

J. TONY SERRA, SBN 32639
350 Townsend St., Ste. 307
San Francisco, CA 94107
Tel 415-986-5591
Fax 415-421-1331

PETER JONES, SBN 105811
Wanger Jones Helsley PC
PO Box 28340
Fresno, CA 93729
Tel 559-233-4800
Fax 559-233-9330
pjones@wjhattorneys.com

CURTIS L. BRIGGS, SBN 284190
1311 Park St., #667
Alameda, CA 94501
Tel (415) 205-7854
BriggsLawSF@gmail.com

MARSHALL D. HAMMONS, SBN 336208
2100 Embarcadero Suite 204
Oakland, CA 94606
Tel (510) 995-0000

Attorneys for Petitioner
DOUGLAS R. STANKEWITZ

SUPERIOR COURT OF CALIFORNIA, COUNTY OF FRESNO

CENTRAL DIVISION

PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

vs.

DOUGLAS R. STANKEWITZ,

Defendant.

Case No.: CF78227015

REPLY TO THE PEOPLE'S OPPOSITION
TO DEFENDANT'S THIRD AMENDED
MOTION FOR RELEVANT DATA UNDER
THE RACIAL JUSTICE ACT 745 (d) WITH
EXHIBITS

Date: May 29, 2026

Time: 9:15 am

Dept. 74

REPLY TO THE PEOPLES'S OPPOSITION TO DEFENDANT'S 3D AMENDED MOTION FOR RELEVANT
DATA UNDER THE RACIAL JUSTICE ACT 745 (d)- 1

1 **I. INTRODUCTION**

2

3 Mr. Stankewitz submits this Reply to address the principal arguments raised in the People's

4 Opposition. **First**, although not necessary under the law, Defendant attaches the sworn declaration

5 of statistical expert Redbird (Exhibit 31i), which addresses the People's claim that no such

6 declaration was provided, and confirms a substantial and significant disparity between Native and

7 White Defendants in Pen. Code, § 190.2 findings and death sentences in Fresno County.¹ **Second**,

8 Defendant identifies two current examples of ongoing racial bias in Fresno — the Fresno District

9 Attorney's continued use of "Squaw Valley" in a press release issued May 8, 2026, and the

10 continuing failure to rename Fresno City College's Eulless Baseball Park, despite its namesake's

11 documented leadership in the Fresno KKK. **Third**, Defendant shows that the Opposition does not

12 refute the Fresno-specific evidence already in the record — the Duran Declaration, the Schiraldi

13 Declaration, and the Fresno Sentence Spreadsheet — each of which supports the prima facie

14 showing. **Finally**, Defendant corrects several misstatements of fact and law in the Opposition,

15 including the People's prior production of RJA discovery in the Ger Lee case, the proper standard

16 of review at the prima facie stage under Pen. Code, § 745(d) (a low threshold, not preponderance),

17 the discoverability of juror notes, and the scope of the CRJA, which the Legislature intended to

18 address racial bias throughout the criminal legal system. For the reasons set forth below, Defendant

19 has met his prima facie burden and the motion should be granted.

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27 ¹ Dr. Redbird will be present on Zoom for the upcoming hearing so that she can address any issues or questions that

28 might arise about data storage policies and procedures.

II. DECLARATION OF STATISTICAL EXPERT DR. BETH REDBIRD

Mr. Stankewitz includes here a declaration from Dr. Beth Redbird, Exhibit 31i. In her declaration she states that she used data currently available for the timeframe of 1990–2024 and her sources for that data. Her declaration refutes the People’s argument that they do not have access to the data requested by Defendant. For the period of 1990–2024, regarding Defendants charged with Pen. Code, § 190.2 specific to Fresno County, she concluded that there was a disparity between Natives and Whites eligible for a Pen. Code, § 190.2 allegation. “Among those eligible for a PC §190.2, Natives were 1.16 times as likely to have a §190.2 finding and 1.68 times as likely to be condemned, compared to eligible Whites.” Exhibit 31i, ¶ 22. “This data speaks to a substantial and significant disparity between Natives and Whites in PC § 190.2 findings and imposition of the death penalty. The existence of that disparity supports a strong inference of disparity in § 190.2 allegations.” Exhibit 31i, ¶ 23. She further states that “to assess disparity in allegations requires additional data, similar to what has already been provided, but showing whether allegations were made.” Exhibit 31i, ¶ 24. In addition to all the data that Defendant has submitted in his Third Amended Motion (hereinafter 3AM) that supports his Pen. Code, § 745(d) motion, Dr. Redbird’s declaration provides plausible justification for Defendant’s 3AM.

III. CURRENT FRESNO RACIAL BIAS

A. Fresno DA’s Office Still Racially Discriminating Against Native Americans In Violation of State and Federal Law

While the DA’s office insists that they do not ‘condone general racism’ (People’s Opposition, at 24, ln. 14 - 15), and they may even believe they do not, they continue to display it from the lens of the Racial Justice Act. On May 8, 2026, the Fresno DA’s office issued a press
REPLY TO THE PEOPLES’S OPPOSITION TO DEFENDANT’S 3D AMENDED MOTION FOR RELEVANT DATA UNDER THE RACIAL JUSTICE ACT 745 (d)- 3

1 release regarding a sentence handed down by this Court in an unrelated homicide case. In the press
2 release, Exhibit 31j hereto, it states that the Defendant, Buford King, is from “Squaw Valley.”² In
3 2022, the California Legislature enacted Assembly Bill 2022 (Gov. Code, § 8899.90 et seq.), which
4 prohibits California public agencies from using the term "squaw" for geographic features and place
5 names. (Gov. Code, § 8899.93.) That same year, the federal Board on Geographic Names renamed
6 the unincorporated Fresno County community of Squaw Valley to Yokuts Valley, formally
7 recognizing "squaw" as a derogatory term for Native American women. The Fresno County Board
8 of Supervisors rejected the federal renaming, proposed "Bear Valley" as an alternative, and in 2023
9 sued the State to block enforcement of AB 2022. The Fresno County Superior Court (Hon. D.
10 Tyler Tharpe) sustained the State's demurrer on standing grounds and dismissed the action when
11 the County elected not to amend. The Court of Appeal, Fifth Appellate District, unanimously
12 affirmed on April 15, 2025, and Fresno County publicly announced thereafter that it would not
13 seek further review.³

14
15
16
17 The renaming to Yokuts Valley has therefore been legally and administratively final for
18 more than a year. The Fresno County District Attorney's Office—the prosecuting agency in this
19 case—nonetheless used “Squaw Valley” in its May 8, 2026, press release, in direct contravention
20 of Government Code section 8899.93 and in disregard of well-settled state policy recognizing the
21 term as derogatory to Native Americans.

22
23
24
25 ² <https://www.fresnoda.org/News-Media/News-Releases/Buford-King-Sentenced-to-Life-Without-Parole-for-Three-Murders>

26
27 ³ <https://gvwire.com/2025/04/18/fresno-county-ending-squaw-valley-fight-after-latest-court-ruling/>.

Continued use of the phrase Squaw Valley shows a level of disrespect to local California Indians which California law and federal law attempt to remedy—just as the RJA provides remedies for Defendant that the prosecution refuses to capitulate to. The fact that this was a public statement which went without correction by any Fresno District Attorney management official shows why the Racial Justice Act challenges both explicit and implicit bias because this is discriminatory whether the person who made the statement intended it or not.

B. Fresno City College Euleess Baseball Park

In another current example of fostering racist history, changing the name of Euleess Park has not happened. When it was exposed by the Fresno Bee in 2020 that John Euleess was a KKK leader in Fresno, it was decided that the Fresno City College Baseball Park would be renamed. Euleess was not only a KKK leader in Fresno, but in 1921, with the goal of gaining power in the county, he and other KKK members offered the support of the local KKK if Euleess would run for district attorney. *See* Exhibit 31k. Although Euleess died approximately 60 years ago, in 1966, his name was still attached to the Park. *See* Exhibit 31l, Euleess Obituary. It is now 2026, and the name has not been changed, and there does not seem to be any action being taken to do so⁴.

IV. FAILURE OF THE PEOPLE TO REFUTE SPECIFIC FRESNO EXAMPLES OF NATIVE AMERICAN RACIAL BIAS

In addition to downplaying the effect of the pervasive derogatory references calling Native people drunks and better off dead, the People's Opposition states that the Defendant does

⁴ *See* <https://www.therampageonline.com/sports/2026/04/14/fccs-historic-ballpark-still-nameless-after-five-years/>

1 not give any examples of how racial bias in Fresno directly affected him. However, the People's
2 Opposition conveniently fails to refute the following 3AM Exhibits:

3 **A. Duran Declaration, Exhibit 30vv**, which states, inter alia, that the community
4 prejudice and institutional bias against American Indians in Fresno at the time of Defendant's
5 trial in the 1980s was "exceedingly high". He based his assessment on his observations on
6 prevalent local attitudes at the time. See Exhibit 30vv, at 2. He further stated "Indians in Fresno
7 County are regarded as requiring special scrutiny from law enforcement agencies and are
8 frequently the objects of harassment by the police." Exhibit 30vv at 4.

9
10 **B. Schiraldi Declaration, Exhibit 30i**, para 175, at p. 47, which states that
11 Native American youth were incarcerated at 3.3 times the rate of white youth.

12
13 **C. Fresno Sentence Spreadsheet, Exhibit 31a**, which shows that death and
14 LWOP sentences were given to a greater percentage of men of color, including Natives, as
15 compared to white men. Exhibit 31a provides evidence of disparate sentencing.

16 **V. MISSTATEMENTS OF FACT AND LAW**

17 **A. Prior RJA Discovery Provided by DA's Office – Ger Lee case**

18
19 People's Opposition states that the People did not provide data in response to a discovery
20 request. Attached is an excerpt of the RJA discovery that was provided. (The actual discovery
21 provided is approximately 114 pages. If requested, Defendant can provide the entire discovery to
22 the court.) *See* Exhibit 31m. Defense counsel Peter Jones can confirm this.

23 **B. Standard of Review is prima facie showing, not preponderance**

24
25 People's Opposition states 'to succeed on his Section 745 motion, Defendant must
26 establish by a preponderance of the evidence that PC §745(a)(1) was violated.' They then go on
27 to state that the RJA only permits discovery upon leave of court. This makes it seem as though
28
REPLY TO THE PEOPLES'S OPPOSITION TO DEFENDANT'S 3D AMENDED MOTION FOR RELEVANT
DATA UNDER THE RACIAL JUSTICE ACT 745 (d)- 6

1 the standard of review is the same for a 745(d) motion as for a § 745 violation. This is not
2 correct. Defendant's RJA (d) motion is at the prima facie stage. At this juncture, the court needs
3 to use a low threshold to determine whether Defendant has established a prima facie showing.
4 *See* 3AM, § IX.B. CRJA Law Changes, p 53, ln 9 – 17; and § IX.H. p 67, ln.13 – p. 68, ln. 9.
5

6 **C. Juror Notes are subject to disclosure**

7 Contrary to the People's assertions, as demonstrated by several cases cited by Defendant
8 in his 3AM, juror notes are not privileged and can be disclosed. Further, separate and apart from
9 1054.9, this Defendant is entitled to the juror notes under the original 1978 discovery motion and
10 order entered in his case. *See* 3AM, § IX.C.2., p 57 and Exhibit 31h, Reply, at 11.
11

12 **D. CRJA Is Intended To Eliminate Racial Bias Throughout The Legal
13 System, Not Just For Defendants**

14 Defendant believes that he has shown the direct effect on him of the racial bias at his
15 second trial. Nonetheless, the People's assertion that the RJA only applies to the effect of racial
16 bias on Defendants is incorrect. As stated by the Legislature in enacting the most recent
17 amendments to the CRJA, "The RJA mandates that we face that racial bias exists in our criminal
18 legal system, and that we remedy it. Racial bias in criminal prosecutions, in all its forms or
19 degrees, is never minor or harmless. (*People v. Simmons* (2023) 96 Cal.App.5th 323.) Like a
20 metastatic cancer, racial bias in one part of a criminal prosecution infects the whole and cannot
21 be remedied by removing a single diseased cell. Remedies must match the gravity of the ills of
22 racial bias and not be so narrow as to minimize the harm or fail to address it in its entirety."
23

24 Assembly Bill No. 1071, CHAPTER 721, Section 1(e).
25

26 //

27 //

28 REPLY TO THE PEOPLES'S OPPOSITION TO DEFENDANT'S 3D AMENDED MOTION FOR RELEVANT
DATA UNDER THE RACIAL JUSTICE ACT 745 (d)- 7

1 **VI. CONCLUSION**

2 Defendant respectfully requests that the court find that he has met his prima facie burden
3 and grant his motion under Pen. Code, § 745(d) for discovery as outlined in his 3AM.

4 Dated this 15 day of May, 2026

5 Respectfully submitted,

6
7 J. TONY SERRA
8 PETER M. JONES
9 CURTIS L. BRIGGS
MARSHALL D. HAMMONS

10 Attorneys for Defendant
11 DOUGLAS R. STANKEWITZ

12 
13 By CURTIS L. BRIGGS
14 Attorney for Defendant

DECLARATION OF DR. BETH REDBIRD DATED 5/14/26
EXHIBIT 31i

DECLARATION OF DR. BETH REDBIRD

I, Beth Redbird, declare as follows:

1. Each of the following statements is true and correct to the best of my knowledge and belief, and is based on my own review of documentation, analysis of data, or the credible assertions of individuals who have personal knowledge of the facts of this matter.
2. I have been asked by counsel for defendant Douglas R. Stankewitz (CF78227015) to determine if provision of additional discovery is likely to indicate disparity under the Racial Justice Act (RJA) in allegations or true findings of P.C. §190.2 in Fresno County.
3. I am a professor in the Department of Sociology, and by courtesy Native Studies, at Northwestern University. I am also a faculty fellow in the Center for Native American and Indigenous Research (CNAIR), and the Institute for Policy Research (IPR).
4. I am a computational methodologist, holding a doctorate in sociology from Stanford University with specializations in statistical methodologies. I also have expertise in the measurement and analysis of race, inequality and disparity, and social policy outcomes.
5. My specific expertise is in the measurement and analysis of inequality systems, methodological design, surveying, and the measurement of invisible or hard to quantify processes. As a computational researcher, I use complex statistical methods and large datasets to study social processes. I regularly conduct analyses with complex quantitative and statistical methodologies, including computational, natural language, machine learning, econometric, and causal inference methods.
6. Some of the methodology I developed for analyses conducted under the RJA has been published in the *Santa Clara Law Review*.¹
7. I have published two articles in *Nature* (widely regarded as the best social science journal in the world). I have also published articles in *American Sociological Review*, *Annual Review of Sociology*, and *Sociology of Race and Ethnicity*, three of the top five journals in sociology. My

¹ Bazelon, et al., *Ground Rules: Giving Meaning and Effect to Key Contested Terms in the California Racial Justice Act* 65[1] Santa Clara L.R. 149 {<http://www.StableCite.com/ws/Bazelon2025.pdf> [original]}.

research has been funded by the National Science Foundation, the Mellon Foundation, the U.S. Department of Labor, the Russell Sage Foundation, and others. I directed the largest survey on the impact of the COVID-19 pandemic on well-being nationwide, and findings from the study were featured in in the *New York Times*, *Washington Post*, *CNN*, *The Economist*, *The New Yorker*, *The Los Angeles Times*, and others.

8. I have been asked to consult and speak to national scientific associations, professional associations, and government offices related to the measurement and analysis of complex processes. This has included the National Academy of Sciences (on two occasions), Federal Reserve Bank (on two occasions), National Bureau of Economic Research, United States Department of Labor (on two occasions), Federal Trade Commission, State of Illinois, and others.
9. I have provided expert opinions on the measurement of Native American identity and well-being to the U.S. Congress, the Census Bureau, and the National Academy of Sciences, and presented to policy audiences at Yale, Harvard, Princeton, Stanford, NYU, UCLA, and others.
10. I am familiar with multiple sources of criminal justice data from across the state of California. I estimate I have conducted between 75-100 analyses using California crime data over the last decade. I have examined or analyzed data from more than 50 law enforcement agencies (police and sheriffs), 45 or more district attorney offices, 15 California Superior Courts, California Judicial Council, California Board of State and Community Corrections, California Department of Corrections and Rehabilitation, California Department of Justice, and at least five probation offices.
11. I have utilized the Supplemental Homicide File, including both the California and Federal versions, for research several times over seven years. I have utilized other data sources from the California Department of Justice, including RIPA data and Juvenile court data, to conduct several analyses.
12. To date, I have conducted more than two dozen analyses of disparity charging, sentencing, or conviction under P.C. §745, approximately half of which have examined disparity in §190.2 charges.

13. In my experience, the data needed to conduct these analyses include:
 - a. All defendants charged with P.C. §187;
 - b. Demographic information for each defendant;
 - c. Co-defendants for each affiliated case;
 - d. All charges and allegations filed for each defendant and co-defendant (including whether §190.2 was alleged), and the disposition of each;
 - e. Whether the death penalty was sought;
 - f. All prior charges and convictions; and,
 - g. Name of arresting agency, arrest date, and initial/booking charges.
14. At the request of Mr. Stankewitz's counsel, I have used data currently available to analyze whether disparity exists. The data includes:
15. A list of all defendants charged with P.C. §190.2 between 1999 and 2020, provided by the Fresno County District Attorney's Office in response to a public records request. Data include all defendants, case numbers, defendant names, and relevant subsections for any case where §190.2 was alleged via complaint, information, or indictment.
16. A list of all convictions, including all sustained charges, convicted co-defendants, and any prior California conviction for any defendant convicted of P.C. §187 in Fresno County between 1990 and 2024, provided by the California Department of Corrections and Rehabilitation (CDCR).
17. A list of all individuals arrested for P.C. §187 by any law enforcement agency in Fresno County between 1980 and 2023, including defendant demographic information, arrest date, offense date, and victim demographic information. This data was first provided by the California Department of Justice, but a subset was also provided by the Fresno County District Attorney's Office in response to a discovery request made in another criminal case.
18. To examine potential disparity, I utilize a risk ratio which captures the probability of an outcome among the set of people who are at risk of experiencing that outcome.

19. During the timeframe observed in the available data (between 1990 and 2024), 483 offenders were incarcerated in CDCR for P.C. §187. Of these, 269 were eligible for a §190.2 finding, and 173 had such a finding.
20. During this time, 7 Natives were eligible for a P.C. §190.2 allegation. Of these, 5 (71%) have a sustained allegation and 1 was condemned (14%).
21. In contrast, 47 Whites were eligible for a P.C. §190.2 allegation. Of these, 29 (62%) have a sustained allegation and 4 were condemned (9%).
22. Therefore, among those eligible for a P.C. §190.2, Natives were 1.16 times as likely to have a §190.2 finding and 1.68 times as likely to be condemned, compared to eligible Whites.
23. This data speaks to a substantial and significant disparity between Natives and Whites in P.C. §190.2 findings and imposition of the death penalty. The existence of that disparity supports a strong inference of disparity in §190.2 allegations.
24. However, to assess disparity in allegations requires additional data, similar to what has already been provided, but showing whether allegations were made.
25. The existence of disparity during the timeframe observed in the available data (between 1990 and 2024) supports a strong inference of disparity during the years preceding that period (between 1972 and 1990), including the years of Mr. Stankewitz's charging and conviction.
26. However, to assess disparity during the earlier time period requires additional data, similar to what has already been provided, but covering the earlier period.
27. I am available to answer questions if needed.

Executed under penalty of perjury, according to the laws of the state of California, this 14th day of May, 2026, in Barrington, Illinois:

By: 
Beth Redbird, Ph.D.

FRESNO COUNTY DISTRICT ATTORNEY PRESS RELEASE
5/8/26 - EXHIBIT 31j



May 8, 2026

CONTACT: Taylor Long, Public Information Officer
tlong@fresnocountyca.gov
559-600-4334

BUFORD KING SENTENCED TO LIFE WITHOUT PAROLE FOR THREE MURDERS

Today, May 8, 2026, Buford Jonathan King (40, of Squaw Valley) was sentenced to an aggregate term of 50 years to life plus life without the possibility of parole in state prison for the murders of three victims between 2011 and 2016. The sentence was imposed by Fresno County Superior Court Judge Alvin Harrell following King's plea agreement entered on March 3, 2026.

During the course of the investigation and criminal proceedings, King claimed he killed the victims after witnessing or learning of alleged acts of sexual abuse involving children or vulnerable victims. Those allegations were never adjudicated in court and, in several instances, could not be independently verified by investigators. Regardless of any allegations later raised by the defendant, the criminal justice system does not permit individuals to take the law into their own hands. King ultimately admitted to committing the murders and accepted responsibility for taking the lives of Aleksey Shelest, Donnie Lee, and Albert Contreras.

On May 28, 2016, Aleksey Shelest was reported missing to the Fresno County Sheriff's Office by his sister, who stated she had not heard from him since May 18, 2016.

On November 9, 2016, Donnie Lee was reported missing to the Fresno County Sheriff's Office by a sergeant with the Reedley Police Department after two concerned individuals reported they had not seen Lee since November 1, 2016. The individuals stated Lee had been living with Buford King in Squaw Valley and that the two had argued over money.

On November 22, 2016, an additional witness contacted law enforcement expressing concern for Lee's welfare. The witness reported learning that Lee had gone to King's

property to collect money owed to him and had not been seen since. The witness also reported observing fresh digging on King's property.

Investigators began parallel missing person's investigations into the disappearances of Shelest and Lee. Numerous witnesses were interviewed, including King and his girlfriend in January 2017. King claimed the last time he saw Lee was around November 1, 2016.

The investigation remained unresolved until March 2019, when Fresno County Sheriff's Office Detective Jose Diaz received information that King's girlfriend possessed information regarding the disappearances.

On March 15, 2019, detectives interviewed King's girlfriend, who stated she came forward after becoming fearful following a recent jail visit with King. She told investigators King threatened to kill her if she ever attempted to leave him.

The witness described multiple holes dug on King's property and on a neighboring property. She recalled King telling her that Aleksey Shelest had been shot while standing inside one of the holes. She also described hearing a gunshot one evening and later being told by King that Shelest had left the property, leaving behind his dog.

The witness further reported that on November 5, 2016, she heard a gunshot and was later shown Donnie Lee lying on the ground with catastrophic head injuries. She believed Lee had been buried on the neighboring property because the area appeared freshly disturbed and covered the following day.

On March 20, 2019, detectives executed search warrants on both properties in Squaw Valley. On March 26, 2019, investigators located the remains of Aleksey Shelest along with personal belongings, including his phone and wallet. The search for Donnie Lee continued, but his remains were not immediately located.

On April 14, 2019, detectives interviewed King at the Fresno County Jail. King confessed to killing both Shelest and Lee. He identified the location where Shelest had been buried and admitted shooting him on his property.

When questioned about Lee, King indicated Lee had suffered the same fate. He later identified an area where Lee had been buried.

During the interview, detectives asked King whether there were additional victims. King later contacted investigators regarding another homicide in Tulare County.

On April 25, 2019, King provided investigators with information regarding the killing of a man later identified as Albert Contreras. King claimed he encountered Contreras while responding to what he described as an assault involving a young girl at an apartment complex in Visalia in 2011. King admitted strangling Contreras to death, transporting the body, and burying the remains.

Detectives from the Visalia Police Department reviewed missing persons cases from that time period and identified Albert Contreras as a potential match. After being shown a photograph, King positively identified Contreras as the victim.

On April 26, 2019, coordinated searches were conducted in both Visalia and Squaw Valley for the remains of Contreras and Lee. The initial searches were unsuccessful.

On April 27, 2019, investigators transported King to both burial locations. King directed detectives to the burial sites of Contreras and Lee, and the remains of both victims were ultimately recovered.

The Fresno County District Attorney's Office thanks the Fresno County Sheriff's Office, Tulare County Sheriff's Office, and the Visalia Police Department for their extensive investigative work and dedication throughout this complex multi-year homicide investigation.

The case was prosecuted by Senior Deputy District Attorneys Liz Owen and David Olmos of the Fresno County District Attorney's Office Homicide Unit, with assistance from Commander Derek Scott of the Bureau of Investigations.

[F19905034]

Eulless History – Fresno Morning Republican 8/26/22
EXHIBIT 31k

CAINE EXPOSES KLAN PLOT TO 'GET GEARHART'

Says Eulless Assured
'Empire' Support
To South

Alleges Move Started
Before Publication
Of Names

Charges that the Ku Klux Klan had started a movement to oust District Attorney R. W. Gearhart from office at the approaching election some weeks before that official began his expose of the "hooded knights" were contained in a letter received by The Republican yesterday from C. L. Caine, Fresno business man.

Caine alleges and says he will back it up by affidavit, that he was with Attorney N. Lindsey South when the latter was approached by J. M. Eulless, a Klan leader, with a proposal to run against Gearhart and promised the Klan support.

When South declined to fall in with the suggestion, Eulless, Caine declares, said he had approached other attorneys in an effort to line up a candidate but up to that time had been unsuccessful.

HAYS ADMITS IT

Ray W. Hays, prominent figure in the American Legion, former deputy in the district attorney's office and a member of the firm of Gallaher, Simpson and Hays, last night admitted he was one of the attorneys approached by the Klan representatives.

"No committee came to me but I was approached at various times by a half dozen or more persons wanting to draft me into a race for district attorney and promising me 'powerful support,'" said Hays. "I later discovered that these individuals were reputed members of the Klan."

"To the best of my memory these approaches began at least a month prior to District Attorney Gearhart's publication of the names of the persons supposed to belong to the local Klan."

CAINE'S LETTER

To The Republican: This is a plain citizen's statement to the rest of the plain citizens of Fresno county. A campaign, unprecedented in its viciousness has been conducted against Gearhart. There has apparently been no slander, conspiracy, no malicious falsehood, no gross, far imagination, that has not been circulated to damage his candidacy.

Gearhart has said the Ku Klux Klan is responsible. The Klan has made no secret of its opposition. Its propaganda has included the subtle creating of the opinion, frequently expressed by men not in anyway connected with the Klan, that their views have been soundly by it, that the Klan is merely seeking revenge for its exposure at the district attorney's hands last May and that Gearhart's action was ill advised because no issue existed here.

The Klan decided to "get Gearhart" last year. The Klan's campaign began long before its activities in this county, marked by the writing of threatening letters, led to Gearhart's attempt to stamp it out. To the following statement I am willing to make affidavit:

In November, 1921, I was having lunch in the Hughes hotel with Attorney N. Lindsey South. John Eulless, acknowledged Klan leader, came to our table and addressing South, said:

"Will you run for district attorney of this county next election?"

South said he would not. "If you will," said Eulless, "the Ku Klux Klan of Fresno county will get behind you and elect you by a big majority."

South replied that he had no political aspirations and would not in any event be a candidate against Gearhart.

Eulless then asked if South could suggest any lawyer who could be induced to run.

"I've asked a dozen or more, but haven't found a lawyer yet who is willing to get into the race," continued Eulless. "But

(Continued on Page 20.)

Charges that the Ku Klux Klan had started a movement to oust District Attorney B. W. Gearhart from office at the approaching election some weeks before that official began his expose of the "hooded knights" were contained in a letter received by The Republican yesterday from C. L. Caine, Fresno business man.

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"To the best of my memory these approaches began at least a month prior to District Attorney Gearhart's publication of the names of the persons supposed to belong to the local Klan."

CAINE'S LETTER

Caine's letter in full follows:

To The Republican: This is a plain citizen's statement to the rest of the plain citizens of Fresno county. A campaign unprecedented in its viciousness has been conducted against Gearhart. There has apparently been no slander conceivable, no malicious falsehood too gross for imagination, that has not been circulated to damage his candidacy.

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"If you will," said Euless, "the Ku Klux Klan of Fresno county will get behind you and elect you by a big majority."

South replied that he had no political aspirations and would not in any event be a candidate against Gearhart.

Euless then asked if South could suggest any lawyer who could be induced to run.

"I've asked a dozen or more, but haven't found a lawyer yet who is willing to get into the race," continued Euless. "But

(Continued on Page 20.)

CAINE EXPOSES PLOT BY KLAN

'Get Gearhart' Action Of Euless Cited

(Continued from Page 11.)

we'll find somebody and we'll elect him.

"The Ku Klux Klan has determined that Gearhart shall not be elected."

This information should, in my opinion, be given to the public. I am not a politician. In fact, I know nothing whatever about politics. I have read much of the Ku Klux Klan and its operations and I believe I share in the opinion of 99 per cent of our American citizens that it is an un-American organization that has frequently been guilty of criminal acts and should not be permitted to exist. Its workers have been persistent in this campaign. They have not revealed their membership, and they have until recently denied their organization's interest.

My sole purpose in setting this forth is that those citizens who have perhaps doubted the Klan's interest and activities may know definitely that the plan to defeat Gearhart was laid long ago and that the Klan made overtures to several Fresno attorneys to back their candidacy.

In The Republican of yesterday morning (August 25th) appeared an article, signed by Simon Collins, devoted to an attack upon District Attorney Gearhart. It is in my opinion significant that Simon Collins is a law partner and brother of Oscar Collins, who with John Euless, Dr. Luckie and others acknowledged their leadership in Klan activities in a published article in The Republican last May.

It is my conviction that, regardless of any personal candidacy, the defeat of Gearhart in this election will be a victory for the Ku Klux Klan. I do not believe the voters of Fresno county will be deceived by propaganda of the character circulated to injure Gearhart's candidacy. I am confident they will recognize the source from which it emanates, and that right thinking will assert itself in Gearhart's election.

I address this communication to the voters of Fresno county.

Respectfully,

-C. L. CAINE

Eulless Obituary – Fresno Bee 11/24/66 EXHIBIT 31I

Cong Ambush Kills Seven Americans In Viet Convoy

Highway Funds Slash Will Hit California Hard

McClatchy Newspapers Service

SACRAMENTO — California highway programs, the construction industry, motorists and the state's economy all are bound to suffer from a decision by the Johnson administration to cut \$700 million from federal highway spending in a move to combat Viet Nam war inflation.

These predictions emerged today as highway experts estimated more than 10 per cent of the cuts, amounting to more than

Related Story on Page 14-A

\$90 million, probably will be deleted from funds tabbed for California's federally aided highways scheduled for completion by 1972.

State Director of Public Works John Erreca said the fund cut would halt construction on portions of such primary traffic arteries as U.S. 99.

California, moreover, he said, is going to feel the cutback more than most states. The California population is young, expanding and traveling. The construction industry already has been hurt by "tight money" restrictions on home-building.

Entire Economy

"This cut is going to hurt the entire economy of the state considerably," Erreca said. "I don't think what they're trying to achieve can do anything but hurt the state."

Erreca and Robert B. Bradford, who as state transportation administrator also holds office as chairman of the California Highway Commission, noted cutbacks in one phase of freeway financing and construction will throw later phases off too.

The U.S. Bureau of Roads ordered the cut of 17.5 per cent in the federal government's current highway building program. But the money will not actually be expended on the war. It simply will not be spent as a result of an order by President Johnson that government agencies cut spending without harming essential programs.

Bradford estimated the cut might set back the state's interstate freeway program as much as a year.

The programs cannot be financed only by state gasoline tax collections, because they account for only 10 per cent of the joint state-federal highway program.

Fresnans Will Share Lower Phone Rates

By Lee Fremstad

McClatchy Newspapers staff writer

SAN FRANCISCO—Final rate charges for all Pacific Telephone Co. customers were handed down late yesterday by the Public Utilities Commission.

For Fresno area customers the changes will mean monthly rate reductions for service beginning Jan. 1 ranging from 35 cents for residential phones to 50 cents for business lines.



John M. Eules

John M. Eules, 'Mr. Baseball' Of Fresno, Dies

John M. Eules, an insurance and real estate broker and vineyardist who was known as "Mr. Baseball" of Fresno, died yesterday afternoon, apparently of a heart attack, while hunting pheasants alone on the ranch of Melvin L. Coelho at 1035 E. North Ave.

Coelho found Eules lying in a field, with his dog beside him, when he went to relay a message from Mrs. Eules that the couple was scheduled to attend a church dinner last night and that Eules should return home early.

Eules, who resided at 373 S. Peach Ave., was 86 years old. His office was in the Roswell Building.

He was born in Bell Buckle, Tenn., and came to Fresno in 1906. Through the years he was active in several organizations related to agriculture as well as athletics.

He was a strong force in bringing organized baseball to

See Eules Page 4-A

Following are rates for individual one-party phones and individual business phones, the old monthly rate followed by the new:

Fresno, \$4.85 to \$4.50, residential, \$9.85 to \$9.05 business; Caruthers, \$5.60 to \$5.25 residential, \$11.35 to \$10.50 business; Clovis, \$4.85, unchanged residential, \$9.85 to \$9.70 business, and Del Rey, \$5.35 to \$5 residential, \$10.85 to \$10 business.

Increases Set

Because of their growth, the Dmule, Delano, Los Banos and Selma exchanges are among those due rate increases. The individual residence rate will jump from \$3.95 to \$4.20 monthly while the individual business rates will increase from \$6.30 to \$7.

The order will replace the interim rates set by the commission staff in June 1964. The decision marks an end to the investigation of PTT rates which began in 1962.

The 1964 interim rates reduced the telephone company's gross revenue by \$40.7 million yearly. The final rates will not change that figure and the rate of return authorized for PTT will remain at 6.3 per cent.

Sacramento and Orange Counties were tabbed by the PUC order to become separate rate-making areas in the future. The

Highlands Area Fight Results In 20 Casualties

SAIGON, South Viet Nam (AP) — Viet Cong ambushers shot up a mixed civilian-military U.S. convoy in the central highlands today. Confused accounts after a 90-minute fight added up to 7 Americans killed among 20 or so casualties.

Elsewhere the war was quiet this Thanksgiving Day, and virtually all the more than 400,000 American servicemen of ground, air and sea forces in the Viet Nam theater participated in traditional turkey dinners.

Eight Vehicles

The convoy of eight vehicles, carrying civilians working for Page Communications Engineers, Inc., a Washington-based company, and its military escort were attacked on Highway 11 a few miles southeast of the mountain resort city of Dalat, 140 miles northeast of Saigon.

More than 12 hours later spokesmen for Page and for the U.S. military command still differed on the toll levied by the guerrillas.

The company announced in Washington that eight of its employees — an American civil engineer and seven foreigners — were killed. The American was Edward F. Ramsey, 26, whose mother lives in Reading, Pa. The U.S. command in Saigon said six American military men and four civilians were slain.

U.S. headquarters announced, meanwhile, that casualty tolls for American troops dropped during the past week ending Saturday, as did those of the

See Fresno Page 4-A

See Viet Page 4-A

War Goes On

Most Yanks Get Duty As Usual, Turkey Too

By Edwin Q. White

SAIGON, South Viet Nam (AP) — An Air Force captain in Viet Nam put it this way: "It doesn't really seem like Thanksgiving. With the weather and being away from the family, everything here makes it seem just like any other day."

Richard Decker, 34, of Austin, Tex., was on duty as usual at the busy Da Nang Air Base today and that was the way this Thanksgiving in Viet Nam looked to him.

There were missions to be flown and ground actions to be carried out. Despite the day marked on the calendar, the war went on.

In general, however, the

At Phu Loi, about 15 miles north of Saigon, a special award ceremony was held with high officers from both the Vietnamese and U.S. Armies on hand. A firefight broke out only 1,500 meters from the perimeter of



AP Wirephoto

TURKEY TIME—Private First Class Raymond S. Benoit of Norwich, Conn., prepares to bite into a piece of Thanksgiving turkey in the field in South Viet Nam. Benoit is with the 1st Infantry Division based at Di An, some 15 miles north of Saigon.

Viet: Cong Ambush Yank Convoy

From Page 1-A

enemy, but Vietnamese losses were slightly higher.

U.S. headquarters said 100 Americans were killed and 749 wounded in the seven-day reporting period ending Nov. 19. No Americans were listed as missing or captured. Last week 126 Americans were reported killed and 810 wounded, with none missing or captured.

The figures reflected a slackening in the pace of the ground war.

Elsewhere today, the Viet Cong smashed the fences of a New Life hamlet deep in the Mekong Delta, burned 15 houses and, according to a Vietnamese spokesman, abducted 109 people, mostly children, in a morning raid.

Near Cong Base

The hamlet was near a Viet

January.

A Vietnamese spokesman said the Viet Cong village abduction occurred at the Vinh Binh Province village of Long Toan, just 10 miles from where a similar abduction took place Nov. 7.

In that first abduction, 107 persons were taken, including 11 men, 33 women and 53 children.

A Vietnamese spokesman said both the villages were New Life hamlets settled only this year. People from the surrounding area were relocated into the hamlets.

A Viet Cong "secret" base area lies a few miles from both the hamlets, the Vietnamese spokesman said. He could give no reason for the abduction. Some of the persons taken Nov. 7 have since returned.

Bombings

U.S. strike aircraft, searching for a break in the weather over

continued pounding the coast of North Viet Nam, concentrating on enemy cargo barges and Communist craft moored along the shore. Navy spokesmen said 60 enemy barges were destroyed by the 5-inch shells from the destroyers Warrington and Mullany.

In South Viet Nam, Air Force planes struck Communist caves 55 miles northwest of Saigon Wednesday, killing 30 Viet Cong and sealing 15 caves.

Vietnamese regional forces launched the most successful operation in months in Go Cong Province south of Saigon Wednesday. Vietnamese spokesmen reported 48 Viet Cong killed. Vietnamese casualties were termed light.

US Strength

In Saigon, the U.S. Command also announced today that the total strength of U.S. military

Eules

From Page 1-A

Fresno in 1941 when the St. Louis Cardinals established a local franchise in the California League.

He was primarily responsible for the building of the Fresno State College Park in 1941. The park, located behind Ratcliffe Stadium on Blackstone Avenue, was renamed the John M. Eules Park in his honor when the facility was taken over by the Fresno City Unified School District in 1957.

The park now is owned by the State Center Junior College District. It is the home field for the Fresno Giants, a farm club of the San Francisco Giants of the National League. Plans are underway to raze the wooden facility and build a new ball park on the site.

Club President

Eules served without pay as president of the old Fresno Cardinals club from 1941 until he resigned in 1949. He also had served as a league director.

He became a baseball enthusiast as a high school and sandlot player in Tennessee. He sponsored teams in the Fresno Twilight League in the 1920s. He continued to support organized baseball here through the Greater Fresno Youth Foundation which operates the Fresno Giants franchise.

Two years ago Eules was inducted into the Fresno Athletic Hall of Fame.

Besides baseball, Eules was known for his interests in hunting and fishing.

He and his wife, the former Mary Chadwick, would have been married 64 years on Dec. 14.

He was a member of the Westminster Presbyterian Church until it moved its location. Then he joined the First Presbyterian Church. He was a church officer for 47 years.

Surviving, in addition to the widow, are a son, J. Frank Eules of Madera; three daughters, Mrs. Lucille Marshall of Berkeley, Mrs. Thelma Prentice of Fresno, and Mrs. Virginia Centers of Hayward, Alameda County; five grandchildren and six great-grandchildren.

Funeral services will be held Saturday at 1 p.m. in the Calaveras Chapel of the Lisle Funeral Home, The Rev. Wallace D. Drotts of the First Presbyterian Church will officiate. Committal services will be private for the family.

The family requests any donations be made to the First Presbyterian Church building fund or to the Great Fresno Youth Foundation.

**Ger Lee RJA Homicide Case Discovery Provided by
Fresno DA (Excerpt) - EXHIBIT 31m**

[illegible]

F VC 23153(b)	VC 23560
F VC 23153(b)	PC 12022.7(c)
F PC 187(a)	
F VC 23153(g)	PC 12022.7(c)
F VC 23153(g)	VC 23560
F VC 23153(g)	VC 23560
F VC 23153(b)	VC 23560
F VC 23153(g)	PC 12022.7(c)
F PC 667(b)-(i)	
F PC 187(a)	PC 12022(b)(1)
F PC 667(b)-(i)	
F PC 192(a)	PC 12022(b)(1)
F PC 187(a)	PC 12022(b)(1)
F PC 187(a)	PC 12022.53(d)
F PC 192(a)	PC 12022.5(a)
F PC 211	PC 12022.53(d)
F PC 187(a)	PC 12022.53(b)
F PC 187(a)	PC 12022.53(b)
F PC 187(a)	PC 12022.53(d)
F PC 211	PC 12022.53(b)
F PC 211	PC 12022.53(b)
F PC 187(a)	
F PC 187(a)	
F PC 187(a)	PC 12022(b)(1)
F PC 664/187(a)	PC 12022.53(d)
F PC 187(a)	PC 12022.53(d)
F PC 25850(a)	PC 25400(c)(6)
F PC 25400(a)(2)	PC 25400(c)(6)
F PC 187(a)	PC 12022.53(d)
F PC 667(b)-(i)	
F PC 187(a)	PC 12022.53(d)
F PC 3455(a)	
F PC 32	
F PC 667(b)-(i)	
F VC 23153(f)	VC 23558
F PC 187(a)	
F PC 187(a)	
F VC 23153(f)	VC 23558
F PC 187(a)	PC 190.2(a)(22)
F PC 187(a)	PC 190.2(a)(22)
F PC 245(a)(2)	PC 12022.5(a)
F PC 187(a)	PC 12022.7(a)
F PC 187(a)	PC 12022.53(d)
F PC 187(a)	PC 12022.53(c)
F PC 187(a)	PC 12022.53(b)

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I am a citizen of the United States. My business address is P. O. Box 7225, Cotati, CA 94931. I am over the age of eighteen years and not a party to the within action.

REPLY TO THE PEOPLE'S OPPOSITION TO DEFENDANT'S THIRD AMENDED
MOTION FOR RELEVANT DATA UNDER THE RACIAL JUSTICE ACT § 745 (d) WITH
REPLY EXHIBITS

Elana Aron Smith
Office of the District Attorney
Fresno, CA 93721
Earon@Fresnocountyca.gov

Honorable Alvin M. Harrell III
Lisa M. Villanueva, Clerk
Dept74@fresno.courts.ca.gov

 X By Email or Electronic Filing/Service. CCP Sect. 1010.6 and California Rules of Court, Rule 2.251. Based upon a Court Order, Local Rules of Court, or an agreement of the parties to accept service by e-mail or electronic transmission, I caused the documents to be sent to the person(s) listed above on the parties listed above who are signed up for electronic service. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration is executed on May 15, 2026, at Sebastopol, California.


Alexandra Cock