

Let the Court's Record Reflect the following:

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Case # 05-080656-2

April 11, 2023 [edited from original sent on 4-4-23 to correct date and make minor changes] resent with legal mail on 4-12-23.

To: Attorney General – Rob Bonta

This is my formal request that charges be filed against the aforementioned individuals for conspiracy to permanently suppress exculpatory and impeachment evidence in order to protect the Walnut Creek police, prosecutor, and counsel from having their crimes of moral turpitude exposed and to gain a wrongful murder conviction.

All proof of their crimes had been turned over to the Contra Costa Conviction Integrity Unit(CIU) in January of 2022.

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)

Counsel Dirk Manoukian conspiracy to permanently suppress exculpatory and impeachment evidence, suborning perjured testimony, fraud on the court, obstruction of justice

Prosecutor Steven Moawad - conspiracy to permanently suppress exculpatory and impeachment evidence, suborning perjured testimony, fraud on the court, stating facts not based on evidence, improper closing statements, obstruction of justice, selective prosecution

Walnut Creek Detective Brian McColgin - witness and evidence tampering, filing a false police report

Walnut Creek Detective Tracie Reese - perjury, filing false and misleading information on an affidavit in order to acquire a search and arrest warrant,

Walnut Creek Detective Bruce Jower – witness tampering, filing a false police report

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Judge John Kennedy - Judicial Misconduct - helping the prosecutor and counsel permanently suppress exculpatory and impeachment evidence, illegally dismissing a Juror in order to suppress exculpatory and impeachment evidence, Denying motion for new trial in order to suppress exculpatory and impeachment evidence

Judge Laural Brady - Judicial Misconduct – Denying a required *Franks* hearing in order to permanently suppress exculpatory and impeachment evidence during a motion to quash hearing.

The evidence that I turned over to the Conviction Integrity Unit in January of 2022 included proof that counsel conspired with the prosecutor to permanently suppress two 911 calls and three eye witness interviews taken the day of the shooting. Both attorneys then suborned perjured testimony from the witnesses. Testimony that would have been impeached, if the 911 recordings and witness interviews would have been available to the jury and myself. I also submitted evidence included in a state bar complaint that counsel, the Walnut Creek police, and the District Attorneys office all claimed to not have these recordings in response to subpoenas served on them by my mom, Jamie Latteri. We were trying to obtain this evidence which was also withheld from my appellate attorney, and/or not used in my direct appeal. I was denied any chance for post conviction relief without it.

The exhibits in the State Bar complaint included a correspondence from counsel where he claimed that the District Attorney's office made him sign a confidentiality agreement before they would turn over the 911 calls and witness interviews. He claimed that the confidentiality agreement stated that he could not share those recordings with his client. Before this, Counsel claimed that the District Attorney's office had copywrite protection on the CD's, so he could not copy them and that there was only one copy.

There were serious witness identification procedural violations, including the lead detective- Brian McColgin, who was caught on tape lying to a witness who was adamant that I was not the assailant. On tape you can hear McColgin tell the witness that it was me and to lie to him about what another witness said during their interview.

There was evidence and phone records tampering.

I am concerned that there could be a conflict of interest as the misconduct in my case involves two judges, the prosecutor (who later became Chief Trial Counsel for the State Bar), trial counsel (who was an ex Contra Costa ADA for 14 ½ years and had trained the Prosecutor in my case), multiple Walnut Creek detectives, and the State Bar. Counsel's wife was working at the DA's office at the time when I filed my actual innocence claim.

I have overwhelming documentation which proves Steven Moawad committed crimes of moral turpitude and prosecutorial misconduct before, during, and after my 2008 murder trial. His crimes were obvious and blatant. They showed a complete disregard for the law and rules of professional conduct. It is beyond reason to believe that he had not been doing this long before my trial. The confidence with which he acted revealed how corrupt the legal system was, as he had to believe at the time that no judge would hold him accountable and that everyone would help him conceal the evidence of his misconduct. And he was right, for the last 15 years everyone has protected him.

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In my letter of March 14, 2023 to Brian Feinberg of the CIU, I implicated the prosecutors before him that were made accessories to counsel's crime, involving his false claim of a confidentiality agreement between him and the prosecutor in order to keep the 911 calls and recorded interviews from me. As they did not report that obvious violation of due process to anyone. When they were notified about counsel's claim of a confidentiality agreement that did not exist and they did not deny its existence, they became a party to his fraud, they became co-conspirators. Is it not the duty of officers of the court to immediately report crimes?

Since receiving four of the five recordings in 2014, I have wanted to file an internal affairs complaint with the Walnut Creek Police, however out of fear of retaliation and fear for my parents lives I could not do so. My fear was justified as I had personally experienced retaliation and attempts on my life while in county jail over citizens complaints filed while I was there.

In order to file a complaint with internal affairs, I would have had to ask them to get the recordings from my parents. These recordings that the Walnut Creek Police, my trial attorney, and the District Attorneys office all claimed to not have in response to subpoenas my mom had served them with prior to 2014. If none of these three parties had this evidence, how did the attorneys, hired by Allstate, who turned them over to my Mom in 2014, acquire it?

I believe the obvious conspiracy to permanently suppress the most crucial evidence in my murder trial was so entirely blatant that I would not put it past the Walnut Creek police to harm my parents and destroy the recordings. Now that the DA's office has the transcripts and these recordings, I am asking for their cooperation in providing Internal Affairs with the evidence needed, as I cannot do so from prison. This way I do not have to involve my parents and risk retaliation against them.

This murder case only made it to trial because the prosecutor had the cooperation of counsel, the Walnut Creek police, judge Kennedy, and judge Laurel Brady in helping him conceal two 911 recordings and three eye witness interviews from the jury and myself.

I mention both judges as they cannot claim to be ignorant of such a blatant violation of due process as having what is the primary and most essential evidence in a murder trial suppressed and kept from the jury.

Judge Laurel Brady was complicit by her denying the motion to quash the search and arrest warrant without reviewing what should have been transcribed. During this hearing judge Brady was either not shown or ignored the evidence which would have proved that the search and arrest warrant that she signed was based on information that detective Tracie Reese new at the time to be untrue. Tracie Reese filed an affidavit with false and misleading information, as one of the recordings has her present while detective McColgin lies to a witness who is telling him I was not the person he saw. This was before she filed the affidavit.

Judge Kennedy's misconduct goes far beyond violating the local rules of the court. It is well established by both rule and law that attorneys are to have transcribed any recordings that are used during trial. This is so the jury can properly review the evidence presented to them in full context while in deliberation. As all evidence would support either the defense or the prosecution's case one of those parties would have had it transcribed. The only reason for both not to do so, and intentionally violate both rule and law, is for them to have conspired together to do so. This was made crystal clear in my State Bar complaint. This amounts to crimes of moral turpitude, professional misconduct, and fraud on the court.

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Just as it is highly unusual for neither party to transcribe these recordings. It goes far beyond accidental oversight for the Judge to allow parts of these recordings to be used in his court without any of them being transcribed.

To compound this crime, judge Kennedy removed the only juror (Juror #8) who requested the equipment to review the five un-transcribed recordings. Judge Kennedys dismissal of this juror against that juror's objection is far beyond what could be considered coincidence. Especially so, after that juror had stated "I want to be sure that Mr. Medina receives a fair trial". That juror knew that none of the other jurors cared to review the recordings.

With the removal of this one juror the prosecution and judge Kennedy successfully kept the five recordings from the jury.

My appointed appellate attorney, Mark Greenburg, overlooked all issues regarding eye witness identification and left them out of my direct appeal. This goes far beyond ineffective assistance of counsel. It reveals another break in the chain of a corrupt legal system.

The State Bar ignored all evidence presented to them in my State Bar complaint which included counsel's own correspondences stating that he did not turn the recordings over to his client. That he could not turn the recordings over, because he claimed that the prosecutor made him sign a confidentiality agreement before he would give him the recordings. (An agreement that would be a due process violation in keeping exculpatory and impeachment evidence from his client.) The State Bar ignored this blatant due process violation and denied my complaint. Counsel submitted no evidence to the State Bar. All counsel had to do was lie and say "I already gave it to them".

The State Bar later hired Steven Moawad as it's Chief Trial Counsel. Where he had to leave that position under accusations of him not disciplining attorneys for misconduct.

Extracted from an article in The Recorder on May 18, 2018 State Bar's Chief Trial Counsel Withdraws from Confirmation Process

Steven Moawad [Prosecutor in my case], the California state bar's chief trial counsel, has withdrawn his nomination from the state Senate, effectively ending his tenure as the agency's top prosecutor.

The bar hired Moawad, a long time prosecutor in Contra Costa County, in April 2017 with hopes of bring stability to a job that in recent years has been plagued by legislative scrutiny, labor discord and turnover. But his appointment to lead the Office of Chief Trial Counsel, or OCTC, was never brought up for a required confirmation vote by the state Senate.

Some lawmakers raised questions about how the bar's disciplinary office under Moawad handled complaints that a lawyer serving immigrant clients had alerted U.S. Immigration and Customs Enforcement to their undocumented status, the sources said. **The bar does not acknowledge the existence of complaints against lawyers unless charges are filed**, and a spokeswoman declined to comment on the specific allegations.

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End of excerpt

This underlined statement in the above article shows how corrupt the State Bar was under Moawad's leadership. As until this press release, who could have know this. It is not on their form for filing a complaint against their state licensed attorneys.

Could this be why my State Bar complaint against counsel Manoukian was denied? Counsel supplied no evidence to the State Bar. All he had to do was lie and say he already turned over the recordings to us. My complaint was exhaustive and thorough, it included all evidence proving my claim that counsel never turned over the recordings with the rest of my case. Included in my complaint was counsel's own correspondences proving my claim. Not just that he didn't turn over the recordings to me, but that he conspired with the District Attorneys office to do so.

Counsel wasn't just ineffective, he also took my family's money and then betrayed us in order to help his former colleague and trainee win his first murder trial; while at the same time he was protecting the Walnut Creek police detectives by suppressing the evidence of their misconduct.

Respect Submitted/Filed by,

Nathan Medina

(Petitioner in Pro Per/Se)

CC: District Attorney – Diana Becton, Contra Costa Special Operations Division