

1 understanding the case as it is presented to you.

2 Mr. Moawad, would you like to make an
3 opening statement?

4 MR. MOAWAD: I would, your Honor.

5

6 (PEOPLE'S EXHIBIT NO. 2

7 MARKED FOR IDENTIFICATION)

8

9 (TAPE PLAYED)

10

11 MR. MOAWAD: What you just heard was
12 ~~Beverly Rhoads calling 911 on March 20th, 2008,~~ to
13 tell them the murderer is Nathan Medina.

14 You are going to hear from Ms. Rhoads. She
15 is going to tell you the same thing she told the
16 police that day. She is going to tell you the
17 murderer is Nathan Medina.

18 So how did we get here?

19 Ms. Rhoads is going to tell you that she
20 and her family have been friends of the defendant's
21 family for almost 20 years.

22 She is going to tell you that they went on
23 family vacations together. They went camping.
24 They celebrated holidays together.

25 She is going to tell you that in 2003 she
26 hired the defendant's stepfather to do an addiction
27 on her home.

28 She is going to tell you that the defendant

1 himself did the electrical work on the addition.

2 She is going to tell you that she paid the
3 defendant's stepfather \$116,000 for what she was
4 told would be a three to four-month project, and
5 that more than 18 months later the project still
6 wasn't done.

7 She is going to tell you that she had to
8 hire another contractor to come in and finish the
9 job and that he had to tear out most of the work
10 that had already been done in order to complete the
11 job.

12 She is going to tell you that in order to
13 recover her money she filed a lawsuit against the
14 defendant's stepfather.

15 The defendant's stepfather filed a
16 counterclaim, countersuit against Ms. Rhoads.

17 Ms. Rhoads' attorney filed a motion to
18 dismiss that counterclaim, but before the Court
19 could even rule on that motion to dismiss, the
20 defendant's stepfather, seeing the writing on the
21 wall, dismissed the countersuit himself.

22 Less than a month later the defendant took
23 it upon himself to resolve the issue and went in to
24 Mrs. Rhoads' house and attacked her and executed
25 her son.

26 Ms. Rhoads is going to tell that you on
27 March 20th, 2008, she was sitting at her home
28 office working. The home office that is in the

1 addition.

2 She is going to tell you that the power
3 went out, so she called to her son, Joshua who was
4 sitting in the front bedroom watching TV. They
5 quickly figured out that the power wasn't out to
6 the entire house, but just to the addition. So he
7 told her to go check the breaker box in the laundry
8 room, which is also part of the addition.

9 She went in and looked at the breaker box
10 and all of the breakers appeared to be in the
11 correct position, so she called to Joshua again.
12 And this time Joshua came down the hall to help his
13 mom.

14 As he began looking at the breaker switch
15 Ms. Rhoads heard the front door open and somebody
16 come in. So she walked down the hall to see who it
17 was.

18 When she got to the front door she saw the
19 defendant, a man she has known for nearly 20 years
20 standing inside her front door. She is going to
21 tell you that he was wearing a black cap and a
22 black jacket or black sweatshirt.

23 She is going to tell you that the defendant
24 sprayed her with some sort of chemical weapon;
25 that she screamed and ran down the hallway; that
26 the defendant chased her down the hallway, and as
27 she passed the laundry room caught up to her and
28 tried to grab her and she broke free.

1 She ran back to the laundry room to
2 whatever safety was afforded by her 25-year-old
3 son.

4 As she slid past her son into the laundry
5 room Joshua Rhoads also saw the defendant, and said
6 "you have got to be kidding me, get the fuck out of
7 my house", and slammed the door.

8 Now, Sam Rhoads and Beverly Rhoads were
9 both in the laundry room and the defendant was
10 stuck outside. Joshua barricaded the door with his
11 body to try and prevent the defendant from getting
12 in, but within seconds bullets starting piercing
13 the laundry room door, one of them entering
14 Joshua's wrist and exiting the other side.

15 Joshua turned to his mom and said "call
16 911, I have been shot".

17 Ms. Rhoads picked up the phone in the
18 laundry room and started dialing 911 even as she
19 was getting splinters from the pieces of wood that
20 were being gouged out of the laundry room floor by
21 the bullets as they impacted.

22 She then climbed up on a counter on the
23 side of the laundry room and hid there behind some
24 clothes.

25 You heard her talking to 911 saying "we are
26 being murdered" and then she stops talking. She
27 stops talking because the defendant breaks down the
28 laundry room door. He turns it into a Dutch door.

1 The open slams open, but the bottom that Joshua
2 remains barricading himself with his body stays
3 closed.

4 The defendant reaches over and executes
5 Joshua with two shots to his head.

6 Ms. Rhoads can't see what the defendant is
7 doing. She hears the shots. She see his hand.
8 She then hears him walking around the house, but
9 doesn't know what he's doing or where he is at any
10 given time. She is begging the police to come help
11 her. She is terrified of moving for fear that the
12 defendant will figure out that she is still in the
13 laundry room.

14 She lays on top of that counter for more
15 than an hour, until the police are finally able to
16 come to the window of the laundry room and help her
17 out through the window.

18 You're going to hear from Sean Mendell.
19 Mr. Mendell is going to tell you that Joshua Rhoads
20 was his best friend. He's going to tell you that
21 he knows Ms. Rhoads and that he lives in a cottage
22 in the back of Ms. Rhoads' house.

23 He's going to tell you that on March 20th,
24 2008, he was in the cottage in the backyard at 1110
25 Boulevard Way in Walnut Creek. He was back there
26 with his girlfriend at the time Mariele
27 Longfellow. He is going to tell you she was
28 watching TV and he was working on his computer.

1 When they heard clanging noises, noises
2 that he describes as clanking or clanging. They
3 didn't know what it was, but they knew it was
4 unusual, so they looked out the window of the
5 cottage into the backyard.

6 Mr. Mendell is going to tell you that he
7 saw Ms. Rhoads' dog in the backyard and saw that
8 the gate from the backyard to the driveway to the
9 street was open. And not knowing what happened
10 inside the house moments earlier, all he knew is
11 he didn't want to be blamed for the dog getting
12 out.

13 So he walked outside into the backyard and
14 started walking around to the gate to close it.
15 And as he did that he heard the sliding glass door
16 from the master bedroom, Beverly Rhoads' room to
17 the backyard open. And out of it stepped a man
18 wearing a black beanie, a black three-quarter
19 length leather coat, trench coat, black pants and
20 black shoes.

21 At the time Mr. Mendell was wondering who
22 that was. And he said in no uncertain terms, "who
23 the hell are you", at which point the man dressed
24 in black walked up to him and pointed a firearm at
25 his head.

26 Mr. Mendell crouched down and began bobbing
27 and weaving trying to keep the gun pointed away
28 from his head. The man with the gun kept demanding

1 "where's Sam, where's Sam Rhoads" a name that
2 Beverly goes by.

3 Sean says "I don't know" and the man with
4 the gun fired a round, narrowly missing Sean's
5 head.

6 Sean looked and could see out of the corner
7 of his eye that the gun, the slide of the gun was
8 jammed back, or was in the back position and that
9 the man with the gun was fiddling with the gun.
10 The man with the gun said "give me some money".

11 Sean stood up and walked to the cottage to
12 get his wallet to give it to the man. The man
13 walked behind him.

14 As Sean was looking for his wallet he
15 turned around and saw the man standing in the
16 doorway with the gun with the slide back in the
17 normal position now pointed at he and Mariele
18 Longfellow, his girlfriend at the time, in the
19 cottage.

20 Sean Mendell is going to tell you that the
21 man with the gun looked nervous, particularly more
22 nervous when he saw that there was yet another
23 person in the cottage. Mr. Mendell is going to
24 tell you that he found his wallet and turned to
25 give his money to the man with the gun, the man
26 with the gun was gone.

27 You are going to hear from Annie Zeiph.
28 And Annie Zeiph is going to tell you that just

1 before -- excuse me, just after 10:00 A.M. on March
2 20th, 2008, she was driving up Dewing Lane towards
3 Nicholson, which is where Boulevard Way and
4 Nickleson meet right there. Dewing Lane hits
5 Nickleson about a house over from Ms. Rhoads'
6 house, the scene of this murder.

7 She is going to tell you that when she was
8 up towards that corner of Nicholson and Dewing Lane
9 she saw a man wearing a black three-quarter length
10 leather trench coat, baggie black pants, and a
11 baggie sweatshirt with a hood that was not over his
12 head walking down the street.

13 She looked at a photo lineup of six
14 separate, but similar photographs and pointed out
15 the defendant as the person that she saw walking
16 down the street that day.

17 You are going to hear from Olga Gonzalez.
18 Ms. Gonzalez lives at the corner of Del Hambre
19 Circle and Dewing Lane about a block from
20 Ms. Rhoads' house.

21 She is going to tell you that shortly after
22 10:00 o'clock she looked out her side sliding glass
23 door and saw parked on the street an unoccupied
24 black pickup truck with gold and black writing that
25 had words to the effect of Fortuna Ford.

26 You are going to hear that the next day the
27 defendant's black Ford F-150 pickup truck was found
28 abandoned in Pacheco with black and gold paper

1 plates that said Fortune Ford.

2 You're going to hear that 40 minutes prior
3 to this murder the defendant made a phone call from
4 his cell phone.

5 You're going to hear that the defendant's
6 cell phone was connecting to the AT&T network from
7 a cell site less than half a mile from Ms. Rhoads'
8 house.

9 You're going to hear from Detective Andy
10 Brown of the Walnut Creek Police Department. He's
11 going to tell you that slightly more than 12 hours
12 after this murder he was conducting a search
13 warrant at the defendant's house. He's going to
14 tell you that he found 129 rounds of 9mm
15 ammunition, a black three-quarter length trench
16 coat, leather trench coat, and he is also going to
17 tell you that he did not find a 9mm Kel-Tec P-11
18 handgun that is registered to the defendant's
19 girlfriend, live-in girlfriend, Jenny Hamilton.

20 You are going to hear from Detective Tracy
21 Reese of the Walnut Creek Police Department. She
22 is going to tell you that she used a gunshot
23 residue kit to collect particles, or potential
24 particles off of the cuffs of the sleeves of that
25 black leather trench coat that it was found at the
26 defendant's house.

27 You are going to hear from Beth Hopkins who
28 is going to tell you that she processed the

1 defendant's pickup truck and used a GSR kit, or
2 several, to process both the outside and inside
3 door handles to the defendant's truck, the steering
4 wheel and the gear shift.

5 You're going to hear from Margaret Kaleuati
6 from the Los Angeles County Coroner's Office where
7 all of Contra Costa County's gunshot residue kits
8 are sent for analysis. She is going to tell you
9 that there were particles that are characteristic
10 of gunshot residue on the left cuff of that black
11 leather three-quarter length trench coat found in
12 the defendant's house, on the inside of the door
13 handle to the defendant's truck, and on the
14 steering wheel of the defendant's truck.

15 She is also going to tell you that there
16 was particles that are consistent with, although
17 not characteristic with, of gunshot residue on the
18 right cuff and the gear shift of the jacket and
19 truck respectively.

20 You're going to hear from Terence Wong of
21 the Contra Costa County Crime Lab. He's going to
22 tell you that the 129 rounds of ammunition in the
23 defendant's house in the master bedroom under the
24 defendant's bed are identical in caliber,
25 manufacturer and composition to the rounds used to
26 commit this murder.

27 He's also going to tell you that based on a
28 ballistic examination of the markings left on the

1 rounds found at the defendant's house that eight of
2 those 129 rounds were loaded into and ejected from
3 the exact same firearm that the rounds found at the
4 scene were chambered in.

5 You're going to hear from Detective Baca,
6 who is the computer guru at the Walnut Creek Police
7 Department. He's going to tell you that in
8 ~~analyzing the defendant's computers he found that~~
9 ~~the defendant had a carefully-crafted plan in the~~
10 ~~guise of helping law enforcement deal with drug~~
11 ~~dealers of going into a target's house and~~
12 ~~immobilizing that target with a chemical weapon and~~
13 ~~a wrap tie.~~

14 Detective Baca is also going to tell you
15 that that plan contemplated the use of a firearm,
16 if necessary, to overcome any resistance by the
17 defendant's target.

18 Ladies and gentlemen, this case started
19 with Beverly Rhoads telling you the murderer is
20 Nathan Medina. And at the close of all of the
21 evidence I am confident that you will tell the
22 world that the murderer is Nathan Medina when you
23 return a verdict of guilty on all counts.

24 Thank you.

25 THE COURT: Thank you.

26 Mr. Manoukian, would you like to make an
27 ~~opening statement~~ at this time?

28 ~~MR. MANOUKIAN~~: I would.