



COUNTY OF FRESNO

Lisa A. Smittcamp
District Attorney

NEWS RELEASE

For Immediate Release
April 19, 2019

After Considering Evidence That was Not Presented by the Defendant's Attorney in the Penalty Phase of the Trial, the People Have Opted to Request the Fresno County Superior Court to Resentence Convicted Murderer Douglas Stankewitz to Life Without the Possibility of Parole for the 1978 Murder of Theresa Greybeal

Today, the Fresno County District Attorney's Office notified the Court and counsel for the defendant that it will not continue to pursue the death penalty in the prosecution of Douglas Stankewitz for the 1978 murder of Theresa Greybeal, pursuant to the rulings of the United States District Court for the Eastern District of California and the United States Court of Appeals for the Ninth Circuit. As a result of this decision, Mr. Stankewitz will be resentenced by a Fresno County Superior Court Judge to life in prison without the possibility of parole.

On the evening of February 7, 1978, Douglas Ray Stankewitz (then 19 years old), was involved along with three others in a plot to rob and kidnap Theresa Greybeal in Modesto, California. Ms. Greybeal was driven to Fresno, where she was then shot and killed by the defendant. After shooting her, the defendant remarked to the others "Did I drop her or did I drop her?"

Mr. Stankewitz was charged and tried in 1978 for the special circumstance murder of Ms. Greybeal, along with charges of robbery and kidnapping. After a jury trial, the defendant was convicted of the murder, kidnap, and robbery of Ms. Greybeal, and he was sentenced to death. In an appeal from that trial, the California Supreme Court reversed the convictions because there was an issue as to the defendant's competency to stand trial that had not been addressed.

Prior to a second jury trial, Mr. Stankewitz was found to be competent. At the conclusion of that second trial in 1983, the defendant was again found guilty of the special circumstances murder of Theresa Greybeal, and was again sentenced to death. The result of this trial was also appealed, and the California Supreme Court affirmed both the defendant's guilt and death sentence in its entirety in 1990.

The defendant filed for relief in the Federal Court system, which found that his attorney had been ineffective in the penalty phase of the trial by not investigating or presenting certain mitigating evidence, and that "there was a reasonable probability that the jury would not have sentenced Mr. Stankewitz to death had it been presented with the evidence of the numerous deprivations and abuses that Mr. Stankewitz suffered for most of the 19 years he lived prior to the killing." In 2009, the Honorable Chief United States District Court Judge Anthony Ishii from the Eastern District of California, affirmed the guilt of Mr. Stankewitz, but reversed his death sentence after finding that Mr. Stankewitz's trial attorney should have presented evidence of the defendant's troubled upbringing during the trial. In 2012, the United States Court of Appeals for the Ninth Circuit agreed with the District Court, finding that the defense attorney should have presented

evidence to the jury about Mr. Stankewitz's upbringing to assist them in rendering their verdict. Since that reversal of his death sentence, Mr. Stankewitz has been pending a retrial as to his sentence only – whether he will again receive the Death Penalty, or will be sentenced to Life Without the Possibility of Parole.

In reaching this decision, Fresno County District Attorney's Office conducted an extensive review of the facts and circumstances of this case, including reviewing relevant information about the defendant that the prior two juries were entitled to hear, but did not. Some of the new information that was not presented in the original penalty trials, but was considered by the Office in making this decision include:

- 1.) A traumatic youth which one psychiatrist described as "totally lacking in love, warmth, and affection, and frequently filled with deprivation, rejection and punishment";
- 2.) Mr. Stankewitz was born into a poverty-stricken household where there was often not enough food for the 10 children;
- 3.) His house was dirty, filled with vermin, and without running water or electricity;
- 4.) By age five, Mr. Stankewitz had started sniffing paint and soon expanded into the use of alcohol and harder drugs;
- 5.) Mr. Stankewitz was also physically and mentally abused by both of his parents, beginning before he was born, as his mother drank alcohol excessively while pregnant with him, and she was also physically abused by his father who struck her repeatedly in the abdomen;
- 6.) Mr. Stankewitz was taken to the emergency room three times before his first birthday;
- 7.) Mr. Stankewitz's father was a violent man, who ridiculed Stankewitz for being light-skinned and told him not to take the pills prescribed to control Stankewitz's behavior;
- 8.) At age six, Mr. Stankewitz's mother beat him so badly with an electrical cord that she was jailed and he was placed in the care of the State;
- 9.) Mr. Stankewitz's older siblings were also abusive to the younger children, especially Mr. Stankewitz; which resulted in a "a substantial indentation on his cranium";
- 10.) Once removed from his home, Mr. Stankewitz was shuffled from one State institution to another; beginning with a placement at age 6 in Napa State Hospital;
- 11.) While at the hospital, he was sexually abused by the hospital staff, heavily medicated, and placed among psychotic and autistic children even though he was not similarly diagnosed;
- 12.) While in a foster home he was prescribed extremely high doses of medication and would often wet the bed and defecate in it, smearing feces on the wall. He continued wetting the bed until at least age 12;
- 13.) His foster mother had to teach him how to talk instead of grunt, use the toilet, dress himself, use silverware, and to ask instead of grab;
- 14.) From March 6, 1965, when Mr. Stankewitz was first placed in Napa Hospital, until his arrest for Ms. Greybeal's murder – a period of nearly 13 years – Mr. Stankewitz spent all but 16 months in one form or another of government care. During these placements, he was massively and unnecessarily drugged, tied to beds, beaten, sexually molested, neglected, deliberately tortured, and otherwise abused by staff; and
- 15.) According to mental health records, Mr. Stankewitz suffers from borderline mental retardation, with an IQ of 79, and suffers from significant brain dysfunction, perhaps attributable to Fetal Alcohol Syndrome and childhood abuse.

After considering the law, as well as the rulings of U.S. District Court Judge Ishii and the Justices of the Ninth Circuit Court of Appeals, the fair and just punishment for Mr. Stankewitz is a sentence of life in prison without the possibility of parole.

[1978H0001]