

Evidence Submission Form

Complete this form prior to evidence submission. The original is submitted with the evidence and is accessible without breaking the seal. Deliver evidence to: Forensic Analytical Crime Lab, 3777 Depot Rd. Ste. 403, Hayward, CA 94545-2761

FACL Case #:	FACL Client #:	Date:
Submitted By: <i>Danielle Isaac</i>	Agency Name: <i>Fresno County DA's Offc</i>	
Address: <i>2100 Tulare Street Fresno 93721</i>		Phone #: <i>573-1753</i> 559 4234099
Case Name: <i>Douglas Stankewitz</i>	Agency/Case #: <i>DA Case 78-01</i>	
Has any evidence in this case been previously submitted for examination?		
<input type="checkbox"/> YES Submission Date: _____ <input checked="" type="checkbox"/> NO <input type="checkbox"/> UNKNOWN		

This is a batch receipt listing each package received. Contents of each package have not necessarily been inventoried. Please refer to the Forensic Analytical Crime Lab evidence list for a complete inventory of items received.

AGENCY ITEM #	DESCRIPTION OF EVIDENCE
<i>Exhibit 5-A</i>	<i>Titan .25 cal firearm + holster</i>
<i>5-B</i>	<i>orange box (and all contents) - not logged in</i>
<i>5-C</i>	<i>Fired cartridge casing</i>
<i>5-d</i>	<i>AMM Magazine containing 2 unfired rounds</i>
<i>5-e</i>	<i>magazine with 2 unfired</i>
<i>5-x</i>	<i>unfired cartridge - not located w/ evidence</i>
<i>FSD Evid</i>	<i>3 test fired cases from titan 25 Auto</i>

NK
2/14/23

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2/14/23

Evidence Submitted By (Signature): <i>Danielle Isaac</i>	Date/Time: <i>2-14-23</i> <i>1140AM</i>	EVIDENCE DELIVERED BY: <input type="checkbox"/> Federal Express <input type="checkbox"/> U.S. Mail <input checked="" type="checkbox"/> Hand Delivered <input type="checkbox"/> UPS <input type="checkbox"/> Certified Mail <input type="checkbox"/> Other:
Print Name: <i>Danielle Isaac</i>		
Evidence Received By (Signature): <i>Nichole I. Kennedy</i>	Date/Time: <i>2/14/2023</i> <i>11:40AM</i>	EVIDENCE RETURN INSTRUCTIONS:
Print Name: <i>Nichole I. Kennedy</i>		



Pier 5 Law Offices
3330 Geary Blvd, 3rd Fl East
San Francisco, CA 94118

Laboratory Report

FACL Case Number: 20190105
Report Date: 3/21/2023
Client Number: 21202

Case Name: Peo vs Douglas Stankewitz
Client Case Number: 21CRWR685993
Type of Case: Firearms Comparison and Misc Exams

Evidence Submitted/Indicated Source:

FACL Item Number	Agency Item #	Description/ Indicated Source (from Request form)
Item #7	Exhibit 5-A	"Titan .25 cal firearm and holster"
Item #8	Exhibit 5-C	"Fired cartridge casing"
Item #9	Exhibit 5-D	"Ammo magazine containing 2 unfired rounds"
Item #10	Exhibit 5-E	"Magazine with 2 unfired"
Item #11		"3 test fired cases from Titan 25 Auto"
	Exhibit 5x	one loose unfired .25 auto cartridge (No court labeled exhibit #)

Purpose of Examination:

Microscopically compare the submitted firearm to the evidence from the scene and examine the holster for markings.

Results/Conclusions:

Note: Items #7 through #10 were all inside a tape sealed orange cardboard box. There were separate manila envelopes in the box labeled for individual items with exhibits numbers and all of them were opened and unsealed as received. The evidence was all loose inside the box. (See images below). This is an unacceptable way to store evidence and compromises the integrity of the items. The items will be repackaged and sealed before returning. The descriptions on the evidence submission form do not reflect the evidence labels on packaging or what was contained in the box. See below for descriptions.

Item #7 (Exhibit 5-A) is a Titan .25 auto semiautomatic pistol, serial number 146425. There was a plastic zip tie through the barrel and action and a manila evidence tag zip tied to the trigger guard. The safety and controls were all operational and the pistol functioned normally when test fired. The pistol had a measured trigger pull of 11 pounds. The test fires were used for

comparison purposes. There was also a small black leather Viking brand holster in the box with the pistol.

Item #8 (Exhibit 5-C) is a fired .25 Auto cartridge case, headstamped “W-W 25 AUTO”. The cartridge case was manufactured by Winchester and is made of brass with a nickel-plated brass primer. The cartridge case had a hemispherical firing pin impression. The packaging says, “Vic: Theresa Graybeal. Item: 25 Cal. Auto Shell Casing”.

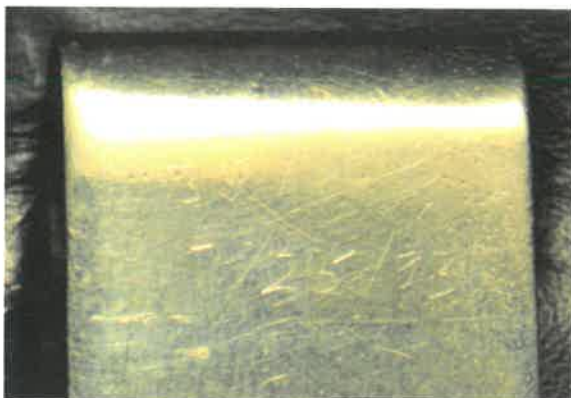
Item #9 (Exhibit 5-D) is an unfired .25 Auto cartridge headstamped “W-W 24 AUTO”. It has a brass case, nickel plated brass primer and full metal jacketed bullet. The bullet is marked with initials in black ink. Note: both this cartridge and the one below were loose in the box. The packaging says, “(1) 25 cal. bullet”. I put the bullet that was marked with ink back into this packaged and separately packaged the other cartridge. This was based on photographs I took of the evidence in 2019. The other loose cartridge is also an unfired .25 Auto cartridge headstamped “W-W 24 AUTO”. It has a brass case, nickel plated brass primer and full metal jacketed bullet. I have no pictures of this evidence from our evidence view in 2019 and don’t know where it came from. I with herein be designated as Exhibit 5x.

Item #10 (Exhibit 5-E) is a magazine for a Titan .25 Auto pistol. It fit and functioned in the submitted Titan pistol, Item #7. The magazine has a capacity of eight (8) .25 Auto cartridges. The packaging says, “Magazine w/ 2 rounds”. Also in the submission were two screw top glass vials, each containing a .25 auto cartridge, that had been disassembled. One vial was labeled “For Distance Determination” the other with “Evidence from magazine”.

Item #11 is a tape sealed manila envelope containing three test fired .25 Auto cartridge cases reportedly test fired in the Titan pistol, Item #7, in 1978.

My test fires from Item #7, the Titan pistol, were microscopically compared to Item #8, the fired cartridge case and the test fires from 1978. All class characteristics agree and sufficient agreement in individual characteristics were observed in the firing pin impressions to conclude that the cartridge case and test fires from 1978 were fired in the Titan pistol.

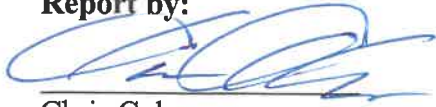
The black leather Viking holster was examined. It had a stainless steel belt clip. On the belt clip was scratched “351 7/25/73” on the top edge and “T.L III / 2-10-78” along one side edge. The scratches were deliberate and appeared to be markings to denote when the holster was recovered. Note: these same inscriptions were also observed and documented on 3/21/2019 when I first examined the evidence in Fresno.



Disposition of Submitted Evidence:

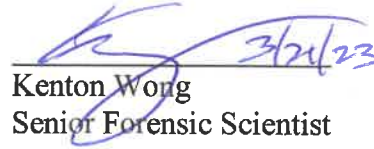
The evidence was repackaged, sealed, and placed into the Evidence Room for return.

Report by:

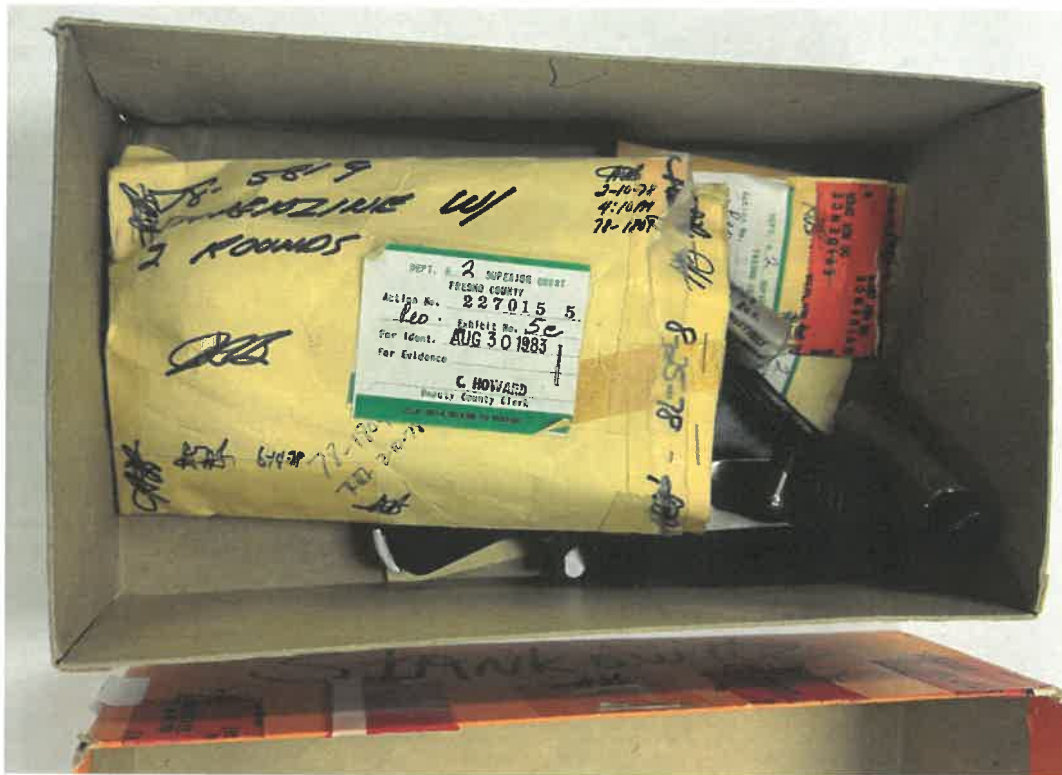


Chris Coleman
Senior Forensic Scientist

Reviewed by:



Kenton Wong
Senior Forensic Scientist



Items loose in the orange cardboard box. (clc 2/28/2023).



Examples of the opened evidence envelopes inside the box. (clc 3/7/2023).

Firearms Comparison Terms:

Client Copy...../FACL Copy.....

Identification:

Agreement of all discernible class characteristics and sufficient agreement of a combination of individual characteristics where the extent of agreement exceeds that which can occur in the comparison of toolmarks made by different tools and is consistent with the agreement demonstrated by toolmarks known to have been produced by the same tool.

Inconclusive:

- A. Agreement of all discernible class characteristics and some agreement of individual characteristics, but insufficient for an identification.
- B. Agreement of all discernible class characteristics without agreement or disagreement of individual characteristics due to an absence, insufficiency, or lack of reproducibility.
- C. Agreement of all discernible class characteristics and disagreement of individual characteristics, but insufficient for an elimination.

Elimination:

Significant disagreement of discernible class characteristics and/or individual characteristics.

Unsuitable:

Unsuitable for examination.

Theory of Identification as it Relates to Toolmarks

1. The theory of identification as it pertains to the comparison of toolmarks enables opinions of common origin to be made when the unique surface contours of two toolmarks are in "sufficient agreement."
2. This "sufficient agreement" is related to the significant duplication of random toolmarks as evidenced by the correspondence of a pattern or combination of patterns of surface contours. Significance is determined by the comparative examination of two or more sets of surface contour patterns comprised of individual peaks, ridges, and furrows. Specifically, the relative height or depth, width, curvature and spatial relationship of the individual peaks, ridges, and furrows within one set of surface contours are defined and compared to the corresponding features in the second set of surface contours. Agreement is significant when the agreement in individual characteristics exceeds the best agreement demonstrated between toolmarks known to have been produced by different tools and is consistent with agreement demonstrated by toolmarks known to have been produced by the same tool. The statement that "sufficient agreement" exists between two toolmarks means that the agreement of individual characteristics is of a quantity and quality that the likelihood another tool could have made the mark is so remote as to be considered a practical impossibility.
3. Currently the interpretation of individualization/identification is subjective in nature, founded on scientific principles and based on the examiner's training and experience.

Practical Impossibility

A phrase, which currently cannot be expressed in mathematical terms, that describes an event that has an extremely small probability of occurring in theory, but which empirical testing and experience has shown will not occur. In the context of firearm and toolmark identification, "practical impossibility" means that based on 1) extensive empirical research and validation studies, and 2) the cumulative results of training and casework examinations that have either been performed, peer reviewed, or published in peer-reviewed forensic journals, no firearms or tools other than those identified in any particular case will be found that produce marks exhibiting sufficient agreement for identification.