

Exhibit C - Mendell – Longfellow

Mendell – Detective McColgin hallway conversation:

4:00 – 4:10pm Mendell steps out of the interview room. Just outside the door, within camera audio range, he is introduced to Detective Brian McColgin by Detective Tracie Reese who just finished interviewing him. Mendell told Detective Reese during the interview that he did not think it was Nathan Medina. RT 1412, 1582, 1583, 1694

McColgin did not know the interview room recorder was picking up their conversation. Tracie Reese is heard introducing Mendell to McColgin. This gave her first hand knowledge of McColgin's manipulation of this eye witness. A witness which she swore on an affidavit, in order to get the search and arrest warrant, that that witness positively ID'd Petitioner.

Mendell tries to tell McColgin that it wasn't Petitioner, however McColgin tells Mendell that Ms. Roads positively identified Petitioner. Then Mendell says **"She said it was Nathan for sure?"** Then McColgin misquotes Rhoads saying **"Yes she did. He wasn't wearing a mask it was just a hat, a hat. A beanie rolled rolled up"**. And then he says **"Hey man its him, it was him, she positively ID'd him."**

Then according to Mendell, McColgin takes him to pick Petitioner's picture (The same picture that he and Longfellow were shown at the scene with Petitioner's information next to the photo) out of a 6 picture line-up. Where Petitioner's picture is in the middle, on the top, and has a different look than the other five pictures. Even at this point Mendell is still reluctant. He is then told by the detective **"Just pick whichever looks most like, whichever one seems the most familiar."**

He reluctantly states **I think it was #2 that tried to kill me.** Both Mendell and Longfellow make comments about Petitioner's picture in the lineup being the same one they were shown at the scene. (Both McColgin and Mendell denied the conversation happened in the hallway, till they found out there was a recording of it). Detective Jower claims he was alone with Mendell during the photo lineup and that Mendell immediately picked #2. Saying "I think it was #2 that tried to kill me".

Mendell – Longfellow – Eyewitness Procedure Violations – Conflicting statements

Mendell;

Re; McColgin hallway conversation - Pre-lim

No one talked to me prior to the lineup 100% positive CT P 107

Trial – Mendell

Denying McColgin conversation in hallway RT 1342

Does not remember hallway conversation RT 1410 L 22

100% Positive no hallway conversation RT 1411-1414

After he was informed that there was a recording of the hallway conversation:

If you are referring to the one who showed me the lineup, I had some sort of conversation with him in the hallway before seeing the lineup. I think it was Detective McColgin. Don't recall what the conversation was about. RT 1435-1436

It must be noted that this is after Mendell was assured by Detective McColgin that Petitioner was the person who murdered his best friend, Joshua Rhoads. That Petitioner has never matched the facial description given by Mendell, that Mendell's reluctance has always been as he repeatedly stated that he did not believe it was Petitioner. That Rhoads and Detective McColgin's manipulation is the reason why he was so clearly willing to give perjured testimony.

Police Car – Drivers License Photo on computer of Petitioner – Procedural Violation

Pre-lim;

I asked the officer – actually I think it was a Sheriff. They pulled up a Nathan Medina CT P 33 L 20

Half an hour to forty five minutes after exiting house shown screen of Nathan Medina. CT P 99

When you saw the person on the screen, did you recognize that person as Nathan? No. I said that looks like the person. CT P 99

1. He knew that was a picture of Petitioner.
2. Why did he have difficulty picking the same exact photo out of the photo lineup If his statement was true about Petitioner's photo looking like the person?
3. Why did he state during his recorded interview four times that he did not think it was petitioner?

looks like the guy CT P 34

Trial - Police Car – Drivers License Photo on computer of Petitioner

Gave police name of Nathan Medina RT 1401

Police picture said Nathan Medina on it RT 1347

Info next to photo on police screen RT 1352

Told interviewer's seen a single photo lineup at scene RT 1352

Two sheriff show up Nathan Medina "looks like him" RT 1270-71

Mendell Identification - Pre-lim Photo lineup

Difficulty with lineup, most familiar not 100% sure CT P 106

Doesn't think Jower did photo lineup CT P 50

5' 10" 5—between 5' 8- 5' 11 180 not big Jacket a little below the waist (not down to knees) confident in ability to identify. CT 105 (This is the same height and weight shown to Mendell on police computer at scene and the jacket description does not fit the description of the 3XL jacket taken from Petitioner's house.)

During interview "I don't think it was Nathan" CT P 51

100% facts of my own observations. CT P 29 L 11 (Longfellow had stated that Mendell did not remember gloves or sunglasses, that she told him about them)

Seen Nathan at house – bar told police CT P 49

Standing on street. Multiple people asking questions. Detective took us (Mendell and Longfellow) around corner... and then started asking us questions. Same Detective Jower that takes me to police station. CT P27 L 6-15

Mendell talked to neighbor prior to going to police station. CT P 28 L9

When was the first time you thought it could have been Nathan – when officer started asking me who this is and all sorts of questions. CT P 98

They asked what makes you think that's him? It looks like him. CT P 100

Besides the sheriff what other officers did you talk to at scene – Jower, other plain clothed W.C. police officers, 2 motorcycle officers. CT P 101

Talked to Jower at scene about who it was. Trying to figure out who is Nathan, drew a map. Remember sunglasses, real shriveled up skin, chin CT P 102-104 (Jower stated during trial that the first time he heard Petitioners name was in the interview. Jower also claimed that he was alone with Mendell during the photo lineup.)

(Mendell never mentions that the gunman looked like he used to use steroids)

Mendell -Trial – Identification

Never seen person before RT 1405

Shorter, black coat, beanie, sunglasses, 5' 6" maybe 5' 7" (RT 1238)

Photo lineup – Police say “just pick whichever one looks most like whichever one seems the most familiar RT 1363

Immediately recognized six pack lineup photo as same photo of Petitioner shown at scene RT 1415 L 24

McColgin showed him photo lineup RT 1424

No one mentioned Nathan Medina besides me before photo lineup RT 1340-1342

Had you met Nathan prior to that date? No RT 1268

Told interviewers to ask Sam or Joshua because you had more confidence in their ability to recognise Nathan Medina. RT 1372

How old? 40 or around there. Remember telling police 5' 10? No RT 1330 (Mendell stated mid 30's during interview)

Claims he does not recognise in court any of the pictures as being of Nathan Medina. Only that they match the description of who tried to shoot him. RT 1421

Two detectives interviewed me. Then after, there was one who showed me the lineup. RT 1435

The person looked like he had been a bodybuilder and wasn't any more – strung out RT 1356

Not a bodybuilder any more, look like he ran through some drugs and steroids... RT 1409

Counsel - You never mentioned steroids before you knew he used to be a bodybuilder. You said person had a shriveled up face like years of meth. RT 1410

Mendell – other conflicting statements - Preliminary Hearing

Mendell never went into main residence that morning. CT P 108

Picture in my head of Nathan Medina inconsistent with person that day – size CT P 52

Was this person wearing gloves – I don't know CT P 71

Shriveled up face means short small chin - jaw. CT P115

(Mendell being shown photo of Petitioner Peoples # 17) That looks exactly like the person, but body looks a lot bigger. CT P 118

(Mendell is shown booking photo of Petitioner Peoples 16) He has an emotional reaction and says It looks like who was there that day. (Break taken) CT P 119

Mendell – other conflicting statements – Trial

Did not go into main house that morning (RT 1234 & 1380)

When gunman had the gun to his head, Mendell was ducking down kind of standing (RT 1252)

Just Standing (RT 1253)

(According to Mendell's interview and the police report He immediately dropped to he knees)

Longfellow -Trial – Petitioner's photo on Police car computer

Officers showed computer photo at scene (thought about lawsuit) RT 1130

She heard Mendell telling police about dialog in backyard – mentioning lawsuit Mendell looked at computer – she said she heard him say it looked like the guy, then she looked at it. RT 1132

While looking at picture in black and white police car she specifically remembers Mendell mentioning Nathan Medina and lawsuit at scene. RT 1200

Line up and computer color photo RT 1203

Longfellow – Photo Linup

Photo lineup Same photo as I seen in car – picked similar or best fitting your memory to man in black. RT 1140

Covering parts of photo's with fingers to help identify RT 1199

Came down to 3 photos #2 signed at 4:51 PM best fit memory RT 1141

Detective Jower wrote #2 is what best fits my memory. Had Longfellow sign it – accurately reflected your opinion at the time “yes” RT 1208

She helped Mendell draw a map. Rode in Maroon unmarked ford Taurus while both her and Mendell were being questioned. RT 1134

(Detective Jower While transporting Longfellow and Mendell I told them not to talk to each other, both agreed and I saw that they didn't speak to each other. PR 31)

Before interview a female officer kept coming in and talking to her. Counsel kept asking her if she was shown photographs and if she was ever moved to another room. Her replies were no. RT 1195

Next day Shown jacket and shoes – similar – at trial recognises Sketcher logo from police station. RT 1145

In court says Petitioner looks similar – however face is thinner here in court than what she remembers. RT 1154

No prominent facial features (RT 1184)

Thinner than March 20th looks like he lost weight. RT 1156 (Had to be comparing Petitioner to his drivers license photo shown to Longfellow by Police, not to who she saw that day. As Petitioner stayed the same weight in jail) That is him that is him same lips.

Sean in main house for 20 minutes before shooting. RT 1104

Positive Sean went in house – came back with English Muffin's – no kitchen or bathroom in cottage – in house less than 10 minutes. RT 1158

Sean kneeling gunman standing over him pointing gun down at his head RT 1110-1114

Staring at him half minute 7 feet away while he was pointing gun 5' 10 late 30's stubble on face RT 1119-1120

Shoes like work boots RT 1114

Rhoads - History of blaming Petitioner - Pre-lim – Mendell

Early in the interview you mentioned Nathan as associated with an individual who may have been responsible for this. Nathan was a name mentioned a-lot before this incident. Why Nathan ? Rock incident. Sam said “I know Nathan did this” I knew she didn’t see who did it. CT P 30 L 10 – P 32

When anything bad happened Nathan’s name would be brought up. CT P 77

Rock incident Rhoads said Nathan did this CT P 78

Rhoads discussed civil case 3-4 times a week. CT P 97