

FILED

JUN 01 2026

SUPERIOR COURT OF CALIFORNIA
COUNTY OF FRESNO
BY SW DEPUTY

SUPERIOR COURT OF CALIFORNIA, COUNTY OF FRESNO

CENTRAL DIVISION

People of the State of	)	Case No.CF78227015
California,	)	
	)	
Plaintiff,	)	Dept. 74
vs.	)	
	)	
Douglas R. Stankewitz,	)	ORDER GRANTING DEFENDANT'S
	)	DISCOVERY REQUEST UNDER PENAL
Defendant.	)	CODE SECTION 745(D)
	)	

Defendant Douglas R. Stankewitz ("Defendant" or "Stankewitz") filed his motion for relief under Penal Code section 745, the Racial Justice Act ("RJA"), and his first RJA discovery motion on March 28, 2025.

After an amended RJA discovery motion and several other supplements to that motion were filed, on January 30, 2026, the Court ordered Defendant to file a third amended motion for RJA discovery including all of the arguments and evidence that Defendant requested this Court consider in deciding the motion.

Defendant filed his third amended motion for relevant data pursuant to the RJA on March 12, 2026. This is the motion currently before the Court. Having heard oral argument on this matter on May 29, 2025 and having considered the papers of the parties, the Court stated its ruling granting Defendant's motion in part on the record. The parties were advised this written ruling would follow. Therefore, the Court now reiterates its ruling as follows:

1 The Court finds that Defendant has generally met his
2 burden of demonstrating good cause for discovery pursuant to Penal
3 Code section 745, subdivision (d). However, some of the requests
4 are overbroad, some involve matters necessarily included in other
5 requests, some relate to information equally available to
6 Defendant, and some are not reasonably calculated to lead to
7 discoverable evidence. As such, the Court has carefully reviewed
8 the requested discovery consistent with the factors enumerated in
9 *City of Alhambra v. Superior Court* (1988) 205 Cal.App.3d 1118, at
10 page 1134. This order, which first quotes the Defendant's
11 requested discovery verbatim, then describes what Plaintiff must
12 produce:

13 **DEFENDANT'S REQUESTS FOR DISCOVERY 1, 2 & 3:**

14 **Item 1:** Defense requests that all data requests for all
15 categorical items requested in items 2-3 include:

16 **a. List of All Defendants:** A list of all defendants
17 charged with Sect. 187, including the date of the
18 offense, race, gender (if known), birth month/year
19 and court case number.

20 **b. List of All Charges Filed:** All charges alleged
21 against the defendant and the date that they were
22 filed, including all enhancements and any special
23 circumstances.

24 **c. List of all Cases Where the Death Penalty Sought:**
25 Indicating whether the death penalty was sought,
26 imposed and whether it was later dropped.

27 **d. List of Co-Defendants and Related Charges:** Including
28 all defendants charged in related incidents not

1 limited to Sect. 187 filings.

2 **e. List of Disposition for All Charges:** Including all
3 enhancements and special circumstances, specifying
4 whether resolved via plea, trial, dismissal, etc.

5 **f. All Local Charges:** Including any misdemeanor or
6 felony charges substantiated by plea or conviction.

7 **g. List of Prior Charges and Convictions:** Including
8 juvenile and adult convictions known to the District
9 Attorney, with corresponding dates, counties, case
10 numbers and statutes relevant to sentencing
11 enhancement (e.g. three Strikes Law).

12 **h. Investigating Agency Information:** Including (1) Name
13 of the investigating agency or agencies; (2) Dates of
14 the alleged incidents; (3) Gender, age and race of
15 victim(s); and (4) Incident ID number and any related
16 report numbers or booking numbers.

17 **i. Time Period Requested:** 1/1/1972 through the present.

18 **Item 2:** Defense requests all cases where a defendant was
19 charged, at any point, with murder.

20 **Item 3:** Defense requests all cases reviewed for
21 potential filing of Special Circumstances under Penal Code section
22 190.2, where the District Attorney declined to file special
23 circumstances.

24 **ORDER AS TO ITEMS 1, 2, AND 3:**

25 Plaintiff previously asserted Defendant did not
26 adequately describe item 2. The Court disagrees. Defendant is
27 requesting any and all cases where the defendant was charged with
28 murder, at any point - in the original information, an amended

1 information, the complaint, etc. - while the criminal case was
2 ongoing. Items 2 and 3 request that Plaintiff provide eight
3 detailed categories of information for each item. However, some of
4 the eight categories will be equally available to the Defendant
5 once Plaintiff responds to other categories and some of the eight
6 categories seek information that is improper to disclose.
7 Therefore, the Court is limiting the scope of the information
8 discoverable pursuant to Items 2 and 3 to the following:

9 A spreadsheet/list of all defendants charged with violating
10 Penal Code section 187 from January 1, 1975 through January
11 1, 1985. This ten-year time-period is reasonable and
12 appropriate because it encompasses both of Defendant's
13 trials.

14 • Information that must be included in the
15 spreadsheet/list for each defendant:

16 (1) The name, race, gender (if known), date of birth
17 month and year, and court case number of each
18 defendant charged with violating Penal Code
19 section 187; and

20 (2) The name and court case number of any
21 individuals charged for a crime other than a
22 violation of Penal Code section 187 arising out
23 of the homicide incident where a co-participant
24 was charged with Penal Code section 187 arising
25 out of the same incident in a separate court
26 case.

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28 ///

- 1 • Information that does **NOT** need to be included in the
2 discovery response:

3 (1) The following information does not need to be
4 included in Plaintiff's discovery response
5 because, once Defendant is provided with the
6 Court's case number, the information Defendant
7 seeks is equally available to him and his
8 counsel in the Court's case files:

- 9 ▪ A list of all charges;
10 ▪ A list of all cases where the death penalty
11 is sought;
12 ▪ A list of all co-defendants (where the co-
13 defendants were charged in the same case);
14 ▪ A list of the disposition for all charges;
15 ▪ Identity and other information about the
16 investigating agency;

17 If the Court's file is missing or does not have all of
18 the information sought by Defendant, then Defendant may file a
19 second motion for discovery that is narrowly tailored to the
20 information that they cannot obtain from the Court.

21 The Court will not order Plaintiff to provide a list of
22 all of the prior charges and convictions of every defendant on
23 that list. Traditionally, criminal history information is
24 confidential, as a matter of law. (See Pen. Code, §§ 11141, 11142,
25 13302 & 133030; Welf. & Inst. Code, § 827.)

26 **Unclear Request:** In Item 1(f), Defendant requests
27 discovery of "All local charges - including any misdemeanor or
28 felony charges substantiated by plea or conviction. Given that

1 Defendant requests all prior charges and convictions in another
2 portion of Item 1, it is unclear what "local charges" means. To
3 the extent that the above request is a reference to criminal
4 history information, that request is denied. To the extent it is
5 information that can be found in a case file, the information is
6 equally available to Defendant. He is free to review identified
7 case files.

8 **DEFENDANT'S REQUESTS FOR DISCOVERY 4, 5 & 6:**

9 **Item 4:** Plaintiff's office policies regarding the
10 decision to pursue the death penalty.

11 **Item 5:** Plaintiff's office policies relating to the
12 promotion of prosecutors who tried capital cases.

13 **Item 6:** Plaintiff's training materials regarding capital
14 prosecutions that include any discussion of race, religion, or
15 national origin.

16 **ORDER AS TO ITEMS 4, 5, AND 6:**

17 Given that the RJA does not include religion as a
18 relevant factor, Plaintiff is not ordered to discover any policy,
19 which may address religion.

20 The scope of discovery of the materials sought in **Items**
21 **4, 5, and 6** are limited to policies or training materials that
22 were used, created, or in effect, from January 1, 1975 through
23 January 1, 1985.

24 **DEFENDANT'S REQUESTS FOR DISCOVERY 7-10:**

25 **Item 7:** List of all special circumstance murder cases
26 where a death sentence was imposed.

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28 ///

1 **Item 8:** List of all special circumstance murder cases
2 where a sentence of life without the possibility of parole was
3 imposed.

4 **Item 9:** List of all special circumstance cases that had
5 a penalty phase retrial.

6 **Item 10:** List of specific information about special
7 circumstance cases that had a penalty phase retrial.

8 **ORDER AS TO ITEMS 7, 9, AND 10:**

9 As for **Items 7, 9, and 10**, the Court orders that
10 Plaintiff produce a list of all cases from January 1, 1975 to the
11 present day where a special circumstances murder conviction was
12 obtained and a death sentence was imposed against the defendant at
13 any point.

14 **ORDER AS TO ITEM 8:**

15 As for **Item 8**, any discovery that would have been
16 appropriate to order is already ordered as part of the order
17 response to **Items 2 and 3** (a list of all cases where a defendant
18 or defendants were charges with violating Penal Code section 187
19 from January 1, 1975 through January 1, 1985). This ten-year time-
20 period encompasses both of Defendant's trials.

21 **DEFENDANT'S REQUEST FOR DISCOVERY 11:**

22 **Item 11:** Production of all Plaintiff's notes and other
23 information regarding jury selection for Defendant's 1983 second
24 trial.

25 **ORDER AS TO ITEM 11:**

26 Plaintiff asserts that, since any notes or memos or
27 information about jury selection in Defendant's second trial is
28 privileged work product, any discovery under Item 11 should be

1 denied. Defendant relies on *People v. Superior Court (Jones)*
2 (2021) 12 Cal.5th 348 to justify the request for Plaintiff's work
3 product, including notes, regarding jury selection. However, this
4 issue need not be decided at this time. It is unclear if any jury
5 selection notes, memoranda, etc., even exist. If they do not, then
6 there is no work product protection to claim. If notes do exist,
7 then Plaintiff can prepare a privilege log and raise a proper work
8 product objection and the Court will then determine the validity
9 of that objection and, potentially, review the notes, *in camera*,
10 for any RJA relevant material. Therefore, Plaintiff is ordered to
11 comply with the Item 11 request subject to the Court's above-
12 referenced comments.

13 **DEFENDANT'S REQUEST FOR DISCOVERY 12:**

14 **Item 12:** Any Plaintiff information about the internal
15 recommendation of sentencing process.

16 **ORDER AS TO ITEM 12:**

17 The Court denies this request as Defendant has not
18 demonstrated how any discovery related to Item 12 is relevant. Any
19 information about Plaintiff's internal recommendation sentencing
20 process would only be relevant to a section 745, subdivision
21 (a)(4) sentencing claim. Here, Defendant is precluded from making
22 any such claim, as he is not currently sentenced.

23 **DEFENDANT'S REQUEST FOR DISCOVERY 13:**

24 **Item 13:** Any information, written or oral, indicating
25 that a judge, attorney, law enforcement officer, or juror involved
26 in Defendant's case exhibited bias or animus towards Defendant or
27 his race.

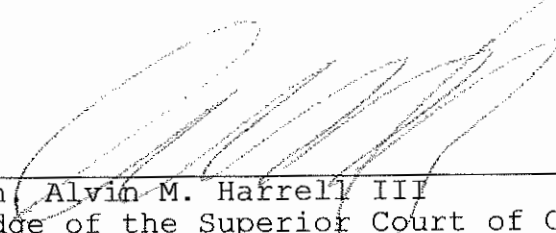
28 ///

1 ORDER AS TO ITEM 13:

2 The Court grants this request, limited to the period
3 from February 8, 1978 (the date of Ms. Graybeal's murder through
4 the present.

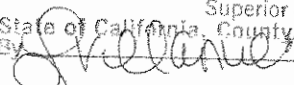
5
6 IT IS SO ORDERED:

7
8 DATED this June 1, 2026.

9
10
11 
12 Hon. Alvin M. Harrell III
13 Judge of the Superior Court of California,
14 County of Fresno

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

18 ATTEST: JUN 02 2026

19 Superior Court Clerk
20 State of California, County of Fresno
21 By  DEPUTY



SUPERIOR COURT OF CALIFORNIA • COUNTY OF FRESNO Criminal Department, Central Division 1100 Van Ness Avenue Fresno, California 93724-0002 (559) 457-1801	FOR COURT USE ONLY FILED 06/02/2026 08:25:16 AM Superior Court of California, County of Fresno By: L. Villanueva
TITLE OF CASE: In re Douglas R. Stankewitz	
CLERK'S CERTIFICATE OF MAILING	CASE NUMBER: CF78227015

I certify that I am not a party to this cause and that a true copy of the **Order** was placed in a sealed envelope and:

- ☐ Deposited with the United States Postal Service, mailed first class, postage fully prepaid, addressed as shown below.
- ☒ Placed for collection and mailing on the date and at the place shown below following our ordinary business practice. I am readily familiar with this court's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service with postage fully prepaid.

Place of mailing: **Fresno, California 93724-0002** on:

Date: **June 2, 2026**

Clerk, by , Deputy

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☐ Clerk's Certificate of Mailing Additional Address Page Attached