



Monache man's case gets boost from forensics testing

New review raises questions about whether gun was planted in 1978 homicide

RICHARD ARLIN WALKER • MAR 29, 2023

This .25-caliber Titan handgun, shown in a police photo, was identified as the murder weapon in the trial and conviction of Douglas Stankewitz, Monache of Big Sandy Rancheria, in the 1978 homicide of Theresa Graybeal near Fresno, California. But new forensics testing in 2023 are raising questions about whether the gun was planted. (Police evidence photo)

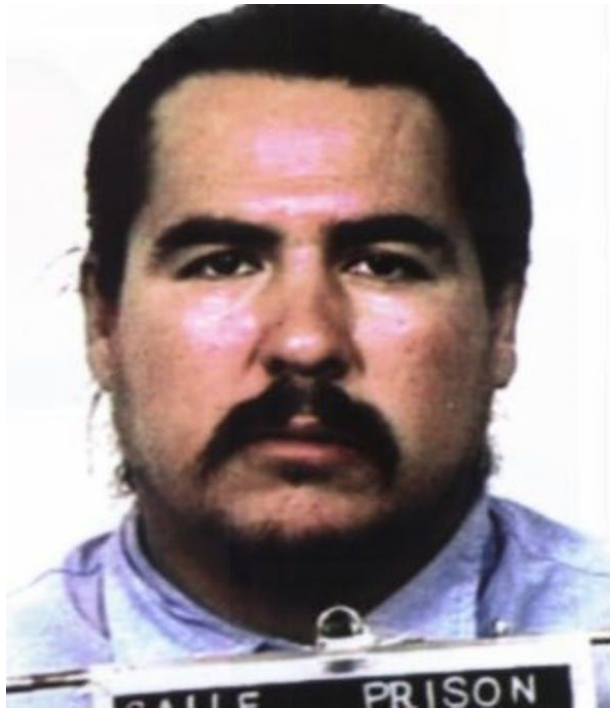
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A forensics lab hired by defense attorneys for a Monache man convicted in a 1978 homicide is raising new questions about whether the gun identified as the murder weapon was planted by investigators.

The results of a review conducted by Forensic Analytical Crime Lab, an independent company in the San Francisco Bay area town of Hayward, found that the holster used for the weapon had a marking indicating it had been with police for five years before the shooting and that the handling of the gun and shell casings were haphazard and sloppy.

Attorneys for Douglas R. “Chief” Stankewitz of Big Sandy Rancheria, who was originally sentenced to die for the murder, said the tests confirm that the gun was not the weapon used to commit the crime. They filed a request on March 22 with Fresno County Superior Court seeking a hearing they hope will lead to Stankewitz’s freedom.

“The firearm currently in evidence and used to convict the Petitioner ...was not actually the murder weapon,” according to the court filing.



Douglas Ray Stankewitz, 64, Monache, believed to be the longest-serving inmate on San Quentin Prison's Death Row, continues to fight his conviction in the 1978 slaying of 21-year-old Theresa Graybeal. He originally received the death penalty but his sentence was later reduced to life in prison. (Photo courtesy of the California Department of Corrections)

ICT obtained copies of the test results, the findings of which were first reported by The Davis Vanguard, an independent online news publication based in the Sacramento-area city of Davis, California.

James Ardaiz, a retired judge who as district attorney prosecuted Stankewitz in 1978 for the murder of Theresa Graybeal, was dismissive of the test results.

“This is the same argument the defense has been making. Nothing new here. Repetition does not make it true or accurate,” Ardaiz told ICT on March 25. “Accept the fact that Douglas Stankewitz is guilty. This purported ‘evidence’ does not show this was not the gun. Facts are facts.”

Graybeal was kidnapped on Feb. 8, 1978, as she walked to her car in a Kmart parking lot in Modesto, a Northern California city near Sacramento. Her body was found early the next morning in a vacant lot in the Fresno area, about 90 miles south of Modesto in California’s Central Valley.

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Stankewitz, who was 19 at the time, and four others were found in or near Graybeal's car in Fresno, their hometown, early on Feb. 9 and were arrested and charged with Graybeal's murder.

Two co-defendants —Billy Brown, 14, and Marlin Lewis, 22 —testified that Stankewitz shot Graybeal in the vacant lot when they stopped the car there, presumably to drop the 21-year-old woman off. Two other co-defendants —Teena Topping, 19, and Christina Menchaca, 25 —said they were in the car and didn't see who fired the gun.

Stankewitz, who has maintained his innocence in the killing, was convicted of murder and sentenced to die in California's gas chamber at San Quentin Prison. Brown received immunity for testifying against Stankewitz. The others were convicted of lesser, related charges.

All the defendants with the exception of Menchaca were Native; Menchaca was Mexican-American.

Recanted testimony

Stankewitz's conviction was overturned in 1982 because of doubts he had been competent to assist in his own defense. He was found guilty at retrial in 1983 and again sentenced to death.

His retrial attorney, Hugh Goodwin, acknowledged in 1989 in the first of two sworn written statements that he failed to introduce Stankewitz's mental health history, including psychiatric and psychological evaluations, that might have spared him the death penalty. Stankewitz was subjected to childhood abuse at home and in a state hospital, records show.

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In 1993, co-defendant Brown recanted his testimony that Stankewitz killed Graybeal, saying his statements were coerced. The record shows that Brown, a minor at the time, had been questioned several times, often without a parent or attorney present.

In 2000, co-defendant Lewis told Laura Wass, a regional director of the American Indian Movement, that he, not Stankewitz, shot Graybeal.

In 2012, based partly on Goodwin's sworn written statements, Stankewitz's death sentence was overturned and he was later resentenced to life without the possibility of parole. He has remained on San Quentin's death row, saying he feels safer there than in the general prison population.

A new review of the case prompted a re-examination of the evidence against him.

In 2019, Roger Clark, a certified police procedures consultant and retired Los Angeles County sheriff's detective, said the 10-degree upward trajectory of the bullet that killed Graybeal—it entered below her right ear and exited near her left temple—indicated Stankewitz, at 6-foot-1 the tallest of the defendants, was too tall to have been the gunman.

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Allen Boudreau, a retired criminalist for the Fresno County Sheriff's Department, wrote in a sworn statement in 2020 that he examined the evidence before testifying in the trial and was told by a deputy district attorney during trial testimony "to assume" that Graybeal was 5-foot-7, though the coroner documented her height as 5-foot-3.

In addition, Clark reported that in his examination of the evidence, he found it to have been carelessly handled and not verified according to procedure.

“Proper police procedures were not followed in the keeping of evidence [and] maintenance of [the] evidence room,” Clark reported. “Additionally, the prosecution never tested the car for blood, gunshot residue, or the bullet; these tests were standard procedure at the time of the incident and could have been exonerating to Stankewitz. The car was returned to [the] victim's family on 2-10-78, 2 days after the crimes, without giving the defense the opportunity to inspect it or test it for evidence.”

Possible blood stains were visible on articles of clothing worn by some of the co-defendants, but those clothing items were not tested, Clark said, and some pieces of evidence appear to be missing.

The property/evidence report – an inventory of evidence – dated Feb. 9, 1978, includes a Titan .25-caliber handgun, a .25-caliber shell casing and a magazine with two .25-caliber rounds.

But Clark said no tests were done to confirm that Graybeal was killed with a .25-caliber weapon. The lack of evidence leaves open the possibility that Graybeal was killed with a gun other than the one introduced as evidence by investigators, according to Alexandra Cock, a member of his legal team.

Stankewitz petitioned for a resentencing hearing in 2021, contending he had been entitled to a hearing when his death sentence was reduced. Had the court heard mitigating evidence at that hearing, he might have received a sentence of life with possibility of parole, Cock said.

With credit for time served, he would have been immediately eligible for release.

In June 2022, California's 5th District Court of Appeal ruled that Stankewitz is entitled to a hearing. The appellate court vacated Stankewitz's sentence of life without the possibility of parole, though he remains convicted of murder.