		
Released To:	Address:	
Date Released:	Dr. Lic.	City, State:
Authorized By:	Released By:	

FRESNO COUNTY SHERIFF'S DEPARTMENT

SO-153

Superior Court of the County of Fresno

EXHIBIT RECORD

Action No. 227015-5

Dept. No. 9

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

Clerk Anthony Garcia
vs. Douglas Ray Stankewitz
Defendant

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

Salvatore Scandraglio Dep. PD
Defendant's Attorney

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

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

* MARKED FOR IDENTIFICATION ONLY. Circled in Evidence

Superior Court of the County of Fresno

Dept. No. 9

EXHIBIT RECORD

Action No. 227015-5

Judge R. L. Martine

Clerk Anthony Lucia

The People of the State of California
Plaintiff

vs. Douglas Ray Stankewitz
Defendant

James Ardain, D.A.
Plaintiff's Attorney

Salvatore Sciandra, P.D.
Defendant's Attorney

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

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

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Superior Court of the County of Fresno

Dept. No. 9

EXHIBIT RECORD

Action No. 227015

Judge R. L. Martin Clerk Anthony Lauria

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

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

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

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

* MARKED FOR IDENTIFICATION ONLY. Circled in Evidence

Superior Court of the County of Fresno

Dept. No. 9

EXHIBIT RECORD

Action No. 227015

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

Clerk Anthony Loucia
vs. Douglas Ray Stankewitz
Defendant

James Ardary, Dep DA
Plaintiff's Attorney

Salvatore Scindra, Dep PD
Defendant's Attorney

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

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

* MARKED FOR IDENTIFICATION ONLY.

Circled in Evidence

Superior Court of the County of Fresno

Dept. No. 9

EXHIBIT RECORD

Action No. 227015

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

Clerk Anthony Lucia
Douglas Ray Stastewitz
vs.
Defendant

James Anderson D. D. A
Plaintiff's Attorney

Salvatore Secidra
Defendant's Attorney

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

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

* MARKED FOR IDENTIFICATION ONLY. Circled in Evidence

Superior Court of the County of Fresno

Dept. No. 9

EXHIBIT RECORD

Action No. 227015-3

Judge R. L. MARTIN

Clerk Anthony Lucia

The People of State of California
Plaintiff

Douglas Ray Stankewitz
vs.
Defendant

James Arday
Plaintiff's Attorney

Salvatore Scianda
Defendant's Attorney

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

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

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

* MARKED FOR IDENTIFICATION ONLY. Circled photo Evidence

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

CC: Coroner

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

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

Vehicle stored in FSO basement.

PHOTOS:

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

PHYSICAL:

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

DECLARATION-OF BILLY BROWN

I, Billy Brown, declare as follow:

1. On February 7, 1978, I was returning to Fresno from Sacramento in a car with the following passengers: Doug Stankewitz, Marian Stankewitz, Roger Stankewitz, Jerry Calzaldo [sic], Teena Topping, and Marlin Lewis.

2. We were questioned by Manteca police officers when we stopped in Manteca at a convenience store to buy motor oil. We were all taken to the police station and questioned about who owned the car. The officers released us but kept the car.

3. During our questioning, the police took a gun from Marian Stankewitz but returned it to her when we left the station. I only saw the gun that one time, when it was returned to Marian Stankewitz.

4. After spending the night at the Manteca bus station waiting for a bus, Doug Stankewitz, Teena Topping, Marlin Lewis and I decided to hitch-hike to Fresno. We were able to get a ride to Modesto, but we could not get a ride after that. At that point, we decided to get car.

5. I stood near a telephone booth which was at the front of the K-MART store. While I stood by the telephone booth, the victim [Teresa Greybeal] came out of the K-Mart. Next, I heard a horn honking and Teena Topping yelling to me to get into the car.

6. As I got into the back seat of the car, I saw

Marlin Lewis, who was also in the back seat, with his arm around the victim's throat and a knife in his hand to the victim's throat. The victim was seated in the middle of the front seat. Doug Stankewitz was seated in the front passenger seat and I did not see him with a gun. Teena Topping was the driver of the car.

7. We drove to Fresno to the Chinatown area. At some point, we picked up Christina Menchaca at a bar. We then went to 10th and Vine Streets in Fresno to pick up drugs. After Christina got out of the car and went to a house nearby, Doug Stankewitz, Marlin Lewis and I got out of the car. As I was just getting out of the car, Teena Topping called me back into the car where she was still behind the wheel. When I slid into the front seat onto the console, I heard a gun shot. I looked to the right and saw Doug Stankewitz and Marlin Lewis coming toward the car. Teresa Greybeal was already on the ground.

7. I did not at any time see Doug Stankewitz holding a gun. I did not see who pulled the trigger.

8. When everybody was in the car, Marlin Lewis said "could we have dropped her or could we have dropped her." I never heard Doug say anything about "dropping her." Rather, it was Lewis who said that. Doug Stankewitz said "let's go." At that point, we left the area.

9. After they dropped me off at my house, I told my mother about the shooting and she called the police.

10. I was told by the district attorney, James

Ardaiz, that ~~if~~ I did not testify, they would charge me with homicide. I was "pressured up the ass." Three to four weeks before the trial, I was "schooled" by the district attorney regarding my testimony.

11. I remember going to Ardaiz's office on weekends so that he could go over my testimony. I was always being taken out of juvenile hall by Ardaiz or one of the detectives to go over my testimony. If I did not say what they wanted, they would threaten me with homicide charges.

12. The district attorney promised me a new identity and they said they were going to move me out of Fresno with my mother. My mother was aware of these promises.

13. Prior to me testifying, Detective Jim Spralding [sic] gave me a mickey of Thunderbird wine to relax my nerves. Ardaiz knew that he gave me the wine because he told me to go brush my teeth because I smelled of alcohol.

14. I was usually "buzzed" on the stand.

16. At one point, I testified to a fact the way I thought it was, but the district attorney pulled me off the stand and told me "no this is the way it happened." I went back and testified to that fact.

17. The district attorney said I would be in contempt of court and my immunity would be lifted if I did not attend the second trial.

18. I was not approached by Hugh Goodwin, Doug

Stankewitz's attorney. He never interviewed me.

I have given this four page statement of my own free will, without promise of reward or threat of coercion of any kind. It was read to me and I had the opportunity to revise it. I swear under penalty of perjury that this Declaration is entirely true.

Executed this 20 day of sept 1993, at
Fresno, CA.

Bill Brown

Billy Brown

I Received

This document

MEMORANDUMS

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

FROM : DAVID V. SCHIAVON
D. SCHIAVON INVESTIGATION

DATE : NOVEMBER 9, 2015

SUBJECT: DOUG STANKEWITZ

RE : INTERVIEW WITH MICHAEL HAMETT

MICHAEL LEE HAMETT, D.O.B. 9/27/1953
(559) 374-9120
CDL #X7722505

This date met Michael Lee Hamett in the parking lot of the Carniceria Y Taqueria located on the Northeast corner of Belmont and Van Ness Avenues.

Michael is currently living on the street(s) with a female friend, Sara Parfitt, (559) 320-5282.

Michael confirmed that he had been in custody at the Fresno County Jail in 1978/79.

Michael stated he was in custody for armed robbery, "Robbing A Dope Connection."

Michael was asked if he could recall the following person(s) who might have also been in custody during his stay at the Fresno County Jail.

Frank Richardson: Did not recall name

Troy Jones: Vaguely recalled name

Frank Photopolas aka The Greek: Confirmed knowing and being in custody with Photopolas in 1978/79

Michael stated, "He's Dead Now."

Doug Stankewitz: Michael stated Stankewitz was "My Cellie," "Me And Him Shared Cell."

When asked if he could recall back in 1978/79 if he was contacted by the Fresno County District Attorney's Office or Law Enforcement regarding his cell mate D. Stankewitz's Case, Michael related that he was called down to an interview/bond room where he met with a Male, Fresno County Deputy District Attorney.

Michael said that he was told by the Deputy DA that any information he had and shared concerning Stankewitz's case, any information he provided would be taken into consideration in his case.

Michael stated that the Deputy DA asked him if he and Stankewitz had talked about his case.

Michael advised he told the Deputy DA that he was not a "Rat" and denied talking to Stankewitz about his case.

Michael could not recall the Deputy DA's name.

When the Deputy DA's name was provided to Michael, he stated, "Could Have Been."

Michael indicated he and the Deputy DA were the only person(s) in the interview/bond room.

Michael confirmed Stankewitz's case involved a homicide.

Michael mentioned some folks living on the streets in Pinedale, (Blackstone North of Minarets), will know where to locate him if there is a need to re contact him.

DAVID V. SCHIAVON, #PI 13508.

MEMORANDUMS

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

FROM : DAVID V. SCHIAVON
D. SCHIAVON INVESTIGATION

DATE : JANUARY 5, 2016

SUBJECT: DOUG STANKEWITZ

RE : VIDEO INTERVIEW WITH MICHAEL LEE HAMETT

MICHAEL LEE HAMETT, D.O.B. 9/27/1953
CA ID #X7722505
TRANSIENT
(559) 444-6661

This date located witness Hamett on the corner of Belmont and College Avenues in the City of Fresno, California.

Witness Hamett agreed to meet later this date for a video interview.

Witness Hamett indicated due to the rain he was staying at Apartments located at 611 N. Van Ness.

Witness Hamett picked up and transported to Wanger, Jones, Helsley PC.

Met with Marc Sanchez-Corea (MSC Media) interview with Witness Hamett videoed.

MSC Media will forward flash drive of interview to Attorney P. Jones and my office.

Refer to video for substance of interview.

DAVID V. SCHIAVON, #PI 13508.

Affidavit of Michael Lee Hamett, D.O.B. 09/27/1953

I, Michael Lee Hamett, declare under penalty of perjury in the State of California that;

On January 5, 2016, I was interviewed by Private Investigator David V. Schiavon.

The Interview took place at the Law Office(s) of Wanger, Jones, Helsley PC.

The Interview was video recorded.

I answered all questions asked by Private Investigator David V. Schiavon truthfully.

I was offered no form of compensation for participating in the interview.

Signed: _____ **COPY** _____ Dated: _____

Witness: _____ Dated: _____

MERAS MEMO

Subject: Valente Cordero aka Jesus Meras
Case: Douglas Stankewitz
Date: March 17, 2020
Age: 81
Occupation: retired farm worker
Residence: Fresno County
Contact: 831-325-3793
Relation to defendant: alleged robbery victim
Connection to case: Witness at trial

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

IN-PERSON INTERVIEW CONDUCTED MARCH 15, 2020:

Note: This is not a verbatim transcription of the audio interview I recorded, but in most cases conveys the conversation, which I translated from Spanish to English.

Translation:

Jonah Lamb: We are in Fresno, California on March 15, 2020 with Jesus Meras for an interview. How old are you?

Jesus Meras: 81

Jonah Lamb: In the past, what did you do for work?

Jesus Meras: What did I do for work? I worked here with another name.

Jonah Lamb: What was your other name?

Jesus Meras: Jesus Meras. My name is Valente Cordero.

Jonah Lamb: Where are you from?

Jesus Meras: A little town named Rio Verde in San Luis Potosi.

Jonah Lamb : In the center of Mexico?

Jesus Meras: It is near Tamaulipas.

Jonah Lamb: Do you remember the case around 1978 when a person with a pistol tried to rob you for a check and other things?

Jesus Meras: I remember.

Jonah Lamb: How many people did this?

Jesus Meras: There was one woman and two men.

Jonah Lamb: What ethnicity were they?

Jesus Meras: I think Mexicans. One spoke Spanish.

Jonah Lamb: Which spoke Spanish?

Jesus Meras: I think it was the woman, maybe named Christina. I don't recall.

Jonah Lamb: When they met you, were they on foot or in a car?

Jesus Meras: Me. I was in a cantina here, about two streets from here; about two miles.

Jonah Lamb: What were you doing at that moment?

Jesus Meras: I was with a few female friends listening to music and I was watching.

Jonah Lamb: after that what did you do?

Jesus Meras: I left with them. Then the three others, they came up in a car and one guy had a pistol.

Jonah Lamb: Did someone have a knife?

Jesus Meras: A knife [Meras motioned to his throat].

Jonah Lamb: Did one of them put a knife to your throat?

Jesus Meras: [affirmative without speaking] They took my boots, my belt, a check and some money.

Jonah Lamb: Did they use the pistol against you?

Jesus Meras: They didn't use it against me, but after they got into the car they fired some shots.

Jonah Lamb: To look more dangerous?

Jesus Meras: They fired shots at the ground.

Jonah Lamb: After this incident do recall a police officer talking to you?

Jesus Meras: That day, no. But another day I spoke with my boss about the check going missing and he reported the incident.

Jonah Lamb: Did you then speak with a police officer?

Jesus Meras: Yes. I don't know how long after but I went to court afterward involving another case.

Jonah Lamb: Did you go and speak in court on this case?

Jesus Meras: In the court.

Jonah Lamb: Do you recall the name of the lawyer in this case?

Jesus Meras: No I don't remember.

Jonah Lamb: James Ardaiz?

Jesus Meras: I don't know. Some men came to my house but I don't recall. One had dark hair.

Jonah Lamb: In 1978 were you a citizen?

Jesus Meras: I was illegal

Jonah Lamb : You are legal now?

Jesus Meras: I am legal.

Jonah Lamb: Do you remember when you got your papers?

Jesus Meras: The 80s, the father of Bush. Reagan, yes.

Jonah Lamb : did you receive help or aid, regarding papers, for your part in the case, for testifying?

Jesus Meras: I didn't need help. My bosses helped get my papers.

Jonah Lamb: So you didn't get any help for testifying.

Jesus Meras: They did not help me.

Jonah Lamb: Do you remember the year you were robbed?

Jesus Meras: I remember but not exactly; '75 or '76.

Jonah Lamb: So it was not 78?

Jesus Meras: No, no. I was in court then.

Jonah Lamb: So the incident happened in '74 '75 '76?

Jesus Meras: More or less. I don't recall. '75 or '76.

Jonah Lamb: Have you ever been in court before this case?

Jesus Meras: In jail?

Jonah Lamb: Yes

Jesus Meras: For a day or two, no more.

Jonah Lamb: For what?

Jesus Meras: I drank too much.

Jonah Lamb: Me too

Jesus Meras: But I went in and then left. It was in Fresno. I paid some money and left.

Jonah Lamb: Were there any police you had dealt with before the robbery that were involved in the court case?

Jesus Meras: No.

END



OFFICE OF
THE DISTRICT ATTORNEY

COUNTY OF FRESNO

WILLIAM A. SMITH
DISTRICT ATTORNEY

BRINTON N. BOWLES
ASSISTANT DISTRICT ATTORNEY
STEPHEN R. HENRY
ASSISTANT DISTRICT ATTORNEY

COUNTY COURTHOUSE
1100 VAN NESS AVENUE
FRESNO, CALIFORNIA 93721
PHONE: (209) 498-3141

May 1, 1978

Salvatore Sciandra
Deputy Public Defender
County of Fresno
Courthouse, 4th Floor
Fresno, CA 93721

SUBJECT: PEOPLE V. DOUGLAS STANKEWITZ

Dear Sir:

Enclosed you will find a copy of a report concerning an interview with Billy Brown. You are also advised of the existence of a tape of Frank Richardson concerning Douglas Stankewitz. This tape will be available for your listening pleasure, however, there is nothing on the tape that concerns anyone other than Mr. Stankewitz.

Sincerely,

WILLIAM A. SMITH
DISTRICT ATTORNEY

BY 
JAMES I. ARDAIZ
Chief Deputy District Attorney

WAS:JIA:td

Enclosure

FILED
APR 27 1978

FILED
APR 27 1978

FILED

APR 26 1978

SUPERIOR COURT OF CALIFORNIA, COUNTY OF FRESNO

FRESNO COUNTY CLERK

Anthony Chacon
CLERK

THE PEOPLE OF THE STATE
OF CALIFORNIA,

Vs.

FRANK DELNO RICHARDSON

Defendant(s).

CASE NUMBERS:

Superior Court

Municipal Court

District Attorney

~~228638~~ #9

F-33289

78-2236

INFORMATION

COUNT ONE

The District Attorney of the County of Fresno hereby accuses
FRANK DELNO RICHARDSON of committing the following crime at and in
the County of Fresno, State of California:

VIOLATION OF SECTION 11352(a) OF THE HEALTH AND SAFETY
CODE, a felony. The said defendant, on or about March 24, 1978,
did sell and furnish a controlled substance, to wit: Heroin.

COUNT TWO

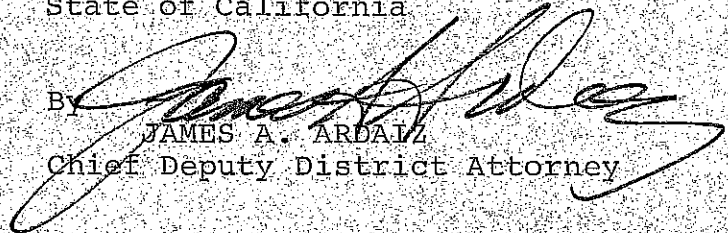
And the said FRANK DELNO RICHARDSON is further accused
by the District Attorney of the County of Fresno by this Second
Count of this Information of committing the following crime at
and in the County of Fresno, State of California:

VIOLATION OF SECTIONS 242/243 OF THE PENAL CODE, a misdemeanor,
pursuant to Penal Code Section 17(b) 4. The said defendant,
on or about March 24, 1978, did willfully and unlawfully use
force and violence upon the person of G. Quisenberry, a peace
officer, then and there engaged in the performance of his duties

1 and the said defendant then and there knowing and reasonably
2 should have known that said peace officer was then and there
3 engaged in the performance of his duties.

4 And all of the acts of the said FRANK DELNO RICHARDSON
5 described in the First and Second Counts of this Information
6 constitute different offenses of the same class of crimes and
7 offenses and/or were connected together in their commission.
8

9 WILLIAM A. SMITH
10 District Attorney for
11 the County of Fresno,
12 State of California

13 BY 
14 JAMES A. ARDATZ
15 Chief Deputy District Attorney
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FILED

APR 26 1978

FRESNO COUNTY CLERK
TONY CHACON

SUPERIOR COURT OF CALIFORNIA, COUNTY OF FRESNO

DEPUTY

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THE PEOPLE OF THE STATE
OF CALIFORNIA,

Vs.

FRANK DELNO RICHARDSON

Defendant(s).

CASE NUMBERS:

Superior Court

Municipal Court

District Attorney

~~228638-3~~

F-33289

78-2236

INFORMATION

COUNT ONE

The District Attorney of the County of Fresno hereby accuses
FRANK DELNO RICHARDSON of committing the following crime at and in
the County of Fresno, State of California:

VIOLATION OF SECTION 11362(a) OF THE HEALTH AND SAFETY
CODE, a felony. The said defendant, on or about March 24, 1978,
did sell and furnish a controlled substance, to wit: Heroin.

COUNT TWO

And the said FRANK DELNO RICHARDSON is further accused
by the District Attorney of the County of Fresno by this Second
Count of this Information of committing the following crime at
and in the County of Fresno, State of California:

VIOLATION OF SECTIONS 242/243 OF THE PENAL CODE, a misdemeanor
pursuant to Penal Code Section 17(b) 4. The said defendant,
on or about March 24, 1978, did willfully and unlawfully use
force and violence upon the person of G. Quisenberry, a peace
officer, then and there engaged in the performance of his duties

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and the said defendant then and there knowing and reasonably should have known that said peace officer was then and there engaged in the performance of his duties.

And all of the acts of the said FRANK DELNO RICHARDSON described in the First and Second Counts of this Information constitute different offenses of the same class of crimes and offenses and/or were connected together in their commission.

WILLIAM A. SMITH
District Attorney for
the County of Fresno,
State of California

By JAMES A. ARDAIZ
Chief Deputy District Attorney

It appearing to me that the offense(s) in the within complaint mentioned, to-wit:

Violation of section 11352(a) of the Health and Safety Code

has ~~(has)~~ been committed; and that there is sufficient cause to believe the within-named defendant(s), to-wit:

Francis Dolan Richardson

guilty thereof, I ORDER that he be held to answer to the same. (872 PC)

OR

AFTER WAIVER OF PRELIMINARY HEARING (860)

The defendant(s), to-wit:

FILED

APR 27 1978

APR 26 1978

FRESNO COUNTY CLERK

Tony Mason
DEPUTY

having appeared in person and with counsel, and having waived a preliminary examination, with the District Attorney of Fresno County and the Magistrate having consented thereto, I HEREBY ORDER that the within named defendant(s) be held to answer to the offense(s) of

OR

CERTIFICATION AFTER GUILTY PLEA TO FELONY (859a PC)

The defendant(s), to-wit:

having appeared in person and with counsel enter a plea of guilty to the following felony offense(s) with agreement by the People:

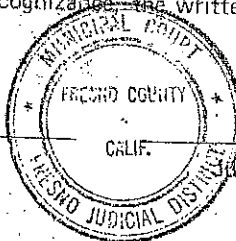
Defendant(s) is ~~(are)~~ cited to appear in the Superior Court, in and for the County of Fresno, State of California, on Thursday the 27th day of April, 1978 at 9:30 A.M., in Department No. 7

IT IS FURTHER ORDERED that the defendant(s) be:

- () Committed to the Sheriff of the County of Fresno, State of California, said offense(s) not being bailable. (873 PC).
- () Admitted to bail in the sum of \$ 15,000⁰⁰, and is ~~(are)~~ committed to the custody of the Sheriff of Fresno County, State of California until he give(s) said bail. (875-PC).
- () Released on bail heretofore posted in the amount of \$ _____
- () Released on _____ own recognizance, the written promise(s) to appear having been filed pursuant to Section 1318.4 PC.

Dated:

April 26, 1978



[Signature]
Judge of County of Fresno, State of California

Counsel Appearing:

Rep. De. James Ordiz
Atty. Steve James

for people of the State of Calif.
for defendant Richardson

228638-3

IN THE MUNICIPAL COURT OF THE FRESNO JUDICIAL DISTRICT
OF THE COUNTY OF FRESNO, STATE OF CALIFORNIA

THE PEOPLE OF THE STATE OF CALIFORNIA,)
Plaintiff,)
vs.)
FRANK DELNO RICHARDSON)
and JOE FRANCIS POLAND,)
Defendant(s).)

COMPLAINT - CRIMINAL

Case No. 0000299 F 33289
D.A. No. 78-2236

Personally appeared before me on March 28 19 78
R. MAGILL of FRESNO COUNTY SHERIFF'S OFFICE
in the County of Fresno, who first being duly sworn, complains and accuses
FRANK DELNO RICHARDSON
and JOE FRANCIS POLAND

of committing the following crime(s) at and in the said County of Fresno, State of California:

COUNT ONE

VIOLATION OF SECTION 11352(a) OF THE HEALTH AND SAFETY CODE, a felony. The said defendants, FRANK DELNO RICHARDSON and JOE FRANCIS POLAND, on or about March 24, 1978, did willfully and unlawfully sell and furnish a controlled substance, to wit: Heroin.

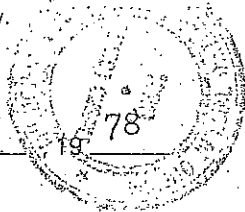
COUNT TWO

VIOLATION OF SECTION 242/243 OF THE PENAL CODE, a felony. The said defendant, FRANK DELNO RICHARDSON, on or about March 24, 1978, did willfully and unlawfully use force and violence upon the person of G. QUISENBERRY, a peace officer, then and there engaged in the performance of his duties and the said defendant then and there knowing and reasonably should have known that said peace officer was then and there engaged in the performance of his duties.

All of which is contrary to the form, force, and effect of the Statute in such case made and provided, and against the peace and dignity of the people of the State of California.

Said complainant therefore prays that a warrant may be issued for the arrest of the said defendant(s), and that the defendant(s) may be dealt with according to law.

Subscribed and sworn to before me on
March 28



R. Magill
Complainant

Attest: EVERETT H. LONGSTAFF, Clerk ARMANDO O. RODRIGUEZ
Page 1818

Deputy

Judge of the Municipal Court

SUPERIOR COURT OF CALIFORNIA, COUNTY OF FRESNO

FILMED

Date: Aug. 23, 1978	Dept. No.: SIX	Court met at: 8:45 o'clock A.M.	Hon.: SIMON MAROOTIAN Judge
Balliff: J. FERNANDEZ	Reporter: C. BRUCATO	Deputy Clerk: PATRICIA R. STARKS	

Plaintiff: THE PEOPLE OF THE STATE OF CALIFORNIA, <input type="checkbox"/> Not appearing	Counsel: James Ardaiz, Deputy District Attorney <input type="checkbox"/> Not appearing <input type="checkbox"/> Pro Per
--	--

Defendant: FRANK DELNO RICHARDSON, <input type="checkbox"/> Not appearing	Counsel: Gene Gomes, Attorney at Law <input type="checkbox"/> Not appearing <input type="checkbox"/> Pro Per
---	---

Nature of Proceedings: CRIMINAL HEARING	CASE NUMBER: 228638-9
--	--------------------------

The District Attorney by his deputy, James Ardaiz and the defendant with his counsel, Gene Gomes, Attorney at Law come into open Court, said matter having been put on calendar on the Court own motion; Jeff Dobbs, Deputy Probation Officer present in Court.

The Court advises the defendant of his legal and statutory rights re sentencing within 28 days; the defendant orally and in open Court states he understands and waives said rights.

The Court fixes the time for sentencing as October 16, 1978 at 9:30 o'clock A.M., Department 10; the defendant is ordered to appear in the Probation Office any time he is contacted to do so for a report and recommendation to be made.

The Defendant is allowed to remain at liberty on his own recognizance.

*The word "plaintiff" includes cross-complainant and petitioner and "defendant" includes cross-defendant and respondent.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF FRESNO
1100 VAN NESS AVENUE
P.O. BOX 1628
FRESNO, CALIFORNIA 93717

For Court Use Only:

FILED

AUG 30 1978

FRESNO COUNTY CLERK

By: Joody Jones
CLERK DEPUTY

FILMED
AUG 31 1978

Plaintiff: THE PEOPLE OF THE STATE OF CALIFORNIA,

Defendant: Frank O. Richardson

RECEIPT FOR CRIMINAL RECORDS

CASE NUMBER: 2A 8638-3

1. Date received: 5/5/78 (See footnote * below)

2. Received (Document and number of copies):
- a. Reporter's transcript of preliminary proceedings: _____
 - b. Reporter's transcript of grand jury proceedings: _____
 - c. Reporter's transcript of other proceedings (Specify: _____)
 - d. Other (Specify: _____)

3. Receipt of a copy of the above mentioned document is hereby acknowledged:

Date: 5-8-78 District Attorney, By [Signature]

Date: 5-10-78 Public Defender, By _____

Attorney for (Name): _____

Date: _____ By _____

Attorney for (Name): _____

Date: _____ By _____

Attorney for (Name): _____

Date: _____ By _____

Attorney for (Name): _____

Date: _____ By _____

Attorney for (Name): _____

*The total number of documents, the original and all copies, must be entered in Item No. 2 above. Each person receiving a copy of the document must sign the receipt portion at Item No. 3 and indicate representation when required. The original of the document must be filed and retained in the case file.

FILMED
DEC 6 1978

NAME AND ADDRESS OF ATTORNEY: GENE M. GOMES, 053619 GOMES, GOMES, FISKE & BERMAN Suite 400, Helm Building Fresno, California 93721 ATTORNEY FOR: Defendant FRANK DELNO RICHARDSON		TELEPHONE NO.: (209) 264-6548	For Court Use Only: FILED DEC 5 1978 FRESNO COUNTY CLERK <i>R. Seipen</i> DEPUTY CLK 3012.00 E08-70 R02-75
SUPERIOR COURT OF CALIFORNIA, COUNTY OF FRESNO 1100 Van Ness Avenue, P.O. Box 1628 Fresno, California 93717			
PLAINTIFF: THE PEOPLE OF THE STATE OF CALIFORNIA			
DEFENDANT: FRANK DELNO RICHARDSON			
APPLICATION AND ORDER FOR PAYMENT OF ATTORNEY'S FEES			Case Number: 228638-3

1. I am an attorney at law duly admitted to practice in the State of California. I have not received compensation in this matter and according to my information and belief the person I represented has not had since the date of my appointment and does not now have any money or property with which to pay my fees or expenses which are claimed in this application. I hereby make application for payment of fees as follows (See footnote * below before completing):
- a. Appointed to represent (Name): FRANK DELNO RICHARDSON
 - b. Appointed on (Date): 4-27-78
 - c. Legal services terminated on or about (Date): 10-16-78
 - d. Attorney's fees claimed (Amount): \$ 1,000.00
 - e. Expense fees claimed (Amount): \$ -0-
 - f. Total Amount claimed: \$ 1,000.00
 - g. Legal services performed (Specify):

See Attachment.

h. Expenses paid out for (Specify): None.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration is executed on (Date): 11-9-78, at (Place): Fresno, California.

GENE M. GOMES
(Type or print name)

(Signature of applicant)

(Continued on reverse side)

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

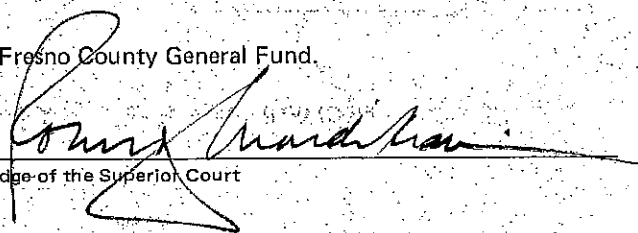
ORDER

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

- a. Attorney's fees (Amount): \$ 1000.00
- b. Expense fees (Amount): \$
- c. Total fees (Amount): \$ 1000.00

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

Dated: Dec 4, 1978



Judge of the Superior Court

PEOPLE vs. FRANK DELNO RICHARDSON
Case No. 228638-3

Application and Order for Payment of Attorney's Fees (Continued)

g. Legal services performed (Specify):

I was appointed to represent the defendant in Superior Court for purposes of entering a plea of guilty and staying sentencing under a bargain with the District Attorney's Office to insure the defendant's cooperation as a material witness in the Stankewitz case. Pursuant to the bargain, I remained involved actively with both the defendant's case as well as the Stankewitz case and the case of the defendant's co-defendant. This required approximately 50 hours, during a period of six months, including eight (8) court appearances, approximately 50 telephone calls, both at home and at my office, and 15 consultations, both in my office, at the Courthouse and/or jail. The charges against the defendant were ultimately dismissed under the bargain.

I respectfully invite the Court to contact Chief Deputy District Attorney James Ardaiz who can substantiate the efforts on my part, to some degree.

Respectfully submitted,

GENE M. GOMES

GMG:tu

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FILED

APR 26 1978



FRESNO COUNTY CLERK

By Simon Marootian DEPUTY

SIMON MAROOTIAN

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IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF FRESNO

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

vs.

FRANK RICHARDSON

Defendant.

No. 228638-3

Dept. 6

AGREEMENT ON RELEASE
(Sec. 1318.4 P.C.)

In consideration of being released on my own
recognizance, I hereby agree as follows:

a. I will appear in this Court at all times and
places ordered by the Court, or any other Court before whom
the charge against me shall hereafter be pending.

b. I hereby waive extradition, if, after failure to
appear in accordance with paragraph "a" above, I should be
apprehended outside of the State of California.

c. I agree that any Court of competent jurisdiction
may revoke the order of release and return me to custody, or
require that I give bail or other assurance of my appearance
before the Court as required by the Court.

Dated 4-27-78

Frank D. Richardson
Defendant

2939 W. Barton
Address

251-1526 5016
Telephone

COUNTY OF FRESNO
FRESNO, CALIFORNIA

* MUST MEET CONDITIONS ON RELEASE

1. MUST REPORT TO PROBATION OFFICE
2. STAY IN CONSTANT CONTACT W/ ATTORNEY
4. MAKE ALL APPEARANCES AS ORDERED.
5. APPEAR AT MORRIS HEARING ON MAY, 1ST

4/27/78 - *crk Delano Ric Nelson*

ARRAIGNMENT:

Delivered information

J. Jones appointed counsel

Read-waived reading of information: X

Advised-waived statement of rights: X

Plea: *Guilty to Cts 142*

Priors:

Trial set for

R.P.O. set for 6/30/78 @ 9:30 AM #6

Bond set at

~~Remanded~~

OR referred to P.O. rept. due 6/21/78. *Deft. w/uncle*
at. Peos request. Deft. released O.R. + ordered to appear
for Monday Aug. 3/1/78. Deft to rept to P.O. stay in
contact w/att'y, mkr all appearances as ordered.

7/30/78 - Contd to 7/6/78 @ 9:30 AM. *OR #10*

7/6/78 - defense requests cont. *deft w/uncle*
contd to 8/17/78 @ 9:30 AM for RPO + judgment. *OR #10*

Aug. 23, 1978 - *Prim Reg. RPO July 10-16-78 @ 9:30 A.M. #10.*
Deft to appear at PO as direct by Counsel for PO. ROR

10/16

SUPERIOR COURT OF CALIFORNIA, COUNTY OF FRESNO **FILMED**

10/16/78 10 9:30 A.M. HON: R. Mardikian OCT 20 1978

DATE: 10/16/78 DEPT. NO. 10 COURT MET AT: 9:30 A.M. HON: R. Mardikian JUDGE
BAILIFF R. Peylouret REPORTER C. Osborne DEPUTY CLERK P. Starks

PEOPLE OF THE STATE OF CALIFORNIA vs. Frank Delano Richardson DEFENDANT
COUNSEL FOR PEOPLE G. Borre DEPUTY/ASSISTANT DISTRICT ATTORNEY R. Berman COUNSEL FOR DEFENDANT

[] ARRAIGNMENT ACTION NUMBER 228638-9
[] CERTIFICATION UNDER SECTION 859A P.C. [X] R. P. O. & JUDGMENT
[] REVOCATION/MODIFICATION PROBATION

[X] FELONY TO WIT: 11352a H&S 1, 242/243 PC 2 MISD.
[] MISDEMEANOR

PEOPLE REPRESENTED AS ABOVE, AND DEFENDANT PRESENT WITH COUNSEL.

DEFENDANT NOT APPEARING AS ORDERED.
COPY OF INFORMATION IS PROVIDED TO DEFENDANT/COUNSEL FOR DEFENDANT.
COURT APPOINTS PUBLIC DEFENDER _____ TO REPRESENT DEFENDANT.
COURT INFORMS DEFENDANT OF LEGAL RIGHTS.
COURT IS ADVISED BY COUNSEL AND DEFENDANT THAT DEFENDANT HAS BEEN FULLY ADVISED OF LEGAL RIGHTS AND WAIVES FURTHER STATEMENT THEREOF BY COURT.
DEFENDANT STATES TRUE NAME AS SHOWN, DEFENDANT STATES TRUE NAME _____
READING OF INFORMATION IS WAIVED.
INFORMATION IS READ.
DEFENDANT IS ARRAIGNED.
DEFENDANT MOVES TO SET ASIDE INFORMATION UNDER SECTION 995 P.C.
DEFENDANT WITHDRAWS PLEA OF _____
DEFENDANT PLEADS GUILTY AS CHARGED IN COUNT(S) _____
DEFENDANT PLEADS NOT GUILTY AS TO COUNT(S) _____
DEFENDANT PLEADS GUILTY OF THE LESSER INCLUDED OFFENSE OF _____
DEFENDANT PLEADS NOT GUILTY AND NOT GUILTY BY REASON OF INSANITY.
PEOPLE MOVE TO DISMISS COUNT(S) _____ AND THE MOTION IS BY COURT GRANTED/TAKEN UNDER ADVISEMENT.
DEFENDANT ADMITS PRIOR CONVICTIONS OF FELONY _____
DEFENDANT DENIES PRIOR CONVICTIONS OF FELONY _____
COURT FIXES DEGREE OF THE OFFENSE AS _____
PROCEEDINGS ARE/HAVE BEEN HERETOFORE ADJOURNED FOR THE PURPOSE OF DETERMINING WHETHER OR NOT DEFENDANT IS:
COURT APPOINTS DRs. _____ TO EXAMINE THE DEFENDANT AND REPORT WHETHER OR NOT DEFENDANT _____
MEDICAL REPORTS TO BE FILED BY _____

THE MATTER IS SUBMITTED ON THE SEPARATE WRITTEN MEDICAL REPORTS OF THE DOCTORS HERETOFORE APPOINTED AND THE COURT FINDS SAID PERSON IS/IS NOT _____
MEDICAL REPORTS ARE RECEIVED INTO EVIDENCE AND MARKED AS _____ EXHIBITS
CRIMINAL PROCEEDINGS REINSTATED.
DEFENDANT WAIVES STATUTORY TIME FOR _____
REFERRED TO PROBATION OFFICER FOR PRE-SENTENCE INVESTIGATION AND REPORT. RETURNABLE _____ 19____
DEFENDANT NOT ACCEPTED BY CALIFORNIA YOUTH AUTHORITY.

REPORT/CHRONO MEMO OF THE PROBATION OFFICER IS RECEIVED AND CONSIDERED.
DEFENDANT IS ARRAIGNED/WAIVES ARRAIGNMENT FOR PRONOUNCEMENT OF JUDGMENT.
DEFENDANT STATES THERE IS NO LEGAL CAUSE WHY JUDGMENT SHOULD NOT BE PRONOUNCED.

IT IS ORDERED:
PROBATION IS DENIED/REVOKED/REINSTATED.
PROBATION IS MODIFIED

DEFENDANT IS SENTENCED TO STATE PRISON FOR THE TERM PRESCRIBED BY LAW.
DEFENDANT IS COMMITTED TO THE CALIFORNIA YOUTH AUTHORITY FOR THE TERM PRESCRIBED BY LAW.
DEFENDANT IS COMMITTED TO _____
EXECUTION OF SENTENCE IS STAYED.
SENTENCES SHALL BE SERVED IN RESPECT TO ONE ANOTHER AS FOLLOWS: _____
AND IN RESPECT TO ANY PRIOR INCOMPLETED SENTENCE(S) AS FOLLOWS: _____
CRIMINAL PROCEEDINGS ARE ADJOURNED AND DEFENDANT IS REFERRED FOR ACCEPTANCE FOR A 90-DAY PERIOD OF DIAGNOSTIC EVALUATION AND REPORT, PURSUANT TO SECTION 1203.03 P.C.
BENCH WARRANT ISSUED FOR ARREST OF DEFENDANT.
BENCH WARRANT ISSUED _____ IS RECALLED.

TRIAL CONFIRMATION IS SET FOR _____ HEARING ON 995 MOTION IS SET FOR _____
CASE IS SET FOR TRIAL ON _____ HEARING ON DOCTORS' REPORTS IS SET FOR _____
DEFENDANT IS REMANDED BACK TO _____ FOR FURTHER HEARING ON _____ R. P. O. & JUDGMENT IS SET FOR _____
DEFENDANT IS REMANDED TO THE CUSTODY OF THE SHERIFF.
DEFENDANT IS PERMITTED TO REMAIN AT LIBERTY _____ ON OWN RECOGNIZANCE _____ ON BAIL HERETOFORE POSTED.
BAIL IS FIXED IN THE AMOUNT OF \$ _____ PLUS 25% PENALTY ASSESSMENT OF ANY BOND POSTED.
BAIL BOND NO. _____ IN THE AMOUNT OF \$ _____ IS FORFEITED/EXONERATED.

THE SHERIFF OF FRESNO COUNTY IS HEREBY ORDERED TO DELIVER THE DEFENDANT TO CALIFORNIA MEDICAL FACILITY AT VACAVILLE, CALIFORNIA; CALIFORNIA INSTITUTION FOR WOMEN AT FRONTERA, CALIFORNIA; A PLACE AND TIME AS DIRECTED BY THE CALIFORNIA YOUTH AUTHORITY.
Peoples motion to dismiss is granted by the Court.
5028

SUPERIOR COURT OF CALIFORNIA, COUNTY OF FRESNO

DATE 7/6/78 DEPT. NO. 10 COURT MET AT 9:30 A.M. HON: R. Mardikian JUDGE
R. Peylauret BAILLIFF J. Wesley REPORTER A. Kahl DEPUTY CLERK FILMED

PEOPLE OF THE STATE OF CALIFORNIA vs. Frank Delano Richardson DEFENDANT
COUNSEL FOR PEOPLE G. Borre DEPUTY/ASSISTANT DISTRICT ATTORNEY G. Gomez COUNSEL FOR DEFENDANT

JUL 10 1978

ARRAIGNMENT ACTION NUMBER 228638-9
CERTIFICATION UNDER SECTION 859A P.C. [X] R. P. O. & JUDGMENT
[] REVOCATION/MODIFICATION PROBATION.

[X] FELONY TO WIT: 11352a H&S 1, 242/243 PC 2 MISD.
[] MISDEMEANOR

PEOPLE REPRESENTED AS ABOVE, AND DEFENDANT PRESENT WITH COUNSEL.

DEFENDANT NOT APPEARING AS ORDERED.
COPY OF INFORMATION IS PROVIDED TO DEFENDANT/COUNSEL FOR DEFENDANT.
COURT APPOINTS PUBLIC DEFENDER _____ TO REPRESENT DEFENDANT.
COURT INFORMS DEFENDANT OF LEGAL RIGHTS.
COURT IS ADVISED BY COUNSEL AND DEFENDANT THAT DEFENDANT HAS BEEN FULLY ADVISED OF LEGAL RIGHTS AND WAIVES FURTHER STATEMENT THEREOF BY COURT.
DEFENDANT STATES TRUE NAME AS SHOWN.
DEFENDANT STATES TRUE NAME _____
READING OF INFORMATION IS WAIVED.
INFORMATION IS READ.
DEFENDANT IS ARRAIGNED.
DEFENDANT MOVES TO SET ASIDE INFORMATION UNDER SECTION 995 P.C.
DEFENDANT WITHDRAWS PLEA OF _____
DEFENDANT PLEADS GUILTY AS CHARGED IN COUNT(S) _____
DEFENDANT PLEADS NOT GUILTY AS TO COUNT(S) _____
DEFENDANT PLEADS GUILTY OF THE LESSER INCLUDED OFFENSE OF _____
DEFENDANT PLEADS NOT GUILTY AND NOT GUILTY BY REASON OF INSANITY.
PEOPLE MOVE TO DISMISS COUNT(S) _____ AND THE MOTION IS BY COURT GRANTED/TAKEN UNDER ADVISEMENT.
DEFENDANT ADMITS PRIOR CONVICTIONS OF FELONY _____
DEFENDANT DENIES PRIOR CONVICTIONS OF FELONY _____
COURT FIXES DEGREE OF THE OFFENSE AS _____
PROCEEDINGS ARE/HAVE BEEN HERETOFORE ADJOURNED FOR THE PURPOSE OF DETERMINING WHETHER OR NOT DEFENDANT IS:
COURT APPOINTS DRs. _____ TO EXAMINE THE DEFENDANT AND REPORT WHETHER OR NOT DEFENDANT _____
MEDICAL REPORTS TO BE FILED BY _____

THE MATTER IS SUBMITTED ON THE SEPARATE WRITTEN MEDICAL REPORTS OF THE DOCTORS HERETOFORE APPOINTED AND THE COURT FINDS SAID PERSON IS/IS NOT _____
MEDICAL REPORTS ARE RECEIVED INTO EVIDENCE AND MARKED AS _____ EXHIBITS
CRIMINAL PROCEEDINGS REINSTATED.
[X] DEFENDANT WAIVES SCHEDULED TIME [X]
REFERRED TO PROBATION OFFICER FOR PRE-SENTENCE INVESTIGATION AND REPORT. RETURNABLE: _____ 19____
DEFENDANT NOT ACCEPTED BY CALIFORNIA YOUTH AUTHORITY.

REPORT/CHRONO MEMO OF THE PROBATION OFFICER IS RECEIVED AND CONSIDERED.
DEFENDANT IS ARRAIGNED/WAIVES ARRAIGNMENT FOR PRONOUNCEMENT OF JUDGMENT.
DEFENDANT STATES THERE IS NO LEGAL CAUSE WHY JUDGMENT SHOULD NOT BE PRONOUNCED.

IT IS ORDERED:
PROBATION IS DENIED/REVOKED/REINSTATED.
PROBATION IS MODIFIED.

DEFENDANT IS SENTENCED TO STATE PRISON FOR THE TERM PRESCRIBED BY LAW.
DEFENDANT IS COMMITTED TO THE CALIFORNIA YOUTH AUTHORITY FOR THE TERM PRESCRIBED BY LAW.
DEFENDANT IS COMMITTED TO _____
EXECUTION OF SENTENCE IS STAYED.
SENTENCES SHALL BE SERVED IN RESPECT TO ONE ANOTHER AS FOLLOWS: _____
AND IN RESPECT TO ANY PRIOR INCOMPLETED SENTENCE(S) AS FOLLOWS: _____
CRIMINAL PROCEEDINGS ARE ADJOURNED AND DEFENDANT IS REFERRED FOR ACCEPTANCE FOR A 90-DAY PERIOD OF DIAGNOSTIC EVALUATION AND REPORT, PURSUANT TO SECTION 1203.03 P.C.
BENCH WARRANT ISSUED FOR ARREST OF DEFENDANT.
BENCH WARRANT ISSUED _____ IS RECALLED.

TRIAL CONFIRMATION IS SET FOR _____ HEARING ON 995 MOTION IS SET FOR _____
CASE IS SET FOR TRIAL ON _____ HEARING ON DOCTORS' REPORTS IS SET FOR _____
R. P. O. & JUDGMENT IS SET FOR _____
DEFENDANT IS REMANDED BACK TO _____ FOR FURTHER HEARING ON _____
DEFENDANT IS REMANDED TO THE CUSTODY OF THE SHERIFF.

[X] DEFENDANT IS PERMITTED TO REMAIN AT LIBERTY [X] ON OWN RECOGNIZANCE. _____ ON BAIL HERETOFORE POSTED.
BAIL IS FIXED IN THE AMOUNT OF \$ _____ PLUS 25% PENALTY ASSESSMENT OF ANY BOND POSTED.
BAIL BOND No. _____ IN THE AMOUNT OF \$ _____ IS FORFEITED/EXONERATED.
THE SHERIFF OF FRESNO COUNTY IS HEREBY ORDERED TO DELIVER THE DEFENDANT TO _____

CALIFORNIA MEDICAL FACILITY AT VACAVILLE, CALIFORNIA.
CALIFORNIA INSTITUTION FOR WOMEN AT FRONTERA, CALIFORNIA.
A PLACE AND TIME AS DIRECTED BY THE CALIFORNIA YOUTH AUTHORITY.
XX Defense requests continuance, continued to 8/1/78 @ 9:30 A.M. for REO.
Page 1828

SUPERIOR COURT OF CALIFORNIA, COUNTY OF FRESNO

FILMED

DATE 7/3/78 DEPT. NO. 10 COURT MET AT 9:30 A.M. HON: R. Mardikian JUL 7 1978 JUDGE R. Peylauret J. Wesley R. Keith

PEOPLE OF THE STATE OF CALIFORNIA vs. Frank Delno Richardson DEFENDANT W. Robinson DEPUTY/ASSISTANT DISTRICT ATTORNEY G. Gomes V. Papadakis appearing COUNSEL FOR DEFENDANT

ARRAIGNMENT ACTION NUMBER 228638-3 CERTIFICATION UNDER SECTION 859A P.C. [X] R. P. O. & JUDGMENT REVOCATION/MODIFICATION PROBATION

FELONY TO WIT: 11352(a) H&S 1, 242/243 PC 2 MISD. MISDEMEANOR

PEOPLE REPRESENTED AS ABOVE, AND DEFENDANT PRESENT WITH COUNSEL.

DEFENDANT NOT APPEARING AS ORDERED. COPY OF INFORMATION IS PROVIDED TO DEFENDANT/COUNSEL FOR DEFENDANT. COURT APPOINTS PUBLIC DEFENDER TO REPRESENT DEFENDANT. COURT INFORMS DEFENDANT OF LEGAL RIGHTS. COURT IS ADVISED BY COUNSEL AND DEFENDANT THAT DEFENDANT HAS BEEN FULLY ADVISED OF LEGAL RIGHTS AND WAIVES FURTHER STATEMENT THEREOF BY COURT. DEFENDANT STATES TRUE NAME AS SHOWN. DEFENDANT STATES TRUE NAME. READING OF INFORMATION IS WAIVED. INFORMATION IS READ. DEFENDANT IS ARRAIGNED. DEFENDANT MOVES TO SET ASIDE INFORMATION UNDER SECTION 995 P.C. DEFENDANT WITHDRAWS PLEA OF DEFENDANT PLEADS GUILTY AS CHARGED IN COUNT(S) DEFENDANT PLEADS NOT GUILTY AS TO COUNT(S) DEFENDANT PLEADS GUILTY OF THE LESSER INCLUDED OFFENSE OF DEFENDANT PLEADS NOT GUILTY AND NOT GUILTY BY REASON OF INSANITY. PEOPLE MOVE TO DISMISS COUNT(S) AND THE MOTION IS BY COURT GRANTED/TAKEN UNDER ADVISEMENT. DEFENDANT ADMITS PRIOR CONVICTIONS OF FELONY DEFENDANT DENIES PRIOR CONVICTIONS OF FELONY COURT FIXES DEGREE OF THE OFFENSE AS PROCEEDINGS ARE/HAVE BEEN HERETOFORE ADJOURNED FOR THE PURPOSE OF DETERMINING WHETHER OR NOT DEFENDANT IS: COURT APPOINTS DRs. TO EXAMINE THE DEFENDANT AND REPORT WHETHER OR NOT DEFENDANT MEDICAL REPORTS TO BE FILED BY

THE MATTER IS SUBMITTED ON THE SEPARATE WRITTEN MEDICAL REPORTS OF THE DOCTORS HERETOFORE APPOINTED AND THE COURT FINDS SAID PERSON IS/IS NOT MEDICAL REPORTS ARE RECEIVED INTO EVIDENCE AND MARKED AS EXHIBITS CRIMINAL PROCEEDINGS REINSTATED. DEFENDANT WAIVES STATUTORY TIME FOR REFERRED TO PROBATION OFFICER FOR PRE-SENTENCE INVESTIGATION AND REPORT. RETURNABLE 19 DEFENDANT NOT ACCEPTED BY CALIFORNIA YOUTH AUTHORITY. REPORT/CHRONO MEMO OF THE PROBATION OFFICER IS RECEIVED AND CONSIDERED. DEFENDANT IS ARRAIGNED/WAIVES ARRAIGNMENT FOR PRONOUNCEMENT OF JUDGMENT. DEFENDANT STATES THERE IS NO LEGAL CAUSE WHY JUDGMENT SHOULD NOT BE PRONOUNCED.

IT IS ORDERED: PROBATION IS DENIED/REVOKED/REINSTATED. PROBATION IS MODIFIED DEFENDANT IS SENTENCED TO STATE PRISON FOR THE TERM PRESCRIBED BY LAW. DEFENDANT IS COMMITTED TO THE CALIFORNIA YOUTH AUTHORITY FOR THE TERM PRESCRIBED BY LAW. DEFENDANT IS COMMITTED TO EXECUTION OF SENTENCE IS STAYED SENTENCES SHALL BE SERVED IN RESPECT TO ONE ANOTHER AS FOLLOWS: AND IN RESPECT TO ANY PRIOR INCOMPLETED SENTENCE(S) AS FOLLOWS: CRIMINAL PROCEEDINGS ARE ADJOURNED AND DEFENDANT IS REFERRED FOR ACCEPTANCE FOR A 90-DAY PERIOD OF DIAGNOSTIC EVALUATION AND REPORT, PURSUANT TO SECTION 1203.03 P.C. BENCH WARRANT ISSUED FOR ARREST OF DEFENDANT. BENCH WARRANT ISSUED IS RECALLED.

TRIAL CONFIRMATION IS SET FOR CASE IS SET FOR TRIAL ON DEFENDANT IS REMANDED BACK TO FOR FURTHER HEARING ON DEFENDANT IS REMANDED TO THE CUSTODY OF THE SHERIFF. DEFENDANT IS PERMITTED TO REMAIN AT LIBERTY ON OWN RECOGNIZANCE ON BAIL HERETOFORE POSTED. BAIL IS FIXED IN THE AMOUNT OF \$ PLUS 25% PENALTY ASSESSMENT OF ANY BOND POSTED. BAIL BOND No. IN THE AMOUNT OF \$ IS FORFEITED/EXONERATED.

THE SHERIFF OF FRESNO COUNTY IS HEREBY ORDERED TO DELIVER THE DEFENDANT TO CALIFORNIA MEDICAL FACILITY AT VACAVILLE, CALIFORNIA. CALIFORNIA INSTITUTION FOR WOMEN AT FRONTERA, CALIFORNIA. A PLACE AND TIME AS DIRECTED BY THE CALIFORNIA YOUTH AUTHORITY. X Continued to 7/6/78 @ 9:30 A.M. Petition for Writ of Habeas Corpus - EXHIBITS Page 1829 5020

SUPERIOR COURT OF CALIFORNIA, COUNTY OF FRESNO FILMED

6/30/78

10

9:30 A.M.

HON: R. Mardikian 7 1978

DATE DEPT. NO. COURT MET AT: JUDGE
D. Morrell J. Wesley R. Keith
SAILIFF REPORTER DEPUTY CLERK

PEOPLE OF THE STATE OF CALIFORNIA
VS.

Frank Delno Richarson

DEFENDANT

COUNSEL FOR PEOPLE
W. Robinson
DEPUTY/ASSISTANT DISTRICT ATTORNEY
G. Gomes

COUNSEL FOR DEFENDANT

[] ARRAIGNMENT ACTION NUMBER 228638-3
[] CERTIFICATION UNDER SECTION 859A P.C. [x] R. P. O. & JUDGMENT
[] [] REVOCATION/MODIFICATION PROBATION
[x] FELONY TO WIT: 11352(a) H&S 1, 242/243 PC 2 MISD.
[] MISDEMEANOR

PEOPLE REPRESENTED AS ABOVE, AND DEFENDANT PRESENT WITH COUNSEL.

DEFENDANT NOT APPEARING AS ORDERED.
COPY OF INFORMATION IS PROVIDED TO DEFENDANT/COUNSEL FOR DEFENDANT.
COURT APPOINTS PUBLIC DEFENDER _____ TO REPRESENT DEFENDANT.
COURT INFORMS DEFENDANT OF LEGAL RIGHTS.
COURT IS ADVISED BY COUNSEL AND DEFENDANT THAT DEFENDANT HAS BEEN FULLY ADVISED OF LEGAL RIGHTS AND WAIVES FURTHER STATEMENT THEREOF BY COURT.
DEFENDANT STATES TRUE NAME AS SHOWN.
DEFENDANT STATES TRUE NAME _____
READING OF INFORMATION IS WAIVED.
INFORMATION IS READ.
DEFENDANT IS ARRAIGNED.
DEFENDANT MOVES TO SET ASIDE INFORMATION UNDER SECTION 995 P.C.
DEFENDANT WITHDRAWS PLEA OF _____
DEFENDANT PLEADS GUILTY AS CHARGED IN COUNT(S) _____
DEFENDANT PLEADS NOT GUILTY AS TO COUNT(S) _____
DEFENDANT PLEADS GUILTY OF THE LESSER INCLUDED OFFENSE OF _____
DEFENDANT PLEADS NOT GUILTY AND NOT GUILTY BY REASON OF INSANITY.
PEOPLE MOVE TO DISMISS COUNT(S) _____ AND THE MOTION IS BY COURT GRANTED/TAKEN UNDER ADVISEMENT.
DEFENDANT ADMITS PRIOR CONVICTIONS OF FELONY _____
DEFENDANT DENIES PRIOR CONVICTIONS OF FELONY _____
COURT FIXES DEGREE OF THE OFFENSE AS _____
PROCEEDINGS ARE/HAVE BEEN HERETOFORE ADJOURNED FOR THE PURPOSE OF DETERMINING WHETHER OR NOT DEFENDANT IS:
COURT APPOINTS DRs. _____ TO EXAMINE THE DEFENDANT AND REPORT WHETHER OR NOT DEFENDANT _____
MEDICAL REPORTS TO BE FILED BY _____

THE MATTER IS SUBMITTED ON THE SEPARATE WRITTEN MEDICAL REPORTS OF THE DOCTORS HERETOFORE APPOINTED AND THE COURT FINDS SAID PERSON IS/IS NOT _____
MEDICAL REPORTS ARE RECEIVED INTO EVIDENCE AND MARKED AS _____ EXHIBITS
CRIMINAL PROCEEDINGS REINSTATED.
DEFENDANT WAIVES STATUTORY TIME FOR _____
REFERRED TO PROBATION OFFICER FOR PRE-SENTENCE INVESTIGATION AND REPORT. RETURNABLE _____ 19 _____
DEFENDANT NOT ACCEPTED BY CALIFORNIA YOUTH AUTHORITY.
REPORT/CHRONO MEMO _____ OF THE PROBATION OFFICER IS RECEIVED AND CONSIDERED.
DEFENDANT IS ARRAIGNED/WAIVES ARRAIGNMENT FOR PRONOUNCEMENT OF JUDGMENT.
DEFENDANT STATES THERE IS NO LEGAL CAUSE WHY JUDGMENT SHOULD NOT BE PRONOUNCED.

IT IS ORDERED:
PROBATION IS DENIED/REVOKED/REINSTATED.
PROBATION IS MODIFIED.
DEFENDANT IS SENTENCED TO STATE PRISON FOR THE TERM PRESCRIBED BY LAW.
DEFENDANT IS COMMITTED TO THE CALIFORNIA YOUTH AUTHORITY FOR THE TERM PRESCRIBED BY LAW.
DEFENDANT IS COMMITTED TO _____
EXECUTION OF SENTENCE IS STAYED _____
SENTENCES SHALL BE SERVED IN RESPECT TO ONE ANOTHER AS FOLLOWS: _____
AND IN RESPECT TO ANY PRIOR INCOMPLETED SENTENCE(S) AS FOLLOWS: _____
CRIMINAL PROCEEDINGS ARE ADJOURNED AND DEFENDANT IS REFERRED FOR ACCEPTANCE FOR A 90-DAY PERIOD OF DIAGNOSTIC EVALUATION AND REPORT, PURSUANT TO SECTION 1203.03 P.C. BENCH WARRANT ISSUED FOR ARREST OF DEFENDANT.
BENCH WARRANT ISSUED _____ IS RECALLED.

TRIAL CONFIRMATION IS SET FOR _____ HEARING ON 995 MOTION IS SET FOR _____
CASE IS SET FOR TRIAL ON _____ HEARING ON DOCTORS' REPORTS IS SET FOR _____
R. P. O. & JUDGMENT IS SET FOR _____
DEFENDANT IS REMANDED BACK TO _____ FOR FURTHER HEARING ON _____
DEFENDANT IS REMANDED TO THE CUSTODY OF THE SHERIFF.
DEFENDANT IS PERMITTED TO REMAIN AT LIBERTY _____ ON OWN RECOGNIZANCE _____ ON BAIL HERETOFORE POSTED.
BAIL IS FIXED IN THE AMOUNT OF \$ _____ PLUS 25% PENALTY ASSESSMENT OF ANY BOND POSTED.
BAIL BOND NO. _____ IN THE AMOUNT OF \$ _____ IS FORFEITED/EXONERATED.
THE SHERIFF OF FRESNO COUNTY IS HEREBY ORDERED TO DELIVER THE DEFENDANT TO _____
CALIFORNIA MEDICAL FACILITY AT VACAVILLE, CALIFORNIA.
CALIFORNIA INSTITUTION FOR WOMEN AT FRONTERA, CALIFORNIA.
A PLACE AND TIME AS DIRECTED BY THE CALIFORNIA YOUTH AUTHORITY.
At request of FO. Matter continues under: 7/9/78 5057
Page 1830

PO

FILMED

April 27 1978 6 3:15 P.M. MAY 3 1978 Simon Marootian

DATE DEPT. NO. COURT MET AT: HON: JUDGE

R. Jarratt C. Brucato R. Dominguez DEPUTY CLERK

PEOPLE OF THE STATE OF CALIFORNIA vs. Frank Delno Richardson DEFENDANT G. Borre G. Gomez COUNSEL FOR DEFENDANT

ARRAIGNMENT ACTION NUMBER 228638-3 CERTIFICATION UNDER SECTION 859A P.C. FELONY TO WIT: 11352a H & S ct 1; 242/243 PC ct 2 misdemeanor MISDEMEANOR

PEOPLE REPRESENTED AS ABOVE, AND DEFENDANT PRESENT WITH COUNSEL.

DEFENDANT NOT APPEARING AS ORDERED. COPY OF INFORMATION IS PROVIDED TO DEFENDANT/COUNSEL FOR DEFENDANT. COURT APPOINTS PUBLIC DEFENDER TO REPRESENT DEFENDANT. COURT INFORMS DEFENDANT OF LEGAL RIGHTS. COURT IS ADVISED BY COUNSEL AND DEFENDANT THAT DEFENDANT HAS BEEN FULLY ADVISED OF LEGAL RIGHTS AND WAIVES FURTHER STATEMENT THEREOF BY COURT. DEFENDANT STATES TRUE NAME AS SHOWN. DEFENDANT STATES TRUE NAME. READING OF INFORMATION IS WAIVED. INFORMATION IS READ. DEFENDANT IS ARRAIGNED. DEFENDANT MOVES TO SET ASIDE INFORMATION UNDER SECTION 995 P.C. DEFENDANT WITHDRAWS PLEA OF DEFENDANT PLEADS GUILTY AS CHARGED IN COUNT(S) 1 & 2 DEFENDANT PLEADS NOT GUILTY AS TO COUNT(S) DEFENDANT PLEADS GUILTY OF THE LESSER INCLUDED OFFENSE OF DEFENDANT PLEADS NOT GUILTY AND NOT GUILTY BY REASON OF INSANITY. PEOPLE MOVE TO DISMISS COUNT(S) AND THE MOTION IS BY COURT GRANTED/TAKEN UNDER ADVISEMENT. DEFENDANT ADMITS PRIOR CONVICTIONS OF FELONY DEFENDANT DENIES PRIOR CONVICTIONS OF FELONY COURT FIXES DEGREE OF THE OFFENSE AS PROCEEDINGS ARE/HAVE BEEN HERETOFORE ADJOURNED FOR THE PURPOSE OF DETERMINING WHETHER OR NOT DEFENDANT IS: COURT APPOINTS DRs. TO EXAMINE THE DEFENDANT AND REPORT WHETHER OR NOT DEFENDANT MEDICAL REPORTS TO BE FILED BY

THE MATTER IS SUBMITTED ON THE SEPARATE WRITTEN MEDICAL REPORTS OF THE DOCTORS HERETOFORE APPOINTED AND THE COURT FINDS SAID PERSON IS/IS NOT MEDICAL REPORTS ARE RECEIVED INTO EVIDENCE AND MARKED AS EXHIBITS CRIMINAL PROCEEDINGS REINSTATED. DEFENDANT WAIVES TIME REFERRED TO PROBATION OFFICER FOR PRE-SENTENCE INVESTIGATION AND REPORT. RETURNABLE 19 DEFENDANT NOT ACCEPTED BY CALIFORNIA YOUTH AUTHORITY. REPORT/CHRONO MEMO OF THE PROBATION OFFICER IS RECEIVED AND CONSIDERED. DEFENDANT IS ARRAIGNED/WAIVES ARRAIGNMENT FOR PRONOUNCEMENT OF JUDGMENT. DEFENDANT STATES THERE IS NO LEGAL CAUSE WHY JUDGMENT SHOULD NOT BE PRONOUNCED.

IT IS ORDERED: Deft with time is released at Peoples request. Ordered to appear for Morris hearing. 5/1/78

DEFENDANT IS SENTENCED TO STATE PRISON FOR THE TERM PRESCRIBED BY LAW. DEFENDANT IS COMMITTED TO THE CALIFORNIA YOUTH AUTHORITY FOR THE TERM PRESCRIBED BY LAW. DEFENDANT IS COMMITTED TO EXECUTION OF SENTENCE IS STAYED SENTENCES SHALL BE SERVED IN RESPECT TO ONE ANOTHER AS FOLLOWS: AND IN RESPECT TO ANY PRIOR INCOMPLETED SENTENCE(S) AS FOLLOWS: CRIMINAL PROCEEDINGS ARE ADJOURNED AND DEFENDANT IS REFERRED FOR ACCEPTANCE FOR A 90-DAY PERIOD OF DIAGNOSTIC EVALUATION AND REPORT, PURSUANT TO SECTION 1203.03 P.C. BENCH WARRANT ISSUED FOR ARREST OF DEFENDANT. BENCH WARRANT ISSUED IS RECALLED.

TRIAL CONFIRMATION IS SET FOR CASE IS SET FOR TRIAL ON DEFENDANT IS REMANDED BACK TO DEFENDANT IS REMANDED TO THE CUSTODY OF THE SHERIFF. DEFENDANT IS PERMITTED TO REMAIN AT LIBERTY ON OWN RECOGNIZANCE ON BAIL HERETOFORE POSTED. BAIL IS FIXED IN THE AMOUNT OF \$ PLUS 25% PENALTY ASSESSMENT OF ANY BOND POSTED. BAIL BOND No. IN THE AMOUNT OF \$ IS FORFEITED/EXONERATED: THE SHERIFF OF FRESNO COUNTY IS HEREBY ORDERED TO DELIVER THE DEFENDANT TO CALIFORNIA MEDICAL FACILITY AT VACAVILLE, CALIFORNIA. CALIFORNIA INSTITUTION FOR WOMEN AT FRONTERA, CALIFORNIA. A PLACE AND TIME AS DIRECTED BY THE CALIFORNIA YOUTH AUTHORITY. Matter referred to P.O. Report due 6/21/78 Habeas Corpus EXHIBITS to P.O.; stay in contact with attorney; make all appearances as ordered.

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IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF FRESNO
DEPARTMENT NUMBER SIX
BEFORE THE HONORABLE SIMON MAROOTIAN, JUDGE

FILMED
MAY 5 1978

-o0o-

THE PEOPLE OF THE STATE)
OF CALIFORNIA,)
)
Plaintiff,)
)
vs)
)
FRANK DELNO RICHARDSON,)
)
Defendant.)

CASE NO. 228638-9
CHANGE OF PLEA

REPORTER'S TRANSCRIPT - THURSDAY, APRIL 27, 1978

APPEARANCES OF COUNSEL:

FOR THE PEOPLE: WILLIAM A. SMITH
District Attorney
County of Fresno
By: JAMES ARDAIZ
Deputy District Attorney

FOR THE DEFENDANT: GENE GOMES
Attorney at Law
Helm Building
Fresno, California 93721

MAY 5 - 1978

FRANK DELNO RICHARDSON, Clerk

Camilla T. Brucato
CAMILIA T. BRUCATO, OFFICIAL REPORTER, CSR #3454
Fresno, California

5051

ORIGINAL

1 THURSDAY

APRIL 28, 1978

2
3 THE COURT: Frank Delno Richardson, case number
4 228638-9.

5 MR. GOMES: Yes, Your Honor, the defendant is
6 present in court with counsel, Gene Gomes.

7 THE COURT: Are you appointed counsel?

8 MR. GOMES: Your Honor, I was appointed in
9 the Muni Court, yes, sir.

10 THE COURT: All right, Mr. Richardson, this
11 is your first appearance in court on this case. You are
12 entitled to a speedy and public trial before a judge or
13 a jury.

14 You are entitled to be represented by
15 an attorney at all stages of the proceedings, and if you
16 are unable to afford a private counsel, this court will
17 reappoint Mr. Gene Gomes to represent you.

18 Apparently, the Public Defender has declared
19 a conflict; is that right, Mr. Gomes?

20 MR. GOMES: That's correct, Your Honor.

21 THE COURT: All right, do you have any funds with
22 which to employ a private attorney?

23 DEFENDANT RICHARDSON: No, sir.

24 THE COURT: Are you requesting that counsel
25 be appointed for you?

26 DEFENDANT RICHARDSON: Yes.

1 THE COURT: All right. I'm going to appoint
2 Mr. Gomes now.

3 Mr. Gomes, you have a copy of the
4 Information now?

5 MR. GOMES: No, Your Honor. We have received
6 one though.

7 His name is correctly set forth. We would
8 waive a reading of the Information, as well as advisement
9 of his statutory and constitutional rights, and we are
10 ready to enter a plea to the Information.

11 THE COURT: You are going to enter a plea of
12 guilty at this time?

13 MR. GOMES: That's correct, Your Honor.

14 THE COURT: To both counts, there is a
15 violation of 11352a in Count One, a misdemeanor, and
16 242/243 in Count Two.

17 MR. GOMES: That's correct, Your Honor.

18 THE COURT: All right. I believe you, both
19 counsel, have spoken to me.

20 Mr. James Ardaiz is here, Deputy District
21 Attorney, representing the People.

22 And I believe there is some condition of
23 the plea; is that right?

24 MR. GOMES: Your Honor, perhaps I should state
25 it. It's not actually a condition of the plea.

26 It is a condition which the District Attorney

1 has reached an agreement with the defendant and myself,
2 which by putting it on the record and in the presence
3 of the court, what our intention is to make binding on
4 all parties.

5 However, I don't think it should be that
6 we should involve the court in it under 1192.5.

7 The condition will be that Mr. Richardson
8 is pleading guilty as charged, that his sentence in the
9 matter will be continued for a matter of two months,
10 three months.

11 MR. ARDAIZ: Two months.

12 MR. GOMES: Two months.

13 THE COURT: All right.

14 MR. GOMES: That Mr. Richardson will be released
15 on his own recognizance during that time, to be reached
16 through me at anytime by the District Attorney's Office,
17 and we will make all appointments with the Prosecutor
18 and with the parole agent that he has, if necessary; that
19 the parole held in violation pending will be lifted, so
20 that that won't hold him in custody; and that is the
21 intention of all parties that he testify, if called in
22 another case that's pending in this court.

23 I don't think it is necessary to identify
24 the case on the record since all parties here are aware
25 of it.

26 THE COURT: All right.

1 MR. GOMES: And the condition represented to
2 the defendant by the District Attorney is that if he
3 testifies when called, or in the event his testimony is
4 not needed, but he is through no fault of his own, he is
5 not used, if he is ready and willing to testify, he will
6 be -- he will make a motion at that time which will be
7 unopposed by the District Attorney to withdraw his plea,
8 and the District Attorney will dismiss all charges against
9 him.

10 Does that correctly set it out?

11 MR. ARDAIZ: To that extent.

12 THE COURT: Anything else?

13 MR. ARDAIZ: I think it should be further made
14 clear that there be a position of the People that if
15 the defendant does not testify and, of course, there's
16 no restrictions upon his testimony, simply that he
17 testify truthfully, but if he does not testify that it
18 will be the position of the People that his plea should
19 stand as a plea to the charge with no conditions or
20 reservations, with respect to sentencing.

21 THE COURT: Mr. Richardson, do you understand
22 all this?

23 DEFENDANT RICHARDSON: Yes, I do.

24 THE COURT: With these conditions, is it your
25 request that the court allow you to plead guilty to
26 the two charges against you?

1 DEFENDANT RICHARDSON: Yes.

2 THE COURT: All right. Before I do accept the
3 plea, I want to advise you that the first charge against
4 you is Violation of 11352a of the Health and Safety
5 Code, which is a felony, and it alleges that on or about
6 March 24, 1978, you did sell and furnish a controlled
7 substance, to wit heroin.

8 Do you understand that charge?

9 DEFENDANT RICHARDSON: Yes.

10 THE COURT: All right, for that charge, you
11 can be sentenced to state prison for as long as five
12 years, with a year on parole, which can be extended to
13 a year and a half.

14 Do you understand that?

15 DEFENDANT RICHARDSON: Yes.

16 THE COURT: Possible consequence?

17 DEFENDANT RICHARDSON: Yes.

18 THE COURT: The second charge is a misdemeanor,
19 but because you are charged with a felony, that misdemeanor
20 can also be handled by this court, otherwise normally,
21 it would be handled by the Municipal Court.

22 That charges you with unlawfully using
23 force and violence upon a peace officer, then and there
24 engaged in the performance of his duties as a police
25 officer, and it alleges, it is a Violation of 242/243 of
26 the Penal Code, but is alleged to be a misdemeanor. I

1 believe I was advised that the Municipal Court held it
2 to be a misdemeanor.

3 MR. ARDAIZ: Correct, Your Honor.

4 THE COURT: All right. Now, to that charge,
5 I believe that the maximum penalty is \$1,000 fine or
6 six months in jail; is that right?

7 MR. ARDAIZ: No, Your Honor. I believe the
8 maximum penalty is one year in custody.

9 MR. GOMES: That's correct, Your Honor, because
10 he was -- originally, it was a felony, so the maximum is
11 one year.

12 THE COURT: Okay. I have to proceed, I will
13 then advise you that you could get one year in the custody
14 of the Sheriff of the County of Fresno on that charge.

15 Do you understand that possible consequence?

16 DEFENDANT RICHARDSON: Yes, sir.

17 THE COURT: All right. I think in view, let's
18 see, is it possible the defendant may be addicted, so
19 I should advise him about the possible CRC commitment?

20 MR. ARDAIZ: I think the court should advise
21 him as if it was.

22 MR. GOMES: Yes, Your Honor. You probably should,
23 because of the nature.

24 THE COURT: Okay, it is also possible that
25 for these charges you could be, if it is found that you
26 are addicted to heroin or in imminent danger of addiction,

1 you can be committed to the California Rehabilitation
2 Center. They can keep you for ten years, and it is their
3 practice to keep you for seven years in their jurisdiction.
4 That doesn't mean that you spend that long in their
5 custody, but they can keep you any part of that time
6 in their custody. It's their practice to keep you from
7 six months to a year and a half, and first, then, put
8 you out on parole. Then, to be discharged, you have to
9 be completely free of heroin for two years, or on a
10 methadone program for three years, otherwise they can
11 take you back for parole violation.

12 That is a possible consequence of this
13 plea also.

14 Do you understand?

15 DEFENDANT RICHARDSON: Yes.

16 THE COURT: All right. Now, in order for me
17 to accept a plea of guilty, you have to waive certain
18 valuable rights that you have.

19 First of all, I advise you as to your right
20 to a jury trial. You will have to give up that right,
21 and you will have to give up your right to a court trial.

22 Have you ever been through a jury trial?

23 DEFENDANT RICHARDSON: Yes.

24 THE COURT: All right. So you know that 12
25 people have to decide that you are guilty beyond a
26 reasonable doubt, and unanimously, and you have to give

1 up that right.

2 Do you now give up your right to a jury
3 trial?

4 DEFENDANT RICHARDSON: Yes, I do.

5 THE COURT: To both of these charges?

6 DEFENDANT RICHARDSON: Yes.

7 THE COURT: You also have to give up another
8 important right, that is the right to be confronted by
9 witnesses, in other words, have witnesses appear in court
10 with you there, and testify in front of you, and have
11 your attorney cross-examine them.

12 Do you understand that right?

13 DEFENDANT RICHARDSON: Yes, sir.

14 THE COURT: Do you now waive or give up that
15 right?

16 DEFENDANT RICHARDSON: I do.

17 THE COURT: You also have a right to present
18 evidence in your behalf and to have subpoenas issued
19 to compel the attendance of witnesses who will testify
20 in your own behalf.

21 You have to give up that right also; do
22 you understand that right?

23 DEFENDANT RICHARDSON: Yes.

24 THE COURT: Do you waive the right?

25 DEFENDANT RICHARDSON: Yeah, I do.

26 THE COURT: You also have a right to the privilege

1 against self-incrimination. That is called a privilege,
2 but that is actually a constitutional right that says
3 that nobody can be compelled to testify or make any
4 statement during the trial. If you choose not to testify,
5 the District Attorney cannot comment on that and the jury
6 cannot use that as any evidence of guilt.

7 Now, if you plead guilty, you will have
8 to give up your privilege against self-incrimination two
9 ways really, because first, your plea of guilty is an
10 incriminatory plea; you incriminate yourself when you
11 plead guilty.

12 Secondly, I'm going to ask you what it is
13 that makes you guilty of these charges, because I can't
14 accept a plea from an innocent person. So, I have to
15 be convinced that you are guilty of these charges.

16 Do you understand that?

17 DEFENDANT RICHARDSON: (Affirmative nod).

18 THE COURT: Do you understand the privilege?

19 DEFENDANT RICHARDSON: Yes.

20 THE COURT: All right. Now, you have to waive
21 it if you plead guilty. Do you now waive it?

22 DEFENDANT RICHARDSON: Yes, I do.

23 THE COURT: Now, is anyone making any kind of
24 threats against you to get you to plead guilty?

25 DEFENDANT RICHARDSON: No.

26 THE COURT: Anybody making any promises other

1 than the conditions that you have stated?

2 DEFENDANT RICHARDSON: No, other than the
3 conditions.

4 THE COURT: All right. Do you waive formal
5 arraignment on these charges?

6 DEFENDANT RICHARDSON: Yes, Your Honor.

7 MR. GOMES: Yes, Your Honor, we do.

8 THE COURT: Mr. Gomes, you have been advising
9 him throughout these proceedings, and you think it is
10 to his best interest to plead under the conditions stated,
11 is that right?

12 MR. GOMES: I do.

13 THE COURT: To the charge, Count One, Violation
14 of 11352a of the Health and Safety Code, how do you plead,
15 guilty or not guilty?

16 DEFENDANT RICHARDSON: Guilty.

17 THE COURT: To the charge in Count Two, Violation
18 of 242/243 of the Penal Code, a misdemeanor, how do you
19 plead, guilty or not guilty?

20 DEFENDANT RICHARDSON: Guilty.

21 THE COURT: What did you do that makes you
22 guilty of the first count, sale; just briefly tell me
23 what you did?

24 DEFENDANT RICHARDSON: Well, I delivered to
25 an undercover officer.

26 THE COURT: What did you deliver?

1 DEFENDANT RICHARDSON: Two bindles of what I
2 suppose was heroin.

3 THE COURT: Was it heroin in fact, was it
4 tested?

5 DEFENDANT RICHARDSON: Yes.

6 THE COURT: Was there a police report that
7 it was heroin?

8 MR. ARDAIZ: Yes, Your Honor.

9 THE COURT: You believed it was heroin; is that
10 right?

11 DEFENDANT RICHARDSON: (Affirmative nod of the
12 head).

13 THE COURT: Yes or no?

14 DEFENDANT RICHARDSON: Yes.

15 THE COURT: Did you get any money for it?

16 DEFENDANT RICHARDSON: Did I, personally?

17 THE COURT: Did he pay you some money for it?

18 DEFENDANT RICHARDSON: No.

19 THE COURT: Was somebody paid some money for it?

20 DEFENDANT RICHARDSON: Yes.

21 THE COURT: And you delivered, because of that
22 money paid; is that right?

23 DEFENDANT RICHARDSON: Yes.

24 THE COURT: Did you do this in Fresno County?

25 DEFENDANT RICHARDSON: Yes.

26 THE COURT: Did you know he was an undercover

1 operator when you did it?

2 DEFENDANT RICHARDSON: No.

3 THE COURT: You found out afterwards?

4 MR. GOMES: Found out later, yes, Your Honor.

5 DEFENDANT RICHARDSON: Yes.

6 THE COURT: All right. In Count Two, what did
7 you do that makes you guilty of that charge of force and
8 violence on a peace officer, which is a misdemeanor?

9 DEFENDANT RICHARDSON: I knocked the substance
10 out of his hand when we were in the police station.

11 THE COURT: Was that while you were being
12 arrested?

13 DEFENDANT RICHARDSON: No, while I was being
14 booked and questioned.

15 THE COURT: At the Fresno County Jail?

16 DEFENDANT RICHARDSON: Yes.

17 THE COURT: Did he have the heroin in his hands,
18 and you knocked it out; is that what you did?

19 DEFENDANT RICHARDSON: Yes.

20 THE COURT: You did that against his will; is
21 that right?

22 DEFENDANT RICHARDSON: Yes.

23 THE COURT: All right. I think I'm satisfied
24 with the factual statement.

25 Do you want to ask any questions, Mr. Ardaiz,
26 I think the element of the offense are stated.

1 MR. ARDAIZ: Yes, Your Honor.

2 THE COURT: Okay, I'm going to accept the plea
3 and refer the defendant to the Probation Officer.

4 MR. GOMES: Yes, please.

5 THE COURT: For a report and recommendation.

6 You waive time to be sentenced; you have
7 a right to be sentenced within 28 days, Mr. Gomes, you
8 waive the time and agree that he'll be sentenced after
9 that time?

10 MR. GOMES: Yes, we do.

11 THE COURT: What day would you suggest, Mr.
12 Ardaiz?

13 MR. ARDAIZ: I would suggest the end of June.

14 THE COURT: June 30th, a Friday?

15 MR. ARDAIZ: Yes, Your Honor, that should be
16 all right.

17 THE COURT: Is this agreeable with you, Mr.
18 Gomes?

19 MR. GOMES: Yes.

20 THE COURT: Mr. Richardson, do you give up
21 your right to be sentenced within 28 days and agree you
22 will be sentenced on June 30th?

23 DEFENDANT RICHARDSON: Yes, I do.

24 THE COURT: All right. The Probation Officer's
25 report will have to be filed by the 21st. Is that okay,
26 Mr. Ardaiz?

1 MR. ARDAIZ: Yes, Your Honor.

2 THE COURT: All right. The matter is referred
3 to the Probation Officer for a report and recommendation
4 to be filed on the 21st of June. The date of sentencing
5 is June 30th, 9:30 in this court, or the Criminal
6 Department of this court in the event I'm not here.

7 Are you going to make a request that the
8 defendant be released?

9 MR. ARDAIZ: Yes, Your Honor, but there's one
10 thing I neglected to bring up, and it just occurred to
11 me that the defendant had a Morrissey hearing on Monday,
12 May 1st, on this case, and it will be necessary for him
13 to appear at that hearing.

14 THE COURT: Okay.

15 MR. ARDAIZ: And I want to make that clear.

16 THE COURT: I can order him to appear as a
17 condition of the O.R., if you are going to O.R. him?

18 MR. ARDAIZ: I think that's a reasonable
19 condition.

20 THE COURT: Where is the Morrissey hearing?

21 MR. ARDAIZ: Normally, it's in the -- under
22 present circumstances, it would be at the jail. I will
23 make the appropriate arrangements.

24 THE COURT: Are you on CRC parole or state prison?

25 DEFENDANT RICHARDSON: State.

26 THE COURT: Department of Corrections?

1 DEFENDANT RICHARDSON: (Affirmative nod).

2 THE COURT: When is your Morrisey hearing?

3 DEFENDANT RICHARDSON: Monday.

4 THE COURT: Monday, you are ordered to appear
5 at their office and to stay in contact with your parole
6 agent Monday, May 1st.

7 All right, what is your request on O.R.
8 now?

9 MR. ARDAIZ: My request is, Your Honor, is that
10 the defendant be released on this charge on his own
11 recognizance, conditionally of course upon him making
12 all appearances as previously noted by Defense counsel.

13 THE COURT: Our Bailiff is going to have to
14 prepare an O.R. release.

15 Do you want to prepare the release or
16 you can supervise its preparation.

17 Mr. Richardson, at the request of the
18 District Attorney I'm going to allow you to be released
19 on these charges on your own recognizance, on condition
20 that you make all appearances as stated here; that you
21 report to the Probation Officer immediately so that he
22 can start his Probation Officer's report; that you appear
23 here for sentencing on June 30th, at 9:30, and that you
24 appear at the Parole Office for your Morrisey hearing
25 on May 1st; and that you stay in contact with your attorney
26 at all times, so that he can reach you by telephone

1 immediately, if he wants to.

2 Now, remember the conditions are, number
3 one, that you report to the Probation Officer and follow
4 his instructions; number two, stay in contact with your
5 attorney at all times so he can reach you by telephone
6 immediately; and number four, the Morrissey hearing
7 on May 1st; and number five, make all appearances in this
8 court as ordered, and the next special appearances on
9 June 30th, 9:30.

10 Now, I want to remind you of something else,
11 if you don't make any appearances when you are supposed
12 to, you are on O.R. release, and you can be charged with
13 another felony.

14 Do you understand that?

15 DEFENDANT RICHARDSON: Yes.

16 THE COURT: Okay, sign the O.R. agreement and
17 that's it.

18 Is there any other matters to come before
19 the court?

20 MR. ARDAIZ: No, Your Honor. I'm going to be
21 calling State parole.

22 THE COURT: The Sheriff is ordered to release
23 the defendant on these charges.

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STATE OF CALIFORNIA)
) ss
COUNTY OF FRESNO)

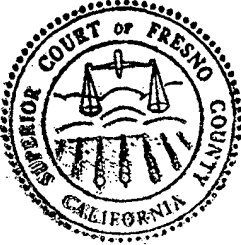
I, CAMILLA T. BRUCATO, Official Reporter of the Superior Court of the State of California, for the County of Fresno, do hereby certify that the foregoing is a true and correct transcription of all the admonitions given, and the waivers and admissions taken at the time of the taking of the Change of Plea of FRANK DELNO RICHARDSON, on the 27th day of April, 1978.

Dated this 3rd day of May, 1978.

Camilla T. Brucato
CAMILLA T. BRUCATO, CSR #3454
Official Reporter

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

ATTEST: DEC - 1 1993



SUSAN B. ANDERSON, County Clerk
State of California, County of Fresno
by *[Signature]*, Deputy

STATE OF CALIFORNIA
DEPARTMENT OF JUSTICE
BUREAU OF CRIMINAL IDENTIFICATION AND INVESTIGATION
P. O. Box 1859, Sacramento

43056 FORM CII-B/

The following CII record, NUMBER

IS FOR OFFICIAL USE ONLY

78621

CII-735770

O 25 - OGN 12
L 20 - IOI 15

INDIAN P.M. 5-2 188 CALIF. 1931

Marion Louise SAMPLE

ARRESTED OR RECEIVED	DEPARTMENT AND NUMBER	NAME	CHARGE	Disposition
8-3-52	SO Fresno 43056	Marion Louise SAMPLE	PC 836 ADW	<p>This copy is for the official use of: <u>ADW</u></p> <p>Agency: <u>SO</u></p> <p>and may not be revealed to any unauthorized persons.</p> <p style="text-align: right; font-weight: bold;">FEB 14 1978</p>
3-7-53	SO Fresno 43056	Marion Louise SAMPLE	PC 836 ADW	
4-15-53	SO Fresno 43056	Mary Louise SAMPLE	DRK & Vag. Quar.	
12-18-54	SO Fresno 43056	Marion Louise SAMPLE	836, 470 PC	
6-9-57	SO Fresno 43056	Marion Louise SAMPLE	PC 836 ADW	
4-14-61	SO FRESNO, 43056	MARION LOUISE SAMPLE	DRK & FIGHTING	
3-1-65	PD, FRESNO, 26849	MARION LOUISE STANKEWITZ	273A PC	

MAR 10 1965

FRESNO NEUROPSYCHIATRIC MEDICAL GROUP

1065 "G" STREET
FRESNO, CALIFORNIA 93721
TELEPHONE 233-5101

MARK ZEIFERT, M.D.
GEORGE PAPADOPOULOS, M.D.
A. V. SIMMANG, M.D.

May 6, 1970

THIS REPORT IS A PRIVILEGED AND
CONFIDENTIAL COMMUNICATION

NEUROLOGY
PSYCHIATRY
ELECTROENCEPHALOGRAPHY

STANKEWITZ, Douglas
415 N. Calaveras Avenue
Fresno, California

Age: 12 yrs.

Ref: Fresno County Juvenile
Probation Dept.

This is a twelve year old white male child who is brought in by the Probation Officer. The boy was previously seen in this office by Dr. Simmang, at the age of six years, at which time he was also brought in by a Probation Officer, because he is apparently a behavior problem.

The child had been studied at the Fresno General Hospital, and he had also been treated for a severe beating administered with an electric cord by his mother. About six months earlier, the mother had apparently beaten the child also, and had been warned by the District Attorney about this. But after the beating of February, 1965, the mother was arrested and apparently served a jail sentence. The boy is quite aware of the fact that his mother beat him, and he is aware of the fact that she used to drink excessively at that time; but he states that she no longer drinks and, in fact, when her brother visited recently with some wine, she told him he could not drink the wine in her home. He speaks of his mother as being "mean" and when asked to give details, he merely states that she seems to side with his younger brother who is ten years old and, even when he is not the guilty one, he is blamed for things that the brother does. He has similar complaints about the counsellors at the Juvenile Hall where he is now a resident, and offers similar complaints about the Napa State Hospital where he was studied in 1965. In fact, he had three ninety-day periods of study there at that time. The boy says that he lived six years in a foster home in Sebastopol - he liked the people there, he liked them very much - but he decided to come home to his mother, and then he didn't go back, and in the meanwhile, since that foster home is licensed for only three children and they have taken in a third child, he cannot go back there although he would like to. He knows of another foster home to which he would like to be sent.

He insists that he did nothing wrong on the occasion of the present admission to the Juvenile Hall; but that his brother had done something wrong, and when the police came to look for him, he felt innocent and he walked right up to the policemen, although his brother ran away. The policemen then brought him to the Juvenile Hall.

The boy tells me that his step-father is in prison, and his own father died when the patient was a baby, and he doesn't know the cause of death. The step-father is in prison for robbing a bank. His 18 year old brother is in jail, but he doesn't know for what reason. Apparently a 13 year old brother has had difficulty with the juvenile authorities, and a 10 year old brother is in trouble in school.

CC - pm, FR
WJ 6/19/92

STANKEWITZ, Douglas

Ref: Fresno County Juvenile Probation De
Page 2

The Probation Officer told me that the patient actually did not get along well in the foster home in Sebastopol, and the woman in charge finally decided that she couldn't keep him any longer. He has run away from four foster homes but, according to the Probation Officer, the boy has never been delinquent. His chief problem is a sudden loss of control, during which he becomes abusive, uses vile language, and actually becomes combative. On one occasion, when he was put in a padded room in Juvenile Hall, he was observed actually biting the walls. A report from the Napa State Hospital indicates that he required physical restraint there, as well, and he was only six years old at the time. The boy tells me that he has never had an F in school, has had only one D, and most of his grades are A, B and C. He boasts about his ability to do arithmetic and, when I tested him, he was quite bright at addition and subtraction - even without the use of pencil and paper.

His ambition is to be either a teacher or a policeman - especially a policeman who works eight hours a day and then in his spare time owns a dump truck and makes even more money at that business. He says he learned about this because the mother of one of his foster-brothers in the foster home was keeping company with a policeman, who did just this and, apparently, this man became an idol to the patient.

Throughout the interview and the neurological examination, he was most cooperative, interested, and very pleasant. It was a real joy to examine him and I can understand how disappointing it must be for those who work with him, when he slips from this pleasant, cheerful attitude into a wild rage.

There is an obvious speech impairment, and the fingernails are bitten. He states that he stopped wetting the bed about four months ago, and it happens now only when he is cold; so enuresis still exists.

Palpation, percussion and auscultation of the skull are negative. Palpation and auscultation of the carotid vessels is normal. The neck is rather sensitive, because of enlarged lymph nodes associated with acute tonsillitis, and the right tonsil has a hemorrhagic ulcer on it.

Examination of the cranial nerves, including visual fields, fundi, pupillary reflexes, extraocular movements, muscles of mastication, facial expression, soft palate and tongue is negative. Cranial nerves VIII and XI, intact. Weber, mid-line.

General sensory examination, including stereognosis and skinwriting, is normal.

Examination of the reflexes reveals them to be 1 plus bilaterally in the uppers, and 3 plus bilaterally in the lowers, except that I think the left knee jerk may, perhaps, be slightly more active than the right. Abdominals active and equal in all four quadrants; cremasterics bilaterally active and equal. No pathologic toe signs. Trunk-thigh sign of Babinski, negative.

STANKEWITZ, Douglas

Ref: Fresno County Juvenile Probation D.
Page 3

Examination of the motor system reveals nothing remarkable insofar as gait, station, equilibrium, etc., are concerned; but the left handclasp is slightly stronger than the right handclasp, by the method of Jamar. On two measurements, he had a grip of 41 pounds in the right hand and 42 pounds in the left hand the first time; and 40 pounds in the right hand and 41 pounds in the left hand the second time. Since the patient is right-handed, he should normally have about 10 pounds greater strength in the right hand than in the left.

The EEG, as will be seen from the attached report, is abnormal. The disturbance seems to be greatest in the left temporal area.

DISCUSSION: There is ample evidence, in the review of this history, for this child to have a neurotic disturbance, and the bitten fingernails and the enuresis are expressions of this. It may well be that the patient's emotional instability is also an expression of this; however, we cannot neglect the "soft" neurological signs and the EEG disturbance.

This boy has apparently been moved around from place to place, in accordance with his behavior, and I would suggest that he be kept in one place for awhile, while an attempt is made to influence his behavior through supervised medication. I doubt very much if this can be done in a foster home, since the boy will not respond to the authority of the foster home as he would to the authority of the Juvenile Hall or some institution.

I would outline a program for the boy, with the first attempt being made to influence his behavior by treating him with Dilantin Sodium, 100 mgm, twice daily; and, if he is able to tolerate this and his behavior does not improve, then I would increase it to three times daily.

If he fails to respond to Dilantin therapy, I would suggest a trial with Dexedrine, 5 mgm, three times daily, after meals. If he fails to respond to these drugs, then I would attempt to use ordinary tranquilizing agents, at progressively increasing dosage in an effort to control his emotional lability. Perhaps Mellaril or Thorazine would be more effective than the other agents. It seems to me that this type of treatment could be supervised in the Pediatric Clinic or in the Department of Mental Health.

MZ/jm
May 8, 1970


Mark Zelfert, M.D.

Fresno County Juvenile Probation
808 S. Tenth Street
Fresno, California

Att: Roger Nelson

Telephone
233-5101

Case 1:91-cv-00616-AW Document 365 Filed 05/22/08 Page 15 of 109

MARK ZEIFERT, M.D.
1065 "S" Street
Fresno, California 93721

THIS REPORT IS A PRIVILEGED AND
CONFIDENTIAL COMMUNICATION.

ELECTROENCEPHALOGRAM REPORT

Record No. 21439

Date: 5/6/70

Name: STANKEWITZ, Douglas Age: 12 yrs. Ref: Fresno County Juvenile Probation

EEG DESCRIPTION: This is a 10 cycle per second moderate voltage tracing.

There is a moderate amount of 50 to 75 microvolt 3 cycle per second activity.

The left temporal lead presents lower voltage than right side.

Hyperventilation produces very mild buildup.

Photic stimulation produces no change.

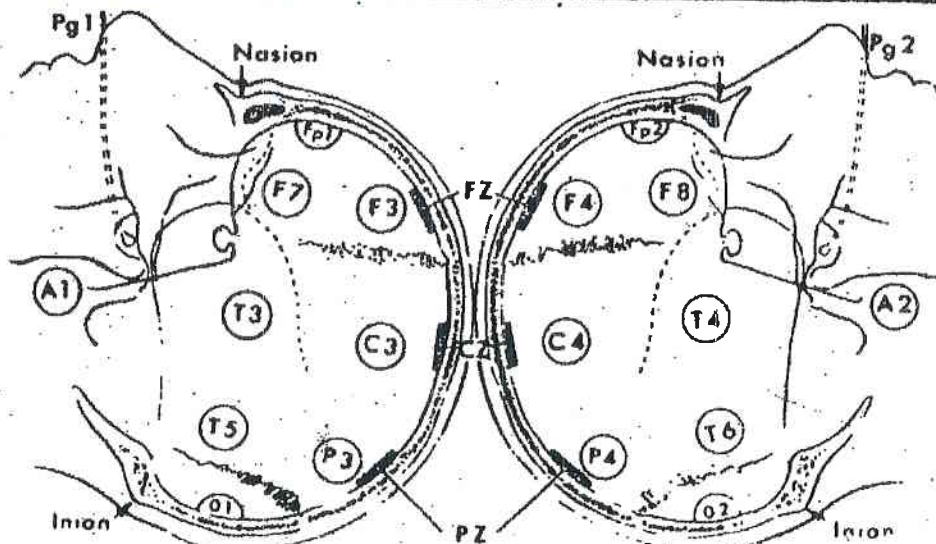
EEG IMPRESSION: Abnormal EEG. There is suppression of voltage in the left temporal area.

Mark Zeifert M.D.
Mark Zeifert, M.D.

MZ:cm
May 6, 1970

Fresno County Juvenile Probation
808 South 10th Street
Fresno, California
ATTENTION: Roger Nelson

This EEG laboratory report is diagnostic ONLY when correlated with clinical findings.



8-26
1:30 PM

M Unit

REASON FOR REQUESTING EEG (PERTINENT HISTORY, FINDINGS, CURRENT MEDICATION, TRAUMA, ETC.)

Uncontrollable fits of anger. EEG said to be abnormal

REFERRING DIANOSIS

Psychomotor epilepsy?

REQUESTED BY

J. L. Karlson
KARLSON

M.D. DATE

8/24/65

UNIT

M-3

EEG REPORT

DATE OF RECORDING

8-26-65

TIME OF EEG

1:30 PM

EEG No.

65-205

TECHNIQUE

Routine

MEDICATION

Trel. for 4 mg BID

LAST MEAL

Lunch

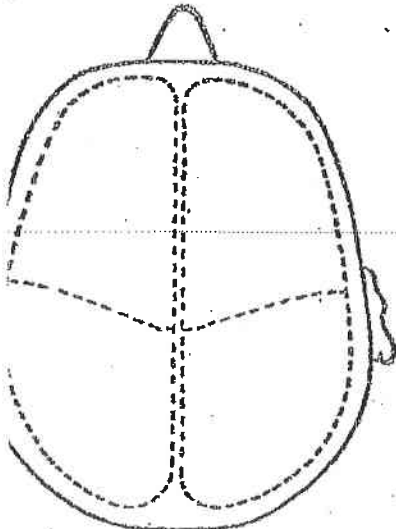
COOPERATION

Good

DIAGNOSIS: Dysrhythmia, Grade II, generalized.

REPORT: One does see at times an alpha rhythm of 8 cps in the posterior leads. Much of the record consists of 4-6 cps some what irregular and higher amplitude slowing seen primarily in the anterior and temporal leads. Rather frequently one also sees 3-4 cps rhythmic slowing throughout the record. The response to HV and PS is normal with a good bilateral driving response to flash.

CLINICAL INTERPRETATION: The record is considered as significantly abnormal suggesting a widespread chronic dysfunction, probably of a chronic nature.



ELECTRODE PLACEMENT

(IF MORE SPACE IS NEEDED, TUMBLE THIS SHEET VERTICALLY AND CONTINUE ON THE REVERSE)

Lorene Schuster
ELECTROENCEPHALOGRAPHIC TECHNICIAN

M. WISEN, M.D.
ELECTROENCEPHALOPHAGER

STATE OF CALIFORNIA
DEPARTMENT OF MENTAL HYGIENE
ELECTROENCEPHALOGRAPHIC
EXAMINATION

M-3

STANKEWITZ, DOUGLAS

NA-101625

M SOL WH

5-31-58

3-31-65

FRES JCO 703

CALIF

UNK

19

Superior Court State of California
County of Fresno
1100 Van Ness Ave
Fresno CA, 93724

I, the undersigned, do hereby swear, certify, and affirm that: I, Salvatore Sciandra, was the attorney for Douglas Ray Stankewitz in his 1978 trial, from his arraignment, through the preliminary hearing, motions, jury trial and sentencing. (Case Number CF78227015.) I do not have any independent recollection of what discovery (including Dr. reports and lab reports) I had, or did not have concerning or related to the testimony of Dr. Mark Zeifert.

A handwritten signature in cursive script, reading "Salvatore Sciandra", written in black ink over a horizontal line.

Salvatore Sciandra

I declare under penalty of perjury under the laws of the State of California that the forgoing is true and correct.

Executed this 27 day of October, 2016 in Fresno California.