

AUG 07 2026

SUPERIOR COURT OF CALIFORNIA
COUNTY OF FRESNO

BY

DEPUTY


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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF FRESNO**

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

v.

Douglas Stankewitz,

Defendant(s),

Fresno Superior Court No. CF78227015

**PEOPLE'S RESPONSE TO THE
COURT'S DISCOVERY ORDER
(Pen. Code, § 745(d))**

Date: August 14, 2026

Time: 915

Dept: 74

INTRODUCTION

The People lodge the following response and request for this court to modify its June 2, 2026 Discovery Order (Order) pursuant to Penal Code section 745(d). This response is intended to address the portions of the Discovery Order to which the People object, the portions to which the People can comply, and the portions to which the People cannot comply. Based on the information contained herein, as well as any documents and evidence that may be presented in court, the people respectfully request this Court amend its discovery order in accordance with the People's request and narrow the order to what the People can provide. The People also respectfully reserve the right to request a protective order over the ordered discovery.

1 **ARGUMENT**

2
3 **I. THE PEOPLE REQUEST THIS COURT MODIFY ITS DISCOVERY ORDER**

4 **A. The Court's Order**

5 **a. Part 1**

6 Part 1 of this Court's Order addresses Defendant's request for discovery, items 1, 2 and 3.
7 (Order, p. 3.) The court orders the People to produce:

8 A spreadsheet/list of all defendants charged with violating Penal Code section 187 from
9 January 1, 1975 through January 1, 1985. (Order, p. 5.)

10 The spreadsheet must include:

- 11 a) The name, race, gender (if known), date of birth month and year, and court case number
12 of each defendant charged with violating Penal Code section 187; and
13 b) The name and court case number of any individuals charged for a crime other than a
14 violation of Penal Code section 187 arising out of the homicide incident where a co-
15 participant was charged with Penal Code section 187 arising out of the same incident in a
16 separate court case.

17 **Part 1, section (a)**

18 Regarding Part 1 of this Court's Order, the People can provide a spreadsheet of all
19 defendants charged with violating Penal Code section 187 from January 1, 1975 through January
20 1, 1985. Regarding Part 1, section (a) the People can provide, to the extent that it is available,
21 the race, gender (if known), date of birth month and year, and Fresno Superior Court case
22 number of each defendant charged with violating Penal Code section 187(a).

23 The data stored in eProsecutor from 1975 through 1983 is extremely limited. Especially with
24 regard to race, when the case management system in 1999 occurred, defendant race information
25 was not transferred over into the new system. This information might be available if it was
26 updated since 2019. As such, the People can attempt to retrieve Defendant race information in
27 the unlikely event that it is available. The People can substantially comply with this portion of
28 the request.

1 **The People respectfully object** to providing the name of each defendant in Part 1 section
2 (a), pursuant to the Order. The names of 3rd party individuals (specifically, their name identity)
3 is not relevant to Defendant's claims under the Racial Justice Act, which is purely focused on
4 the pursuit of abolishing disparities in charging and sentencing by the state, on the basis of race.
5 (Pen. Code §745(a).) The names of 3rd party individuals has no bearing on their race, the
6 charges in their case or their case outcomes. Further, the People object to providing the name
7 based on the concern that providing a combination of personal identifying information along
8 with the defendant's demographic information would improperly disclose criminal history
9 information that could be used to identify the holder of the record, in violation of state law. Pen.
10 Code, §§ 11141, 11142, 13300-13303; *Westbrook v. County of Los Angeles* (1994) 27
11 Cal.App.4th 157, 164-166; see *American Civil Liberties Union Foundation v. Deukmejian* (1982)
12 32 Cal.3d 440, 450 ["Not only names, aliases, addresses, and telephone numbers must be
13 excluded, but also information which might lead the knowledgeable or inquisitive to infer the
14 identity of the individual in question"].) **The People respectfully request this Court order the**
15 **People to instead provide an anonymized identifier of the defendant, rather than name.**
16 The People intend to fully comply with the remainder of this portion of the court's Order and
17 respectfully request this Court grant the People's request to modify.

18 **Part 1, section (b)**

19 Regarding Part 1, section (b) which is an order to provide the name and court case
20 number of any individuals charged for a crime other than a violation of Penal Code section 187
21 arising out of the homicide incident where a co-participant was charged with Penal Code section
22 187 arising out of the same incident in a separate court case, **the People cannot substantially**
23 **comply with this portion of the request.**

24 The Fresno County District Attorney's office uses an electronic database called
25 "eProsecutor." This management system became functional in 2019. The primary purpose of
26 this management system is for case management and workload distribution, and to share and
27 store case information across the office. Over the years the capability has been developed to be
28 able to design a query within our eProsecutor case management system to retrieve data from

1 some designated fields within the system. What fields of information were created has evolved
2 over time. Historically, there have been no specific requirements for data collection. So, to the
3 extent we were able, we have attempted to create fields most helpful to the prosecution of
4 crimes. But, the information entered has changed over time and the data entry has been lacking
5 in uniformity and consistency. As a result, the information that we are able to retrieve can be
6 inaccurate and varied in regard to reliability. While the information can serve our office interests
7 well, the information was not intended for statistical or certifiable record purposes. Moreover,
8 because the database was designed for application related to the prosecution of a cases, rather
9 than as an informational archive, there are many instances where the information being sought is
10 inconsistently recorded and available.

11 eProsecutor does not store explicit "incident" linking information to search for and match
12 up defendants using agency report numbers. As a result, the People are not able to directly query
13 whether a defendant charged in a homicide case under a specific agency report number shares
14 the same agency report number with another defendant in a different case. Other queries would
15 have to be performed to achieve a "similar" result. Further, extensive manual review would
16 likely be required.

17 If the People comply with this portion of the Order, the People are not confident that the
18 result of what would be produced would be responsive to the Order in this section. eProsecutor
19 produces a very limited and systematically skewed result, especially for 1975–1982.
20 Furthermore, this partial list could easily be misinterpreted as evidence that co-participants were
21 not charged when they might have simply never generated a post-1982 entry that pulled them
22 into the electronic system. For the mid 1982–1984 portion, the report-number proxy search is
23 feasible and could produce some usable results, though still incomplete due to the issues noted
24 above.

25 The People cannot confidently say the result of any query in an attempt to retrieve the
26 desired results would produce accurate or reliable data in accordance with the purpose of the
27 Order. In fact, the People are confident that if it tried to query this portion of the request, the
28 result that would be produced would be likely very inaccurate, and would be missing large

1 portions of data relevant to the query. **Therefore, the People cannot substantially comply**
2 **with this portion of the Order.**

3 **b. Part 2**

4 Part 2 of the Order addresses Defendant's request for discovery, items 4, 5 and 6. (Order,
5 p. 7.). The Court orders the People to produce policies or training materials that were used,
6 created, or in effect, from January 1, 1975 through January 1, 1985. The People intend to search
7 for responsive records and produce what records are available pursuant to Order.

8 **c. Part 3**

9 Part 3 of the Order addresses Defendant's request for discovery items 7, 8¹, 9, and 10
10 (Order, p. 8). The court orders that the People produce a list of all cases from January 1, 1975 to
11 the present day where a special circumstances murder conviction was obtained and a death
12 sentence was imposed against the defendant at any point.

13 Similar to what was explained above, a query in eProsecutor would produce a very
14 limited and systematically skewed result, especially for 1975–1982. After a review of the
15 current data in our system, the People cannot confidently say the result of any query in an
16 attempt to retrieve the desired results would produce accurate or reliable data in accordance with
17 the purpose of the Order. In fact, the People are confident that if it tried to query this portion of
18 the request, the result that would be produced would be likely very inaccurate, and would be
19 missing large portions of data relevant to the query.

20 Further, processing this part of the request would require extensive manual review of
21 every case produced to determine if there are responsive records. Sentencing information has not
22 been a required field in data entry practices at the office over the years, as the office's case
23 management system was designed to manage internal caseloads and not for statistical retrieval.
24 Further, there have been inconsistent data entry practices over the years, specifically for
25 homicide cases resulting in sporadic and inaccurate data entries. The People can comply, but the

27 ¹ The Court does not make a specific order for Item 8, but instead states that any discovery that would be
28 appropriate to order under Item 8 is already being addressed in Items 1 and 2, which is described herein
under Part 1 section (a).

1 results will take a substantial amount of time to produce² based on the extensive manual review
2 required for this part, and the results produced will likely be inaccurate or missing a large
3 amount of relevant data.

4 Further, Part 3 of the Order is a request for information that is publicly available. The
5 People respectfully directs this Court and counsel a public website which can produce the
6 information counsel seeks more accurately, and efficiently. The website, Death Penalty
7 Information Center: <https://deathpenaltyinfo.org/>³, allows users to query databases for death
8 penalty cases from 1975 to present with the following categories: Name, State/Jurisdiction,
9 County/Federal district, Region, Race, Gender, Year of Death Sentence, Multi-sentence
10 identifier, Outcome of death sentence, and current case status. A search on this website produces
11 instantaneous results.

12 The People respectfully request this Court modify its Order and remove Part 3, because
13 the results the People would produce under this portion would likely be inaccurate and
14 incomplete, and the data Defendant seeks is already publicly available.

15 **d. Part 4**

16 In Part 4 of the Order, the court orders the People to produce jury notes from Defendant's
17 trial. The court further orders that if the People claim a work product privilege, then the court
18 can determine the validity of the objection and potentially review the notes in camera. The
19 People intend to search for responsive records and raise any potential objections if needed,
20 pursuant to this part of the Order.

21 **e. Part 5**

22 In Part 5 of the Order, the People are required to produce, for the time period of February
23 8, 1978 through present any information, written or oral, indicating that a judge, attorney, law
24 enforcement officer, or juror involved in defendant's case exhibited bias or animus toward
25

26 _____
27 ³ This website has not been addressed previously in any moving papers by the People. This website was
28 located while the People were attempting to determine the accuracy of it's own records as compared
with public websites and publicly available information.

1 defendant because of his race. Respectfully, the People submit that it appears this portion of the
2 Order calls for a legal conclusion. Nonetheless, the People intend to search for responsive
3 records and produce records, if they are available.

4 **B. Time to produce**

5 The People intend to address the time estimate associated with this Order at the next
6 court hearing.

7
8 **CONCLUSION**

9 Based on what has been explained above, the People respectfully request that the court
10 modify its order accordingly.

11
12 DATED: August 7, 2026.

13 Respectfully submitted,

14 LISA A. SMITTCAMP
15 District Attorney

16
17 By: *Jamie Kalebjian*
18 Jamie Kalebjian
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20 Elana Smith
21 Senior Deputy District Attorney

22 Attorneys for Plaintiff
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28

PROOF OF SERVICE

Case Name: **People vs. Douglas Stankewitz**

Court No.: **CF78227015**

STATE OF CALIFORNIA, COUNTY OF FRESNO

I am employed in the County of Fresno, State of California. I am over 18 and not a part to the within action: my business address is 3333 E. American Ave., Suite F, Fresno, California 93725.

On August 7, 2026, I served the foregoing document(s) described as, "PEOPLE'S RESPONSE TO THE COURT'S DISCOVERY ORDER (PEN. CODE, §745(D))", on the interested parties in this action by placing a true copy thereof enclosed in a sealed envelope addressed to the below-listed parties in the mail at Fresno, California, with postage there on fully prepaid.

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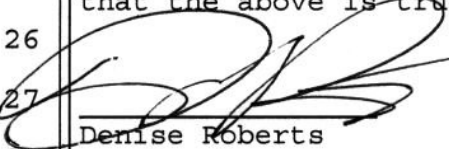
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Executed on August 7, 2026, at Fresno, California.

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


August 7, 2026
Denise Roberts
Paralegal