

1 question, March 20th, 2008, Mr. Mendell walked out  
2 of his cottage, closed the gate of the house, shut  
3 the gate, and heard the sliding glass door open and  
4 saw a person I will use the term "~~shooter~~" to  
5 describe the suspect in the case.

6 The shooter walked out of the sliding glass  
7 door. Mr. Mendell actually looked at him for a few  
8 seconds before the shooter noticed Mr. Mendell.

9 Mr. Mendell said he paid attention to the  
10 shooter's face; that the shooter then looked up,  
11 saw Mr. Mendell. They were face-to-face with each  
12 other.

13 The shooter began walking briskly or  
14 purposely or aggressively towards Mr. Mendell.

15 Mr. Mendell was looking him in the face  
16 during this time period.

17 Halfway between the door frame and the --  
18 Mr. Mendell, ~~the shooter pulled out a gun~~ from some  
19 unknown place, walked directly up to Mr. Mendell,  
20 stood within one foot of Mr. Mendell and placed the  
21 gun near or waived it around the vicinity of his  
22 head placing the barrel of the gun within an inch  
23 Mr. Mendell's head.

24 The shooter was screaming "~~where is Sam~~  
25 ~~Rhoads~~" multiple times, approximately seven times.

26 Mr. Mendell was saying, "I don't know I  
27 don't know".

28 ~~Mr. Mendell got down on his knees~~ and was

1 ~~begging~~ not to be hurt or shot, and was kind of  
2 wiggling around hoping to avoid the gun.

3           During this time period he said at the  
4 interview portion that he was unable to see the  
5 defendant -- excuse me, unable to see the shooter  
6 out of the corner of his eye.

7           At ~~the preliminary~~ hearing he said he was  
8 ~~not able to see the shooter during this~~ time  
9 period.

10           The shooter then ~~fired a round that~~,  
11 obviously, did not hit Mr. Mendell for reasons  
12 unknown, either he missed or the gun misfired. In  
13 any event, Mr. Mendell begged for his life.

14           The ~~shooter demanded money from~~  
15 Mr. Mendell.

16           Mr. Mendell got up and walked towards his  
17 cottage. At that time having his back toward the  
18 shooter, ~~went into the cottage~~ and asked his  
19 girlfriend ~~to get his wallet~~. And when he looked  
20 back out the door the shooter was standing outside  
21 the door of his Cottage. The girlfriend was in the  
22 cottage with him and in view of the shooter,  
23 apparently. And although Mr. Mendell was not  
24 focusing on his face at that time, ~~he saw him~~  
25 ~~standing here~~. When he got the money and turned  
26 around to hand it to the shooter the shooter was  
27 gone.

28           Mr. Mendell estimated that he was with the