

Court

000291

FILED

MAR 25 2009

SUPERIOR COURT OF CALIFORNIA
COUNTY OF CONTRA COSTA
By: *C. King*
Deputy Clerk

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8 SUPERIOR COURT OF CALIFORNIA
9 COUNTY OF CONTRA COSTA

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11
12 THE PEOPLE OF THE STATE OF CALIFORNIA,
13 Plaintiff,
14 v.
15 NATHAN ROBERT MEDINA,
16 Defendant.

No. 5-080656-2

MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT
OF ADMISSION OF
DEFENDANT'S STATEMENT OF
PLANNING

Date: 3/20/09
Time: 9:15am
Dept.: 8

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18 STATEMENT OF FACTS

19 On March 20, 2008, Ms. Beverly "Sam" Rhoads and her 25 year
20 old son, Joshua Rhoads, were at their residence located at 1110
21 Boulevard Way, Walnut Creek. She and Joshua are the only ones who
22 live in the house. There is also a small cottage behind her
23 house that she rents out to Sean Mendell.

24 At approximately 10:30 a.m., Ms. Rhoads was in her den
25 working at her computer when the electrical power went out. She
26 yelled to her son Joshua that the power went out and he told her
27 to check the circuit box located in the laundry room. Ms. Rhoads
28 went to the laundry room and checked the circuit box and noticed

1 that all the switches were still on. Joshua then came into the
2 laundry room to assist her.

3 At that point they noticed that only the electrical power in
4 the den was out. The power in the rest of the house was working.
5 Beverly said that while they were in the laundry room she heard
6 her front door open. She walked toward the front door to see who
7 was there. As she walked toward the front door she saw a person
8 she recognized as the defendant, Nathan Medina. The front door
9 had been unlocked, and defendant had walked in the house without
10 knocking. The defendant did not say anything and immediately
11 sprayed her in the face with pepper spray.

12 Ms. Rhoads screamed and ran towards the laundry room. Joshua
13 Rhoads heard the scream and came out into the hallway where he
14 confronted the defendant. Joshua told the defendant to get out of
15 the house. The defendant said nothing, and immediately sprayed
16 Joshua with pepper spray. The defendant then attempted to grab
17 Ms. Rhoads, but she and Joshua were able to run into the laundry
18 room. Joshua pushed the laundry room door shut to prevent the
19 defendant from entering.

20 The defendant began shooting his gun through the laundry
21 room door. The defendant then began breaking the door. The
22 laundry room door broke in half and Ms. Rhoads saw the defendant
23 reach through the broken door and shoot her son.

24 The defendant then exited the rear of the residence and
25 confronted the Mr. Mendell. The defendant pointed his gun at Mr.
26 Mendell's head and repeatedly demanded, "Where is Sam Rhoads?".
27 The defendant then fired again, missing Mr. Mendell. Mr. Mendell
28 saw the defendant fiddling with the gun which appeared to be