

Walnut Creek Police and Court Corruption

A Complete Breakdown of the American Judicial System

Nathan has been incarcerated since March, 21, 2008. Convicted by a jury who had exculpatory evidence kept from them by both the Deputy District Attorney, Steve Moawad (hereafter, Prosecutor) and his private attorney, Dirk Manoukian (hereafter, Counsel). The jury heard provable false testimony from the witnesses, which was knowingly suborned by the prosecutor and corroborated by Counsel during closing statements. There were blatant eye witness procedural violations and witness tampering by the Walnut Creek Police Detective, Brian McColgin, who was caught on tape. We have an overwhelming amount of documentation proving that all parties mentioned above went to great lengths to keep two 911 calls and three eye witness interviews from the court, jury, his parents, appellat attorney, and him.

While there were numerous articles of exculpatory evidence which were turned over to Counsel by the prosecutor, the prosecutor failed to refer to any of that evidence before the jury. He did; however, make the claim during closing argument's that if more evidence existed, it would have been brought to their attention.

Counsel neglected to disclose any of this evidence to the jury. Counsel neither had this exculpatory evidence examined using experts, nor did he refer to it in any way.

After the trial, Nathan sought to obtain the entirety of his case-file from Counsel, so that he could use the evidence to substantiate both, his ethics violation charge against Counsel, and also for use in his appeal, on the grounds of Ineffective Assistance of Counsel. Counsel, however, claimed in an email that numerous articles of evidence could not be turned over to him, because he had to sign a confidentiality agreement, before the prosecutor would give it over to him. It is claimed that this agreement pertains to;

- Two 911 recordings made during and after the attack,
- Two video interviews of witnesses,
- One audio interview of a witness/victim.

The information in question was also kept from the Appellate Court, and that court's opinion goes so far as to note the omission, and specify the rule violation which occurred as a result of the omission (CRC 2.1040). As this evidence was not transcribed or given to the appellate attorney, his appeal had no mention of any witness identification issues.

To be clear, Counsel never mentioned to anyone that the prosecution made him sign a confidentiality agreement until 2011, years after Nathan's trial was over. Throughout the trial and up until 2011, Counsel kept promising to turn the recordings over to Nathan's parents.

This evidence would have not only impeached the witness testimony, but would have stopped this case from making it to trial, as admitted to by the prosecutor at the beginning of a Motion to Quash and Traverse hearing, regarding the search and arrest warrant. A hearing with Judge Laurel Brady, Counsel, and Prosecutor that ended up being held behind closed doors, in order to keep Nathan from hearing what was on the witness interviews and 911 recordings. A hearing where the judge denied his Motion to Quash based on evidence that was kept secret from him.

Rock Incident - near the end of 2007 a large rock was thrown through the front window of Rhoads' house and the back window of her car. She called 911 and filed a police report with the Walnut Creek PD stating that she knew "Nathan Medina did this." She just knew 100% without seeing who it was.

Regarding vandalism at the Rhoads' house - While Tony(Nathan's Dad), several contractors, and Nathan, were working on an addition to Rhoads' house in 2004, Rhoads' tenant, Sean Mendell's work van had been vandalized multiple times, and Tony's van had a rock thrown through its window, while parked in front of her house. It turned out that Beverly Rhoads had at least one persistent enemy long before her falling out with Nathan's parents. Why after 2004, she focused her obsession on Tony and Nathan, when her problems started many years before the construction dispute, is as much of a mystery to Nathan, as what happened on March 20, 2008.

You will read that whenever anything bad happened at Rhoads' house, it was Nathan Medina. As testified to, by Sean Mendell, Rhoads complained at least 3-4 times a week about him and his dad, Tony, who she was suing over a construction dispute. As you will read, she was obsessed with Tony, the lawsuit, and Nathan (who hadn't had any contact with her since 2004). This was her one sided obsession. The first time Nathan heard about her obsession, was after his arrest, she played absolutely no part in his life. He knew very little about her suing his dad, and never thought she could succeed, as they had a contract which she defaulted on. It wasn't till after his arrest that he learned about her being a con-artist. Please, also keep in mind that Nathan has never been violent or ever even started a fight. He had no quarrel with Rhoads or her son, Joshua.

March, 20, 2008, approximately 10:30am- (This is taken from police reports and witness statements.) According to Rhoads, a masked intruder shut the power off to her house. Then entered through the front door, closed it behind him, and waited for her with pepper spray in hand, ready for when she came around the corner. He sprayed her immediately in the face

without ever saying a word. She turned and ran screaming down the hallway, with him behind her. Her 25 year old son, Joshua, confronted the intruder in the hallway and was also sprayed. The intruder grabbed her from behind in a bear hug, while at the same time pepper spraying her. Then somehow, she and Joshua both got past the intruder and went into the laundry room, where Joshua barricaded the door. The intruder shot through the door hitting Joshua, as Rhoads climbed onto a counter that was less than 3 feet from the door. She could not see as she was blinded by pepper-spray, and had difficulty dialing 911, but the operator picked up right away. The intruder then broke the door in half, reached over the bottom half and shot Joshua in the head. The intruder then presumably forgot that Rhoads was in the laundry room with Joshua just a few seconds ago, and went to the back yard looking for her. He ran into Rhoads' tenant, Sean Mendell, (he was Joshua's friend who rented a cottage in the back). Mendell immediately dropped to his knees as the intruder approached him. The intruder put a gun to his head, then according to Mendell asked him several times, "Where's Sam?" The intruder fired the gun, away from Mendell and into the main house. Mendell offered him money, then the intruder told him to go get it. Mendell entered his cottage, while the intruder followed him. Mendell's girlfriend, Longfellow, who had been staying with him, was in the cottage. Mendell told her to get his wallet, they then turned away from the intruder to look for Mendell's wallet. They turned back around and the intruder was gone.

Time line: March 20, 2008, Thursday morning:

Some time before 10:00 am, as told by Longfellow, Mendell left the cottage to go into the main house, where he was for sometime. As the cottage had no kitchen or bathroom, this would be necessary, first thing in the morning and throughout the day. Mendell; however, denied ever going into the main house that morning, all the way through trial.

10:32am: Rhoads called 911; She said: "Nathan Medina just shot my son." later during the call she said "I couldn't see, I really couldn't see, but it had to be him because we don't have any other enemies" (This 911 call was not made available to the jury and continues to be concealed)

10:35am: Officer Nicole Rosenbusch arrived at the scene

10:36am: Sean Mendell called 911. According to Mendell and Longfellow's statements, they did not call 911 right away. There is only a four minute interval between the two 911 calls, and you can hear gun shots during the first call. These interactions were very short. (Mendell's 911 call has still not been made available to anyone.)

Mendell and Longfellow while still on the phone with 911, walked out to the street. They were then handcuffed and taken to a police car, which no one has been able to identify. Mendell described a white car with two police officers wearing tan uniforms like the sheriff's department. RT 1130, 1132, 1200, 1270-1271, 1340-42. Longfellow described a black and white

car, with the officers wearing blue uniforms, like the Walnut Creek Police. She remembered standing behind Mendell, and hearing him mention to the police officer; Nathan Medina, the rock incident, and lawsuit. RT 1132, 1267.

These officers were never positively identified. It is a mystery; however, what is not a mystery, is the procedural identification violation that happened here. Both Mendell and Longfellow were shown on the police car's computer screen, a picture of Nathan Medina, with drivers license info next to it, right after the incident, by a police officer whose identity has been suppressed.

(Later, Mendell when giving a description of who was there, uses the same height and weight as driver's license info on the police computer 5'10", 180 pounds.) RT 1238. At trial he would deny that he knew this was a picture of Nathan Medina. RT 1419-1421. In fact he falsely testified that he never knew any of the photo's he was shown were of Nathan Medina, that they all just looked like who he seen that day. However, as you will read AND hear, none of the photo's of Nathan Medina matched the description he gave to the police.

Longfellow at trial, said that Nathan looked thinner in the courtroom than who she saw that day. RT 1154, 1156. Nathan was thinner than his drivers license photo that was shown to her and Mendell on the police car computer, and used in the photo lineup; however, he was the same weight from the day he was arrested on through to his trial. (This was important as she was comparing him, in court to his drivers license photo that she was shown at the scene and in the six-pack photo lineup, not to the person she saw the day of the murder). The person Mendell described as having a shriveled up face like a meth-addict.

Mendell and Longfellow spoke with neighbors and several officers together. They also helped to draw a map of the house. According to Longfellow, she and Mendell spoke while Detective's Jower and Carmen drove them to the station. (Jower claimed he told them not to talk and they didn't. RT 1803-1804.

At the police station Mendell and Longfellow were put in separate interview rooms.

Some time after 12:05pm, during Rhoads' recorded interview with Detective McColgin, she mentioned a mask multiple times, but stated that she just knew it was Nathan Medina. Whenever asked about facial features, she kept mentioning a neck.

(The following is directly taken from her recorded interview which Nathan's parents acquired through an insurance company in 2014, regarding a civil matter. It was transcribed by Zandonella Reporting Service on February, 14, 2014. The relevant parts are included that have to do with identification.

The parts in **bold** are taken directly from the transcribed interview of Rhoads, Beverly(Sam) Rhoads by Detective McColgin, Page, line number. Underline our own emphasis.) Where you see a “Q”, that is Detective McColgin asking a question.

Blue text is a link to the actual audio recording. **Warning this is much more difficult to hear than it is to read. These are actual audio recordings of a mother who just had her 25 year old son murdered in front of her, after being blinded by pepper-spray.**

You are going to hear Rhoads repeat that she knew that it was Nathan Medina; however, as is made clear by both her 911 call (which is still being suppressed over sixteen years later) and this audio interview, her identification was not by sight, she just claimed to know it was Nathan Medina. This distinction is made, as you are going to read and hear what was concealed from the jury. During trial, Rhoads claimed that she gave a full description of Nathan to the detective during her interview. As you will read and hear, this was a blatant perjury, suborned by the prosecution.

The first thing she says after spelling her last name to Detective McColgin is: **I couldn't really see. Is my son alive?** Page 2, Line 4,5 [Recording \(https://www.wrongfulmurderconviction.com/wp-content/uploads/2024/09/01V.mp3 \)](https://www.wrongfulmurderconviction.com/wp-content/uploads/2024/09/01V.mp3)

After some formalities she says: **I'm a single mom. This guy did the lot – he did an addition on my house, and there's a lot of problems. So we're involved in a lawsuit, and I guess they were mad. They already – earlier they threw a – had a report – I know Nathan threw that river rock through my front plate glass window and the back of my car.** P 3, L 6-12 [Recording \(https://www.wrongfulmurderconviction.com/wp-content/uploads/2024/09/02.mp3 \)](https://www.wrongfulmurderconviction.com/wp-content/uploads/2024/09/02.mp3)

P 5, L 2 **(Break taken.)**

After break Rhoads talks about construction job and civil suit from P 5, L 21 – P 6, L 24

P 7, L 11**(Break taken.)**

P 7, L 16**(Break taken.)**

...my son was saying somebody came in the front door and I went to look to see who it was, and it was him. And he came in spraying me with this stuff, and he chased me down the hall. I started screaming – P 9, L3-7 [Recording \(https://www.wrongfulmurderconviction.com/wp-content/uploads/2024/09/07V.mp3 \)](https://www.wrongfulmurderconviction.com/wp-content/uploads/2024/09/07V.mp3)

McColgin: Right out of the shoot without saying anything he just started –Sam; Without saying a word, yeah. Well, because he was masked. You know he had his black – that knitted thing

on his head. P 9, L 8-12 Recording (<https://www.wrongfulmurderconviction.com/wp-content/uploads/2024/09/01M.mp3>)

How could you tell it was him? I know him. I've known him. You have no idea. I know who it is. There's no doubt in my mind who it was. P 9, L13-16 Recording (<https://www.wrongfulmurderconviction.com/wp-content/uploads/2024/09/01M.mp3>)

Did you recognize any other parts of his body that you would – Yeah. His neck, everything. You know I know him. P 9, L 17-20 Recording (<https://www.wrongfulmurderconviction.com/wp-content/uploads/2024/09/02M.mp3>)

So you know him so well. But even though he was wearing a mask, you clearly recognized him? Oh I clearly recognized him. So did my son. P 9, L 21-23 Recording (<https://www.wrongfulmurderconviction.com/wp-content/uploads/2024/09/02M.mp3>)

P 11, L 3-4 It's 1235 hours (Break taken.) Stopped interview to go to the hospital.

Resumed at 1245 at John Muir Hospital.

Let's go over that one more time. He was wearing a mask over his head and he had a hat on? He had a black hat – like, a black hat on him? I think the – there was – I think it was, kind of, masked. I mean, it was Nathan. I know who it was. I mean, I know. P 13, L 6-11 Recording (<https://www.wrongfulmurderconviction.com/wp-content/uploads/2024/09/03M.mp3>)

But what I mean is you could see portions of his face? Yeah. You could see portions of his face. I could see his neck and his –you know—” Q. And you clearly recognized that? Absolutely. Q. –as— Nathan Q. Nathan Medina? Uh-huh P 13, L 12-15 Recording (<https://www.wrongfulmurderconviction.com/wp-content/uploads/2024/09/03M.mp3>)

And has he ever done anything to you in the past? – Yes. Well, I filed a complete police report with – Walnut Creek Police... they threw a river rock through my front plate glass window and through the back window of my car... it was clearly obvious to me, you know. Nathan... Nobody saw it. P 14, L 9-25, P 15, L 1-8 Recording (<https://www.wrongfulmurderconviction.com/wp-content/uploads/2024/09/15R.mp3>)

(Regarding 911 call) Did you have difficulty dialing the number because you were pepper sprayed? Yes P 17 L 2-3(during trial the prosecutor asked her this same question she answered, “no”). Recording (<https://www.wrongfulmurderconviction.com/wp-content/uploads/2024/09/16V.mp3>)

... -- he broke the door, like, in half, so I couldn't get out of the laundry room. I couldn't even see. P 18, L 13-15 Recording (<https://www.wrongfulmurderconviction.com/wp-content/uploads/2024/09/18V.mp3>)

McColgin: Describe what he was wearing for me again today when he came in your house. He had on a – you talked about a mask or something like that? yeah. He had a – I’m not – see, I just don’t – I just knew it was him. P 21, L14-15 [Recording \(https://www.wrongfulmurderconviction.com/wp-content/uploads/2024/09/09M.mp3 \)](https://www.wrongfulmurderconviction.com/wp-content/uploads/2024/09/09M.mp3)

Rhoads: He had a black hat on and, you know, that – with a roll up thing. Q. Roll up front? Yeah. And I’m not sure – Q. Like a knit cap? Yeah. A knit cap. Q. Okay. Yeah. And I don’t know – I can’t remember if it was all the way down or if it was just down about here. Q. Okay. You know what I mean like that. P 21, L17-25 P 22 L1-3 [Recording \(https://www.wrongfulmurderconviction.com/wp-content/uploads/2024/09/04M.mp3 \)](https://www.wrongfulmurderconviction.com/wp-content/uploads/2024/09/04M.mp3)

(It is clear at this point by McColgin’s next question, that Rhoads put her hand below her nose to describe a knitted face mask pulled down below the nose.)

McColgin: How about covering his mouth though? “ No. I mean, I don’t remember – I just don’t – its like, kind of—it happened all so fast and I got sprayed so fast that it was hard for me to see. But I clearly knew it was him. I saw his neck P 22, L4-10 [Recording \(https://www.wrongfulmurderconviction.com/wp-content/uploads/2024/09/05M.mp3 \)](https://www.wrongfulmurderconviction.com/wp-content/uploads/2024/09/05M.mp3)

That’s the only thing that – I mean, if he had know that I was – I don’t know how he didn’t know I was up there. P 23, L 8-10 [Recording \(https://www.wrongfulmurderconviction.com/wp-content/uploads/2024/09/24.mp3 \)](https://www.wrongfulmurderconviction.com/wp-content/uploads/2024/09/24.mp3)

All right. Was he wearing gloves? Do you remember? He might have been P 25, L 5-7

[Recording \(https://www.wrongfulmurderconviction.com/wp-content/uploads/2024/09/31-Gloves.mp3 \)](https://www.wrongfulmurderconviction.com/wp-content/uploads/2024/09/31-Gloves.mp3)

Later in the interview McColgin tries again where he is repeating again to her about a hat with a bill or knit cap with the bill rolled up? **Do you remember now because you saw his chest?** She mentions the neck again. P 25 L 15-17

McColgin: you could see his neck and chest. Do you remember now whether or not his entire face was covered. Were there certain facial features that you recognized? I absolutely – yea. It hit the profile of his face. I just knew. (She is still clearly referring to a mask when she says) “it” hit the profile of his face. I just knew. P 25, L 18-24 [Recording \(https://www.wrongfulmurderconviction.com/wp-content/uploads/2024/09/06M.mp3 \)](https://www.wrongfulmurderconviction.com/wp-content/uploads/2024/09/06M.mp3)

However McColgin tries again to get her to say there was no mask. **So his face might not have been covered with a mask? “Yeah it might not have been, but – see, he sprayed me so fast that my vision just” -- OK. So it may have – P 25, L 25, P26, L 1-3 [Recording \(https://www.wrongfulmurderconviction.com/wp-content/uploads/2024/09/07M.mp3 \)](https://www.wrongfulmurderconviction.com/wp-content/uploads/2024/09/07M.mp3)**

P 27, L 17 (Break taken)

And I was on the phone and I couldn't see. P 29, L 14 [Recording \(https://www.wrongfulmurderconviction.com/wp-content/uploads/2024/09/30V.mp3 \)](https://www.wrongfulmurderconviction.com/wp-content/uploads/2024/09/30V.mp3)

Q... he didn't say anything to anybody? Nobody. Nothing. Q. And when he was shooting down at your son like this you saw his arm, but did you also see his face or his body? No. I couldn't see his – I just saw the hand, the arm. Q. Okay. But, again, you recognized – Oh, I know it was – there's no doubt. There's no doubt that that's who it was. P 30, L 14-24 [Recording \(https://www.wrongfulmurderconviction.com/wp-content/uploads/2024/09/21.mp3 \)](https://www.wrongfulmurderconviction.com/wp-content/uploads/2024/09/21.mp3)

Notice that Rhoads (not once) ever described being able to see a face, nose, mouth, or chin, only that she kept referring to a neck. She never mentioned sunglasses and when she is talking about her vision being affected, it is when the intruder was there and not later. Keep in mind that throughout this interview and through it's completion, Rhoads is the one who consistently says the intruder was wearing a mask.

Here is the ONLY description Rhoads gave of the assailant during her recorded interview:

He had a round collar – a round shirt – T-shirt on. Q. long sleeve or short sleeve T-shirt? He had long sleeves on, but the dark – the sleeves were dark like it was -- like an -- either like a jacket or a sweatshirt that probably zipped up. It wasn't a pull over. P22 L 11-17 [Recording \(https://www.wrongfulmurderconviction.com/wp-content/uploads/2024/09/23D.mp3 \)](https://www.wrongfulmurderconviction.com/wp-content/uploads/2024/09/23D.mp3)

"Also during this interview, Rhoads is asked to describe Nathan's vehicle. She described it as a blue jacked-up truck. (P 14, L 1-3) [Recording \(https://www.wrongfulmurderconviction.com/wp-content/uploads/2024/09/14.mp3 \)](https://www.wrongfulmurderconviction.com/wp-content/uploads/2024/09/14.mp3) (Nathan sold that truck about a year prior to this incident. At the time, he owned a two-wheel-drive, black Ford F150 Harley Davidson edition truck.) However, when asked during trial if she remembered describing his vehicle to the detective, she said yes, and accurately described his black Harley Davidson edition truck- a truck she never seen him in. This, too, was never corrected, giving her more false credibility.

Because this recorded interview was kept from the jury, Nathan's parents, and him until 2014, long after his trial was over, Rhoads was able to testify during the trial that she immediately recognized who she said was Nathan without a mask. When asked about a mask at trial Rhoads said, "I remember the detective asking me about a mask, but I never mentioned one. I just remember telling him I could see his nose, and his mouth, and his chin, and sunglasses with a rolled up beanie, that's what I remember". This was repeated to the jury many times. It was never rebutted, objected to, or had any evidence presented to challenge it. So this stood as a fact.

Counsel even corroborated it during his closing statements.

He did not play the parts of this interview which you have read above where she mentioned a mask. He played small parts which corroborated the prosecutions case. This is Counsel during closing:

“And then when they are talking about it and the detective is going so he had a mask on, and she goes, well, maybe not a mask, maybe not quite a mask, but I know it was him. I know it was Nathan Medina” RT 2781, L20-

This cemented in the mind of the jury that what Rhoads claimed was true. That it was the detective that asked about a mask and her just answering his question.

At trial Rhoads made two separate claims regarding when she couldn't see:

1. She stated that whenever she mentioned during her interview that she couldn't see, she meant that it was much later (after the fumes from the pepper spray that hit her chest and not her face) got into her eyes.
2. She claimed that when she couldn't see it was while McColgin was interviewing her, not before she saw who she knew to be Nathan Medina.

Regarding Rhoads' interview and the fact that she mentioned a mask multiple times. It must be made crystal clear, the issue is NOT that Nathan is claiming that the intruder was wearing a mask, and that is why she couldn't identify him. The legal issue is that both the prosecutor and Counsel allowed her to lie to the jury regarding what she told the detective during her recorded interview. An interview which was withheld from them.

All evidence (her 911 recording and recorded witness interview) prove that she did not see the assailant before being pepper-spayed. Her trial testimony also revealed that she could not keep her story straight as to when she claimed to see the intruder.

1. She claimed that she heard the front door open then close and that when she came around the corner the assailant was standing there with his left hand in the air ready to spray her.
2. When asked about her vision being affected, she said it was not before she saw the person come in the door.

Based on Mendell and Longfellow's statements where they both had a clear view of the assailant just moments after he shot Joshua. If we are to believe that Rhoads actually saw the assailant, then going by what she told the detective. The assailant would have had to stop, put on black gloves, remove a mask, put on sunglasses, and change from a long sleeve shirt or sweatshirt

that possibly zips up to a black leather jacket in the seconds it took him to go into the backyard where he confronted Mendell, as Longfellow watched through a window.

Mendell

1:40: Mendell is interviewed by Detectives Jower and Reese. During this interview he told the detectives multiple times that he did not think it was Nathan Medina. He said multiple times that the person had a shriveled-up face, like a meth addict. [Recordings \(https://www.wrongfulmurderconviction.com/wp-content/uploads/2024/09/01S.mp3 \)](https://www.wrongfulmurderconviction.com/wp-content/uploads/2024/09/01S.mp3) , [\(https://www.wrongfulmurderconviction.com/wp-content/uploads/2024/09/02S.mp3 \)](https://www.wrongfulmurderconviction.com/wp-content/uploads/2024/09/02S.mp3) , [\(https://www.wrongfulmurderconviction.com/wp-content/uploads/2024/09/03S.mp3 \)](https://www.wrongfulmurderconviction.com/wp-content/uploads/2024/09/03S.mp3) , [\(https://www.wrongfulmurderconviction.com/wp-content/uploads/2024/09/04S.mp3 \)](https://www.wrongfulmurderconviction.com/wp-content/uploads/2024/09/04S.mp3)

He told Detectives Jower and Reese to ask Sam or Josh if it was Nathan, because he had more confidence in their ability to recognize him. (At this time Mendell didn't know about Joshua's death.)

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

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

Mendell tried to tell McColgin that it wasn't Nathan; However, McColgin told Mendell that Ms. Roads positively identified him. Then Mendell said **"She said it was Nathan for sure?"** McColgin **"Yes she did.** He then misquoted her saying **"He wasn't wearing a mask it was just a hat, A beanie rolled up"**. And then he said **"Hey man its him, it was him, she positively ID'd him.**

[Recording \(https://www.wrongfulmurderconviction.com/wp-content/uploads/2024/09/00H.mp3 \)](https://www.wrongfulmurderconviction.com/wp-content/uploads/2024/09/00H.mp3)

Afterwards, according to Mendell, McColgin took him to pick Nathan's picture (The same picture that he and Longfellow were shown at the scene with his info next to the photo) out of a six-pack photo lineup. Nathan's picture was in the middle, on the top, and had a different look than the other five pictures. Even at this point Mendell did not want to pick Nathan's picture, as it did not match who he saw. He was told **"Just pick whichever looks most like, whichever one seems the most familiar"**.

Only after being lied to and manipulated by Detective McColgin does he state “ **I think it was #2 that tried to kill me**”. Both Mendell and Longfellow made comments about Nathan'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 until they found out there was a recording of it).

When the Judge and Prosecutor found out about the lead detective lying to a witness which was blatant witness tampering. Did they report this crime, as it was their sworn duty to do so? No, in fact the prosecutor made excuses for the detective, and told the jury that it was just an honest mistake.

How many other witnesses has Detective McColgin lied to that weren't caught on tape?

What evidence has he planted or fabricated in Nathan's case or others?

So, even when a miracle happens and the police are caught on tape committing a felony (witness tampering), it is just another harmless mistake. McColgin also planted a phone in Nathan's jacket pocket, which he removed from Nathan's bedroom. At the time McColgin had no way of knowing that the phone he found was a phone Nathan was no longer using. (This jacket ended up being a key piece of evidence in obtaining Nathan's conviction; however, as you will read later, it will soon play an important role in his exoneration).

5:01pm: Jower claims he was alone with Mendell and states that Mendell immediately pointed to #2 and said “I think it was #2 that tried to kill me.” (Mendell claimed to have difficulty (most familiar not 100% sure). He would also later state that it was McColgin who did the photo lineup with him.) RT 106

Longfellow

3:30pm: Longfellow was interviewed by Detectives Jower and Carmen. We may never know what Longfellow said during her 1 hour and 12 minute video interview because the Walnut Creek Police claim the audio did not record during it. (We have never been able to verify this.) Longfellow stated that while she waited for more than an hour before her interview, a female detective kept coming in, asking her questions, then leaving again.

4:42pm: Longfellow was shown a six-pack photo lineup by Jower. She recognized the photo from the police car. Longfellow was reluctant, as this photo did not match who she saw. Jower wrote for Longfellow on photo lineup "#2 is what best fits my memory". Longfellow signed it at 4:51pm.

Even though Rhoads told the 911 operator and detective McColgin that she could not see, and that Mendell told detectives Jower, Reese and McColgin that he did not think it was Nathan.

The Walnut Creek Police sent Nathan's drivers license photo (the same photo shown to Mendell and Longfellow at the scene and used in the photo lineup) with information to all news agencies. Nathan's photo with information was immediately broadcast all over the television news that day, and then in all the local newspapers. The news reports that followed all printed whatever the police and prosecutor told them to print.

Nathan's parents hired Counsel, he was a partner in the Law Firm Reub, Matta, and Manoukian. He had been a prosecutor in Contra Costa County for 14 ½ years. He trained the prosecutor who prosecuted Nathan's case. It was the prosecutor's first murder trial. Some time after Nathan's trial, Counsel had to leave the Law firm he was a partner in. After Nathan's case, both Prosecutor, Steve Moawad and the DA, Mark Peterson had been sued for job related crimes committed unrelated to his case. Steve Moawad became Chief Trial Counsel for the State Bar for a short time until he had to leave that position after accusations of him not disciplining attorneys.

Illegal juror dismissal

Near the end of the trial, it was clear that there was one juror (Juror # 8) who kept asking all the right questions, as he was very skeptical about what the police had done. He was immediately dismissed from the jury after asking for the equipment to review the two 911 calls and three recorded interviews.

During the course of the trial, Juror #8 took it upon himself to request clarification about various points with questions. Near the end of the trial, it was clear that Juror # 8 was not going to allow Nathan to be convicted without a thorough examination of the evidence that dealt with identity. After the jury had retired for deliberations, this juror asked for the equipment necessary to properly review the witness statements and 911 calls, as he was very skeptical about what the evidence actually amounted to. Ultimately, this equipment was never provided for the jury.

Very shortly after Juror # 8 made this request, a close relative of his was hospitalized, he asked the court if he could go see them on a Friday afternoon, he told the court that this would not create any problem for him, where his attendance the following Monday was concerned, and even went so far as to express his desire to be allowed to continue as a member of the jury. He stated; "I want to be sure that Mr. Medina receives a fair trial". In spite of his objections, the court dismissed him on the pretext of the sick family member. Juror #8 was replaced with an alternate, one that did not share in his skepticism. Therefore, the issue of identity was never resolved, as nobody else cared about the recorded interviews or the 911 calls. The jury never heard what you have read here. (During a Marsden motion the judge later claimed that he dismissed the juror over a work related issue).

Search Warrant: The search and arrest warrant by Walnut Creek Police Detective, Tracie Reese, which was signed by Judge Laurel Brady, was based on Tracie Reese's affidavit using the photo line ups, stating that Nathan was positively identified by three eye witnesses. It was based on misleading information and absent of all of the highly suggestible issues that contaminated the witnesses identifications.

Counsel filed to have the search warrant quashed; however, it had to go through the same judge that signed it. She denied the motion. Counsel told Nathan that the issues surrounding the warrant required a special type of hearing (a "Franks" hearing.) According to Counsel, the judge denied this hearing unlawfully. Counsel gave up after this.

At Nathan's home, Detective Brian McColgin found a 3XL black-leather trench coat and a Motorola cell phone that was on a shelf in his bed headboard. The cell phone was for Nextel and had no service at the time. Nathan had no reason to carry it, or have it in his jacket pocket, where Detective McColgin claimed to have found it.

On the next day, Detective Jower showed the jacket (that was taken from Nathan's home) to Mendell and Longfellow, along with the black Sketcher shoes he was wearing when he turned himself in. Jower then asked Mendell and Longfellow if there was anything new they could remember. They had nothing new at that time.

At trial, Mendell and Longfellow described the jacket and shoes they were shown by Jower at the police station, which gave their testimony a false credibility. Mendell made a point to say that he remembered the Sketchers logo on the shoes. (Mendell never mentioned "Sketchers" during his recorded interview taken the day before.) They had both accurately described what Jower had shown them at the police department, which the evidence will prove, could not have been worn by the assailant at the time of the murder.

When shown the 3XL jacket at trial, Mendell testified that he didn't know if it was the same jacket he was shown at the police station, but he knew for certain it was the same one from the back yard (RT 1417-1418).

Counsel told Nathan that the WC PD claimed to have sent his 3XL jacket to a lab in Los Angeles to have it ONLY tested for Gun Shot Residue (GSR). They claimed to have found 3 parts per million of (GSR) on the sleeves. (In People v. Watson, 2023 Cal. APP, Unpublished LEXIS 5008; According to Kenton Wong, of the Forensic Analytical Lab: GSR from a gunshot leaves a 'plume' of thousands of residue particles.) [3PPM is only consistent with contamination, not a gun being fired approximately six times.]

After trial, during a Marsden motion, Counsel claimed that it was swabs of Nathan's jacket sleeves, and not the jacket that was sent to a lab in LA.

Preliminary Hearing- Mendell:

Counsel asked 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.** Pre-lim RT P 29, L 24-29, P 30, L 10

Why Nathan? Rock incident then Mendell says: **Sam said “ I know Nathan did this. However I knew that she did not see who did it.** RT 30-32

When anything happened Nathan’s name was brought up. Rhoads discussed the civil case 3-4 times a week. Pre-lim RT P 97

Mendell states that he remembers: **sunglasses, real shriveled up skin, chin 5’10 5— between 5’8-5’11 180 not big. Jacket a little below the waist** (not to knees). Pre-lim RT 103-105

(This description did not match Nathan’s 3XL trench coat that went to his knees: however, this was during pre-lim, so the jury did not hear this.

100% positive no one talked to me before lineup. RT 107

When you were in the cottage although you saw where the person was standing you didn’t have an opportunity to look at his face? No I remember his presence there. RT 112

Shriveled up face means short small chin-jaw. RT 115

Nathan taking the stand:

Counsel never advised him against this. He and one of his partners came to the jail and asked him easy questions in preparation for only a few minutes. The only real warning he gave him was when the prosecutor was grilling the eye witness expert; he was brutal to her, and made her look like an incompetent fraud, who was only hired by criminals. Counsel said that this was how the prosecutor was going to be with Nathan.

Nathan never got mad on the stand, but the prosecutor was constantly angry. He kept saying that if it wasn’t Nathan, then who else could it be? In doing this, he unlawfully shifted the burden of proof onto the defense, in the eyes of the jury. The prosecutor made it sound to the jury, that if Nathan didn’t give him someone else, then it had to be him. Nathan thought that the prosecutor was the one who looked bad for constantly getting mad. However, Nathan never studied or observed jury psychology like the attorneys had. He just made himself look like a smug prick. The jury hated him, but he was too overwhelmed and exhausted, from all the retaliation he was experiencing in county jail to notice. Nathan was continuously being put in administrative segregation. He had pissed off the wrong deputies, who had their jailhouse

informants giving him a hard time, which led to three citizens complaints being filed by his mother, at his request. They were all handled within the jail, and only resulted in more retaliation.

This is covered thoroughly in the 'County Jail' chapter at: www.WrongfulMurderConviction.com and in his book, which is waiting for it's final chapter to be written.

During trial, Nathan told Counsel that Rhoads wore prescription glasses, and said that since this has been about her ability to see, shouldn't he bring this up, as no one has mentioned it. If the prosecution hasn't brought it up, it's because it wouldn't help their case. Counsel ignored this.

The one good thing Counsel had was Mark Harrison, his investigator, a very well qualified ex-San Pablo homicide detective. Mark was the reason Nathan knew about the hallway conversation between Sean Mendell and Detective McColgin. He had the foresight to listen to the recordings even after the interviews were over. Mark told Nathan's parents that with his experience, and what he heard of the interviews, which conflicted with the affidavit for the search and arrest warrant, there was no way the warrant could stand up in court once challenged; however, since Counsel withheld the recordings and did not have them transcribed, the motion to have the search and arrest warrant quashed was denied by the same judge who issued the warrant, Judge Laural Brady. The prosecution, during that hearing, told the judge that if the search and arrest warrant were quashed he would have no case.

What Nathan didn't know at the time, was this had nothing to do with anything that was found at his house. It was only about the witness interviews and 911 calls. If the witness interviews and 911 calls were made available, there was no case.

The judge took Counsel and the prosecutor to her office to go over the recordings, where Nathan was not able to hear the recordings, or be a part of the hearing. They were not in her chambers long enough to listen to the recordings though. Therefore, her decision was based only on arguments that were made secret behind closed doors by Counsel and the prosecutor.

Nathan's parents had several positive conversations with Mark, and they could tell that he was caught in an uncomfortable position. While they were the ones paying for his services, it was clear that he worked for Counsel. Nathan's parents could tell that Mark wasn't satisfied with the way Counsel was handling, or not handling the evidence in this case. However, Mark did his part. He found out that the Walnut Creek Police had been called out to Sam's house on many occasions for domestic disputes between her and Joshua, amongst other reasons. We are sure that Mark also acquired phone records that would have been helpful in the case, but were never used by Counsel.

Mark also found out that either AT&T or the prosecution had falsified Nathan's phone records, tripling them for the day of the shooting. The prosecutor also claimed to have accidentally deleted the call logs on Nathan's AT&T phone.

Nathan's parents tried getting Mark's notes and the recordings from Mark after it was obvious that Counsel was not going to ever turn them over. At one point, Mark told them, he would get everything together for them to pick up.

To this day, Nathan has still not received Counsel's or Mark's notes from his case, even though Counsel claimed to have given them to his parents. Eventually, his parents hit a stone wall with Mark, and he would not answer or return their calls at all. Of course, his loyalties had to be with Counsel, even though Counsel was in the wrong. This was just simple economics, as Counsel was the one bringing him business. He could not bite the hand that fed him, and in order to help Nathan, he would have had to take quite a large chunk out of it.

In the end, Nathan believes Mark was a very good investigator, it was just a shame that he had to work for such a dishonest and unethical attorney.

Of course, Counsel never had any intention of turning his or Mark's notes over to Nathan's mom, as they would have revealed even more exculpatory evidence which he helped the prosecutor to suppress. He was not going to turn anything over that could be used against him later.

On top of Counsel not using the evidence from Marks investigations, he also rarely came to the jail to prepare Nathan for trial, and when he did, they mainly discussed Nathan's housing conditions. It is well documented that Nathan was experiencing severe retaliation from the staff he had filed complaints against. The issues in jail were causing him so much stress and distraction that he was unable to focus on his own trial.

Early on, Nathan had to see two psychiatrists, he did not want to be found unfit. However, It was clear, that it would not have mattered what state of mind he was in, the State's psychiatrist would have found him fit anyway. Looking back, there is no way that he could have been mentally or emotionally healthy enough to effectively defend himself at that time.

Prosecution Expert Witness - False Testimony

As an ex-prosecutor, Counsel knew better than anyone else that it was the prosecution's responsibility to prove every aspect of the case. Not only did he help them by keeping exculpatory evidence from the jury and Nathan, Counsel allowed false testimony by the witnesses which he could have easily rebutted with that evidence. Then in his closing statements, he helped make the prosecution's case for them. He also manipulated Nathan into giving testimony that helped the prosecution's case.

The prosecution had an expert witness testify that they found tool markings on ammunition found at Nathan's house, which they claimed matched ammo that was found at Sam's house. Tool markings come from the ammo being scratched while traveling from the ammo clip through the gun and out the chamber. The expert testimony regarding "tool markings" has now been shown to be "junk science", only used by police agencies, in a report by the National Academy of Science. The agency the federal government depends on for factual scientific information.

The prosecution could not explain why there were tool marks on ammo that had not been fired through a gun. The jury had to wonder why ammo that hadn't been fired through a gun in its factory ammo box would have tool markings on the casings.

They didn't have to explain this, because Counsel had Nathan explain it for them. Nathan trusted Counsel and did not question him when he told him to explain to the jury that he had dry run the ammo through the gun while showing his fiancé, Bunnie how to use it. There was absolutely no tactical reason for Nathan to do this that would help his defense; however, Counsel told him to do so, and Nathan did what he said. Counsel had found a way to remove any element of the case that would have given the jury a reasonable doubt.

The GSR the WCPD claimed to have found on Nathan's jacket sleeves, seemed to help their case; however, there was no blood or pepper spray on the jacket. An interesting note –The swabs that were taken from Nathan's jacket sleeve to be tested for GSR, were taken by Detective Tracie Reese. She was the Detective that Mendell repeatedly told that he didn't think Nathan was the shooter during his interview. The same Detective that introduced Detective McColgin to Mendell where Mendell again tried to tell the Detective he didn't think it was Nathan. Detective Reese was present when Detective McColgin lied to Mendell, telling him Nathan was the shooter, before sending him to pick Nathan out of the photo lineup. Detective Reese then committed perjury by giving false information to Judge Laurel Brady on an affidavit in order to get the search and arrest warrant, stating that Nathan was positively identified by three eye witnesses.

Blood/Pepper-Spray:

Rhoads stated: that the assailant, held her in a bear-hug from behind, while pepper-spraying her for the second time. The Detectives swabbed the crime scene, testing for pepper-spray; however, the prosecution claimed to not have tested Nathan's jacket, or any of his clothing, or property for pepper-spray.

After Rhoads and her son, Joshua were both pepper-sprayed, they somehow got past the assailant, and went into the laundry room, where the assailant shot Joshua through the door. The assailant, then broke the door in half, where Joshua was lying on the floor, with his head

next to the door. The assailant reached over the broken bottom half of the door, put the gun next to Joshua's head, and shot him. The blood sprayed up the door, leaving a 5" wide void where the assailant's arm was.

The prosecution hired a blood-splatter expert to give false expert witness testimony, stating that the blood would have completely missed the jacket, or that the most logical explanation was that it was wiped off. Whoever pepper-sprayed Rhoads and then Joshua, would have had pepper-spray all over their clothing, and the sleeve of their jacket would have been saturated in blood. Counsel did not bring in any expert witnesses to rebut the prosecution's expert witness testimony.

The prosecutor, while wearing a tight sports coat, did a demonstration where he leaned over the door with his arm and hand like he was holding a gun. With the tight sports coat and him manipulating his shoulder the right sleeve was pulled up his arm. So he said the jacket would have been out of the way of the splatter.

The jacket they took from Nathan's home was a huge 3XL leather trench coat. Nathan told Counsel that they should demonstrate that if it was worn by him, it would have been so loose that it would have fallen farther down his arm and past his hand. Counsel said that it wouldn't be a good idea to give the jury that visualization.

Rhoads testified that she saw the gun being held by an ungloved hand. At the jail Nathan's hands were tested for GSR. The test was negative.

The prosecution had an expert witness give false testimony, stating that GSR basically falls off the hands in 4-6 hours.

Mendell:

In order to lock in the attempted murder of Mendell, they hired an expert witness to try to explain away the position of the expended cartridge which clearly showed that the gun was fired away from Mendell's head as the bullet went in an upward trajectory into the main house behind him.

In Mendell's interview, he stated that he immediately dropped to his knees. This was a problem for the prosecution because of the physical evidence showing the upwards trajectory of the bullet. Mendell who is around 6' 4", testified at trial that he was ducking down kind of standing in order to explain the upwards trajectory of the bullet. This false testimony locked in the conviction of attempted murder. Here are the recordings where Mendell states that he was on his knees: [Recording \(https://www.wrongfulmurderconviction.com/wp-content/uploads/2024/09/02K.mp3\)](https://www.wrongfulmurderconviction.com/wp-content/uploads/2024/09/02K.mp3) [Recording \(https://www.wrongfulmurderconviction.com/wp-content/uploads/2024/09/11K.mp3\)](https://www.wrongfulmurderconviction.com/wp-content/uploads/2024/09/11K.mp3)

Nathan never met Mendell before the trial, nor had he heard of Mendell mentioning seeing him. During trial testimony, Mendell claimed to have seen Nathan when the addition was being built, and also at some local bars. By the time of his trial testimony, Mendell was informed about the hallway conversation being recorded. He changed from being 100% positive there was no hallway conversation to saying that there was a conversation, but he didn't remember what it was about. He also claimed at trial that the intruder looked like he used steroids for years and then meth. During his recorded interview, he never mentioned steroids in reference to the intruder.

From the beginning, Mendell appeared to have been coached and was willing to change his statements and testimony to whatever the police and prosecution wanted him to say. From interview, to pretrial, to trial, his statements and testimony were vastly different. Not that the jury knew about this. At trial he claimed that he never knew any of the pictures were of Nathan, they all just looked like who was there that day.

Defense – Eye Witness Expert Testimony –DR. Deborah Davis:

Before, during, and even after trial, Nathan and his parents repeatedly asked Counsel to get, or at least allow them to hear the 911 calls and recorded interviews of the witnesses in the case. Counsel kept putting them off. Nathan's parents even had Counsel hire an eye witness expert in the hopes that they would review the recordings. This ended up costing \$8,500 more, on top of the already over \$100,000 going to him. This ended up being a sham, as the expert on eye witness testimony was not allowed to give testimony on any of the specifics of the case, only general statements. Had Counsel told them this, they wouldn't have hired her. There wouldn't have been any reason to. The judge also would not allow her to give a large part of her presentation in front of the jury. She was clearly flustered and even had to use the prosecution's projector which kept failing when she was trying to use it. However, it worked perfectly for them. She was clearly upset, as she said that no other judge had ever put such strict limitations on her expert testimony and presentation. None of the prosecutions, so called expert witnesses had their testimony limited by the judge, they were all allowed to give their expert opinions on the specifics of the case.

Nathan and his parents believe the truth will come out, that the expert on eyewitness identification, which Counsel hired, was illegally prevented from examining the 911 calls and witness interviews, as part of the conspiracy which will include judge Kennedy, in suppressing exculpatory and impeachment evidence during his trial.

This was the only expert witness Counsel hired. Since she was not allowed to speak on the specifics of the case, and so much of her presentation was not allowed. It was of no help, and worst of all, it did not get the copies of the 911 calls and interviews he wanted.

To be clear, at the time, Nathan, nor his parents had any idea that Counsel was helping the prosecutor to suppress the evidence. Nathan and his parents thought that Counsel was going to use the recordings at the end of the trial, and completely dismantle the prosecution's case. When this did not happen, it was too late for them to do anything. Nathan's last ditch effort to get Counsel's blatant negligence on the record, and to preserve for appeal all the professional misconduct that occurred in his case, was in a *Marsden* motion, after trial, and before sentencing. That hearing is covered as Exhibit J – Judicial Bias. (The title should give you a clue to how that hearing went).

Rhod's Trial testimony: questions by the prosecutor

RT 818 L 20 how do you know the front door opened and closed? Because I heard it, I thought it was Sean.

RT 819 L 7 and who did you see? I saw Nathan Medina.

RT 819 L 22 Did he spray you before you had a chance to see who it was? No

RT 834 L 10 How far away from you was the suspect at that moment? Three feet maybe, he was standing there and he started spraying me with pepper spray. (The distance between the front door and the hallway was more than six feet.)

RT 845 He had on a black beanie cap on that was rolled up and dark sunglasses and an open jacket or coat or something.

RT 846 L 2 Recognized him by his nose and his mouth and his chin.

RT 846 L 3 When did you figure out it was the defendant? Immediately, it was almost instant.

RT 846 L 8 Did you figure out it was the defendant before he sprayed you? Yes

RT 846 L 12 Do you remember describing to the detective that he might have been wearing a mask? I don't remember.

RT 846 L 15 Do you remember describing to the detective that you could see portions of his face? Yeah his nose and mouth and chin that was not covered.

(This is fraud on the Court by an officer of the court knowingly suborning false testimony regarding the central issue in this case. The Prosecutor knew that the witness perjured themselves on the stand and made no effort to correct it.

RT 846 L 20 Do you remember saying at one point that you really couldn't see? I don't remember

RT 846 L 22 Do you remember telling the detective that because he pepper sprayed you, that you had trouble seeing? After a while I did yea. I didn't- I could see clearly who it was before that happened.

RT 847 Were you able to get a thorough description of the defendant and all his clothing before you were sprayed? Waist up yes.

If you told the detective at some point that you couldn't really see, were you trying to imply to him that you really didn't know who it was? No (played part of 911 tape)

RT 850 Did you have any problem recognizing him? Absolutely not

Did you hesitate at all? No because I know who it was.

RT 851 (Rock incident) Do you recall telling the police I know it was Nathan Medina? No I do not recall that.

Counsel:

You got a little bit around the corner and saw the person standing just inside the front door? That's correct

RT 867 You're holding your left hand with your index finger? Yes, that is the hand I was sprayed with

How quickly did the spraying occur? Shortly after I came into the living room

So, when you came around that corner the person was already in the house, obviously? Right, I got sprayed several times before I reached the laundry room...

RT 873 So on the day of the incident you weren't sure, you thought that maybe they could have been wearing gloves, right? Right, I don't remember what I told him, but I do remember that it was later on that I remembered the vision of gun and the gloves, so that's when I knew there were no gloves.

And as you sit here now and as when you were telling the officer back then, you're sure the person wasn't wearing gloves? Positive

Safe to say you are as positive of that as you are of anything you testified to? Yes

RT 887 L 24 Well, they weren't spraying yet. They were holding it and then after I got there they started spraying.

RT 888 L 1 Okay so by the time you got around the corner the persons arm was up, though, in the manor you showed? Correct

And it was your testimony that immediately upon coming around the corner you recognized the person? That's correct,

RT 898 L 18 I was surprised to see who was standing there. I was expecting to see Sean.

RT 898 L 20 Now you testified earlier that you thought the person had forgot that you were in the laundry room? Yes

RT 899 L 2 And the reason you say forgot is because you specifically remember the person looking at you when you were in the laundry room? Absolutely, I walked right in front of him behind my son into the laundry room

RT 901 L 12 Do you have any other description about that truck? I know it's black, Harley Davidson or something, that's all I know

RT 902 L 4 Do you recall him (McColgin) asking you about or being able to describe the person; do you recall that? I don't remember. I remember describing the person.

RT 902 L 9 And do you remember telling that detective on several occasions that you couldn't really see? At that point I couldn't really see, not when I saw the person come in the door.

RT 902 L 14 Do you remember telling the police that you knew it was Nathan Medina who threw the rocks through your window at the earlier--? I don't remember saying that. Do you remember saying to the detective that you knew it was Nathan Medina who was involved in the shooting? Yes

RT 902 L 24 And do you remember telling him that it had to be him because you didn't think you had any enemies? No, I don't remember saying that. We don't have any enemies.

RT 903 L 1 Do you recall talking to the detective about whether or not the person was wearing a mask? I remember them asking me.

RT 903 L 5 And do you remember telling them that you're not sure, but you knew it was Nathan Medina?

RT 903 I remember what he had on. I don't remember everything at the time. I remember seeing his nose and his mouth, and I remember the glasses and the rolled up beanie hat that he had on. That's what I remember.

(This was the last question Counsel asked Rhoads regarding ability to see. Here Counsel is helping to corroborate the prosecutions case.)

RT 913 L 8 Ms. Roads, as I understand it, its your testimony that when you were in the ambulance telling the detective that you couldn't see, that you're referring to at the time when you are talking to the detective, not about the time of the incident? That's right I had been on the counter for several hours.

Closing arguments - Prosecutor:

RT 2665 L 12 **This case is about identity. And that's all it is about.** If you believe Ms. Rhoads when she says I immediately recognized the defendant when he walked in the door. I knew it was Nathan Medina, and then he pepper sprayed me. If you believe her when she says that, then you can't go back in the jury room and say, well what if he had a twin brother. There is no evidence of that. That's speculation and conjecture.

RT 2667 L 7 **But you can bet that if there was other information that would be helpful to you in making your decision making process that either Counsel or myself would have brought it out during trial.**(This was not just telling the jurors that there was no need in reviewing the interviews and 911 calls. It was also a stab as the prosecutor made a comment that since the jacket wasn't officially tested for pepper-spray, it could have had pepper-spray on it)(Nathan believes it was, and when it came back negative they buried it. Nathan tried to have Counsel get it tested, however he claimed that he could not get custody of it.)

RT 2668 L 1 Ms Roads was honest she told you what happened what she saw...

RT 2672 L 25- 2673 L 3-There is certainly a lot of corroborating evidence as to the story from each of the witnesses. Ms, Rhoads describes similar clothing, from the waist up at least.

RT 2680, L 23 He immediately pepper sprayed her...

RT 2692 L 2 Ms. Rhoads came in and testified that she immediately recognized him as Nathan Medina...

Closing - Counsel:

RT 2751- I'll play Ms. Rhoads statement to Detective McColgin, but she says I know it was him that threw those rocks through the window...

RT 2751 L 20- So – So the government’s position is that... walks in, wanted to kill Ms. Rhoads, he has got a gun in his hand, wanted to kill Ms. Rhoads right there. Didn’t – pepper sprays her as you will hear on that tape immediately. (This was never played to the jury).

RT 2752- Sprays her in the face, not down the chest. There is no conversation, there is no – she doesn’t walk towards him and confront him. She walks around that corner, sees a guy in a cap big dark sunglasses that many people say, yeah, pretty hard to say, big dark sunglasses, a cap and a black jacket in a dark hallway, she has already said it’s a dark area there in that foyer, and says when I came around the corner, yeah what was he doing, his hands were like this, and started spraying. A fraction of a second is what she had to view the intruder...

RT 2780 L 18 These are the witnesses. I know it’s him. I know it’s him (Tape played) *I couldn’t see*. Let’s get one thing very clear, that when the government tries to tell you that what she is saying there is I can’t see right now, at that’s what they are saying. That that’s what the examination was.

RT 2780-2781 I can’t see right now versus I couldn’t see when the detective first meets her trying to find out what happens, you have someone in the background saying she has been pepper sprayed. She has been pepper sprayed and she says – (taped played) I know Nathan threw that river rock through my door. Not I believe, I think, you know, what makes sense is I know it was Nathan. Not Tony, not anyone else, not the persons that vandalized Mr. Mendell's truck a number of times, I know that it was Nathan Medina, because when something bad happens, it’s Nathan Medina. (tape played) Listen to that she knows it’s Nathan Medina who threw the rocks.

RT 2781 L 20 And then when they are talking about it and the detective is going so he had a mask on, and she goes, well, maybe not a mask, maybe not quite a mask, but I know it was Nathan Medina. And, of course, the detective, yeah, right, because there are some parts of his face you could see, right. Listen to the way the detective interviews her. But that’s her. Couldn’t see. I know its him.

RT 2782 L 26 Ms Rhoads at best, before she is pepper sprayed, is a second. Listen to the way she described it, what she said here. The person came around the corner and was already like this when she first sees him, held her arm up, demonstrated, and started spraying. In a dark hallway with these glasses on and a coat, with these glasses on and another witness who has seen him outside and said, you know, kind of tough to tell. She had no immediately, that’s the key. It’s not that you know what, after I was able to look at him, you know, it was immediately. And it’s Nathan Medina. I don’t know if it’s a mask, I couldn’t really see him that well. I know it’s him, I know it’s him.

How much time did she really have before she is pepper sprayed? Seconds? No A second? Maybe.

RT 2786 L 27 ...the mom positively identified. She said it was Nathan, what the detective says. What does Mendell say? She said it was Nathan for sure? Yes she did. Wasn't wearing a mask it was just a hat, a hat. A beanie rolled up And then the detective says he said, hey man, it's him, it was him. She positively ID'd him. Then they take him to the lineup.

RT 2805 L 17 When they got that call it's Nathan Medina. I saw him for a quarter of a second. I couldn't see, I couldn't see, I know it's him, though, this case was over.

(Counsel helped the prosecution here, as his closing statements edified Rhoads' false testimony and the prosecutions case in making it seem as if Ms. Rhoads never brought up a mask, that she was only answering McColgin's questions.

Closing Prosecutor Again:

RT 2812 L 21 or 2831 Counsel played you a tape of Ms. Rhoads and this is the other point I was getting to about the three dimensional versus the two dimensional. Plays you a tape, a portion of a tape where she says I really couldn't see, I couldn't really see, is my son alive?

What does she say on the stand? She says as I was laying in laundry room the odor from the pepper spray was getting to me and I couldn't see.. RT 2833

RT 2833 L 6 What are we missing from that quotation on that tape? Reference to time. She said that when I was laying on that counter top for an hour, that's when I couldn't see. Could you see the man who sprayed you with pepper spray? Yes. Did you have trouble? No.

Mendell and Longfellow were able to do as she did. Each of them said the same thing; beanie, sunglasses, nose, mouth and chin and recognized the jacket and shoes. The prosecution had no opposition.

After the trial was over Nathan and his mom filed motions and served subpoenas to get the copies of the recorded interviews and 911 tapes. In 2011 Counsel claimed to have signed a confidentiality agreement with the prosecutor to not share the 911 calls and witness interviews with anyone including his client. We have copies of this claim in writing.

Nathan had his mom file a complaint with the State Bar. Counsel's answer to the complaint? "Oh I already gave the interviews to her."

Counsel claimed the recordings were in a Fed Ex package he sent to Nathan's mom. So, in the State Bar complaint, she included a copy of the envelope which showed it was 1lb in weight, and it had an itemized listing of all its contents which all together weighed 1lb. (No listing of transcripts).

Counsel also stated in writing that the DA had copywrite protection on the DVD's, so they couldn't be copied and he could not give up the originals.

Neither Counsel nor the Prosecutor had the recordings transcribed in violation of California Rules of the Court 2.1040. This requirement is to preserve the record, so the recordings are made available for appeal. Not only did they succeed in their conspiracy to suppress the recordings from the jury and Nathan. They also made sure that they could not be used on his direct appeal. Then they lied and gave false documentation to anyone who tried to acquire them. This is covered thoroughly as Exhibit G –Conspiracy to Suppress Evidence.

How could the State Bar and the California Supreme Court believe Counsel's lie that he already gave the recordings to Nathan's mom?

She proved that there were no transcripts and that the CD's were not in the package Counsel claimed they were in. She gave undeniable proof using Counsel's own e-mail correspondences and letters along with a signed declaration that Counsel kept changing his story.

The State Bar found no error with their state licensed attorney. They claimed this is simply a "he-said she-said" situation. The State Supreme court denied Nathan's petition for review.

Nathan's mom subpoenaed the district attorneys office. They told her the Walnut Creek Police have the interviews and 911 recordings. She then had the WC PD served with subpoena duces tecum. They said they had the copies for her. She would have to come down and pay a fee to get copies of the recordings. She paid the fee and then they said "We're sorry we don't have those anymore, we turned the originals over to the DA." She did not even get her money back.

Rhoads sued Nathan, his Mom, Tony, and their trust for \$4,687,000 for wrongful death and other offenses. Rhoads logic for including Nathan's parents and their trust, was because Nathan signed everything he had over to them before his trial.

Since there was property involved, and it was insured by Allstate, Allstate represented Nathan's parents in order to separate them from him regarding the law suit in order to protect their insured property. Thank you Allstate.

Allstate had no problem getting three of the five recordings:

- 911 Recording – Rhoads, (tampered volume, missing most of call, exculpatory and impeachment statements to the 911 operator were withheld from the jury and Nathan)

- Witness interview - Mendell, with witness tampering, and impeachment evidence (not used at trial)
- Witness interview – Rhoads, with impeachment evidence (not used at trial)

(Mendell's 911 call, and Longfellow's interview are still missing).

The Allstate attorneys turned over the three recordings to Nathan's mom in 2014, after they successfully represented his parents. Nathan was the only one in which Rhoads got her judgment against for \$4,687,000.

It is now September of 2024, and Nathan is still in prison, while the courts have refused to review these recordings or any new evidence that has been discovered since his trial.

When our public servants so blatantly disregard all ethics and ignore the policies and procedures that are in place to protect the public from illegal and unlawful enforcement of the laws of this state, no one is safe from prosecution. Innocent people, who just happen to be at the wrong place at the wrong time, are prosecuted all the time. When the police and prosecutors believe they are above the law and so easily commit perjury, without being held accountable, our entire judicial system fails. As in Nathan's case, the Walnut Creek Police knew that his attorney, the courts, and everyone else would protect them by keeping the evidence of their crimes from his parents, the public, and him.

Nathan is exposing this corruption with the hope that others won't have to endure it. Feel free to copy and share this chapter from his book.

Until he is released, you can write him at the following prison address, or send an email through www.WrongfulMurderConviction.com which a friend will then forward to him, or you can contact him directly by setting up an account with GTL, the company that has the California Prison contract for inmate communication and tablets at: www.gettingout.com To do so, you will have to install an App, then put a small amount of money on your account as they charge 5 cents per text message, which he then will receive on his prison issued tablet. All messages and content is reviewed by prison staff, so please do not send anything inappropriate.

Thank You,

Nathan Medina AA4500

CTF North Lassen B 244

P.O. Box 705

Soledad, CA. 93960