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Case # 05-080656-2

I am requesting legal assistance in overturning my wrongful murder conviction, as I believe the Contra Costa Conviction Integrity Unit(CIU) has been stalling my case since January of 2022. They have had recorded and transcribed evidence that cannot be refuted, proving that my conviction was based on fabricated evidence in the form of perjured testimony.

I have been incarcerated for 15 years (since March 21st, 2008), and wrongfully convicted of first degree murder and two counts of attempted murder.

The prosecutor, Steven Moawad, went on to be Chief Trial Counsel for the State Bar where he later had to step down after accusations of not disciplining attorneys. My trial attorney had been a prosecutor for 14 ½ years before becoming a defense attorney. He mentored and trained Moawad and helped Moawad win his first murder trial by suppressing what should have been the most crucial evidence in my trial.

The Contra Costa Conviction Integrity Unit accepted my actual innocence claim in January of 2022. It sat un-reviewed until January of 2023. DDA Brian Feinberg, the head of the CIU informed my family that he is waiting on 'the record of conviction' from the Attorney General. The evidence of misconduct and conspiracy to permanently suppress exculpatory and impeachment evidence in this case is irrefutable, as you will read there is no way around what has been documented.

Upon request, my family will provide proof of my claims that:

Trial Counsel, Dirk Manoukian cooperated with the Walnut Creek Police and Prosecutor, Steven Moawad in permanently suppressing and withholding exculpatory evidence from the jury, trial and appellate courts and myself. Specifically, two 911 recordings and three eyewitness interviews taken the day of the murder.

There were five recordings taken by the WC PD the day of the murder that were withheld from the jury and myself:

1. 911 Recording (tampered volume)
2. 911 Recording from witness that stated I was not who he had seen (never turned over)
3. Witness interview (WC PD claims the audio didn't record)
4. Witness interview with witness tampering, and impeachment evidence (not used at trial)
5. Witness interview with impeachment evidence (not used at trial)

It must be stated that the only reason my family has possession of the three eye witness interviews and one 911 recording many years later is because attorneys hired by Allstate Insurance were able to acquire these recordings for a civil matter from the very same agency that ignored a subpoena and told my family that they were not in possession of them. Proof will be presented:

- Both counsel and prosecutor suborned perjured testimony from the main witness in his case, while neither presented readily available evidence to correct the record.
- Both counsel and prosecutor in violation of California law failed to have these five recordings transcribed in violation of CRC 2.1040
- I was deprived of the evidence needed to prove both counsel and prosecutor suborned perjured testimony from the main witness in this case - Which my family now has in their possession.
- Witness tampering by Walnut Creek Police Lead Detective Brian McColgin. (Caught on tape lying to a witness who was telling him that I was not the person he saw).
- Walnut Creek Detective, Tracie Reese, knowingly gave false information on an affidavit in order to procure a search and arrest warrant.
- I was prevented from raising any issues regarding witness identification on appeal.
- The prosecutor had Judge Kennedy remove the only juror (Juror #8) who requested the equipment to review the five un-transcribed recordings during deliberations. This juror did not want to be removed as he stated "I want to be sure that Mr. Medina receives a fair trial".
- Counsel and prosecutor failed to run a test on a Jacket taken from my home, which would have proved that it was not worn by the perpetrator of this crime.
- The prosecution claimed that none of my clothing was tested for blood or pepper spray. Clothing that was sent to the crime lab to be tested for blood residue in the police report.
- Then during closing, stated that my clothing could have had blood on it.

- During closing the prosecutor told the jury that the main witness was honest while he and counsel both knew that this was not true as they withheld all impeachment evidence from myself and the jury.
- The prosecutor hired expert witnesses for the sole purpose of misleading the jury regarding evidence that contradicted the states case.

This case was summed up by the prosecutor in his closing statements;

“This case is about identity and that’s all it is about.” RT 2665 L12

“But you can bet that if there was other information that would be helpful to you in your decision making process that either Counsel or myself would have brought it out during the trial.” RT 2667 L7

“Miss Rhoads was honest. She told you what happened. She told you what she saw....” RT 2668 L1

These statements reveal the arrogance and confidence with which Steven Moawad had that the evidence of his and counsel's misconduct would never see the light of day.

Thank you,

Nathan Medina