

1 Q. And that even if he had identified a
2 suspect, even if there had been a lineup and he had
3 done the lineup, would you -- what you did by
4 confirming that there had been a positive
5 identification of Nathan Medina, that wouldn't be
6 correct, right?

7 A. That's correct.

8 Q. Okay. And why is that?

9 A. Again, you don't want to taint the
10 investigation or influence what the witnesses
11 saw.

12 Q. And that certainly wasn't your
13 intention at the time you did that?

14 A. No, sir, it was not.

15 Q. Similar to what we did with the tape,
16 I'm going to play a portion of an audio tape or an
17 audio videotape and I'll ask you if you can listen
18 to it. It is difficult to hear a little bit and if
19 you can try to identify for me the voices we are
20 hearing because ultimately there isn't anyone on
21 the screen, okay?

22 A. Okay.

23

24 (TAPE PLAYED)

25

26 MR. MOAWAD: For the record, I believe
27 Counsel is playing People's 16.

28 MR. MANOUKIAN: Yeah, thank you.

1 Counsel, let me --

2 MR. MOAWAD: -- a portion thereof.

3 MR. MANOUKIAN: The exhibit I have here is
4 People's Exhibit 16.

5

6 (PEOPLE'S EXHIBIT NO. 16
7 MARKED FOR IDENTIFICATION)

8

9 (TAPE PLAYED)

10

11 BY MR. MANOUKIAN:

12 Q. Now, Detective, did you recognize the
13 person on the screen that is depicted here in
14 People's Exhibit 16?

15 A. I believe that's Sean Mendell.

16 Q. You didn't participate in the -- in
17 this interview of Sean Mendell here in the
18 interview room at the Walnut Creek Police
19 Department?

20 A. No, I have never watched this interview
21 before.

22

23 (~~TAPE=PLAYED~~)

24

25 BY MR. MANOUKIAN:

26 Q. What I'll ask is when he gets up to --

27

28 (TAPE PLAYED)

1 BY MR. MANOUKIAN:

2 Q. Now, Detective, I know that it was a
3 little difficult to hear, but did you hear
4 generally what was being said?

5 A. A little bit.

6 Q. There is a male voice who said that --
7 that -- well, initially the male voice says do you
8 recognize the person, did you recognize the person
9 today. Originally comes up and says do you know
10 Nathan Medina?

11 A. Yes.

12 Q. And then says did you recognize the
13 person today.

14 Now, whose voice is that?

15 A. Mine.

16 Q. And then there appears to be another
17 female voice that we are hearing who I think
18 actually introduces, makes an introduction. Who is
19 that?

20 A. That is Detective Tracie Reese.

21 Q. And then we hear the -- a male voice
22 that says something that they showed me a picture
23 of Nathan, the problem is I don't think --

24 Whose voice is that?

25 A. Sean Mendell.

26 Q. Okay. And then it's at this time where
27 we hear you say that she, the mom, positively
28 identified -- she said it was Nathan, right?

1 A. Yes.

2 Q. And the male voice that we hear on
3 that -- on the tape saying that when Sean Mendell
4 asked, she said it was Nathan for sure and the male
5 voice says, "yes, she did, he wasn't wearing a
6 mask, it was him, she positively I.D.'d him",
7 that's you?

8 A. I couldn't hear all of that, but I
9 could hear most of that.

10 Q. Okay. Were -- other than the female
11 detective, yourself and Mr. Mendell, were -- was
12 there anyone else in that hallway at that time?

13 A. I don't remember. Detective Jower may
14 have been there, but I don't remember.

15 Q. Was there anyone else involved in that
16 exact conversation that you were having with
17 Mr. Mendell other than yourself and Mr. Mendell?

18 A. No.

19 MR. MANOUKIAN: Your Honor, if I could
20 have just a moment?

21 THE COURT: Sure.

22 MR. MANOUKIAN: I think we are close
23 here.

24 Q. What happened after that conversation,
25 you have the conversation, you say the things to
26 Mr. Mendell; do you remember what happened next?

27 A. No, sir, I don't.

28 Q. Do you remember what you did next?