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Los Angeles
Superior Court.

Attorney for Plaintiff

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES**

THE PEOPLE OF THE STATE OF CALIFORNIA.)	CASE NO: SA035893
)	
Plaintiff.)	
)	RESPONSE TO DEFENSE
)	MOTION TO SET ASIDE
)	THE INFORMATION
)	PURSUANT TO PENAL
)	CODE SECTION 995
Nathaniel Lawton MOORE,)	
)	DEPT: West "F"
Defendant.)	DATE: August 26, 1999
)	

TO THE HONORABLE JUDGE REX MINTER, JUDGE OF THE LOS ANGELOS
SUPERIOR COURT, DEPARTMENT WEST F AND TO COUNSEL OF RECORD FOR THE
DEFENDANT.

FACTS

On April 2, 1999 around 2 a.m., a Jeep driven by Daniel Eppard (Preliminary Hearing Transcript, hereafter PH. p. 99) was driving down Harper Avenue towards Fountain Avenue in West Hollywood. The front passenger in this Jeep was David Ward and the rear passenger was Justin Bowman. Harper Avenue at Delongpre was blocked by a red Lincoln Continental driven by the defendant, Nathaniel Lawton Moore. Mr. Eppard honked his horn and drive around the car. (PH p. 51) Mr. Ward shouted out some epithets. (PH p. 52.)

The defendant was speaking with Stephen Cook when the Jeep approached. According to Mr. Cook the Jeep slowed down and Mr. Cook asked the defendant to get out of their way. (PH p.9) Mr.

Cook heard a voice from the passenger side of the Jeep, but could not make out the words. (PH pp.11-12.) After the Jeep passed the red Lincoln, Mr. Cook noticed the defendant's demeanor had changed. He looked "a little upset." (PH p. 12.) Mr. Cook also thought he looked "a little angry." (PH p. 12.) The defendant told Mr. Cook "Hold on a second. I will be right back." (PH p. 12.)

The defendant drove off after the Jeep "barreling down the road, flashing its lights." (PH p. 101.) The length the defendant drove, from Delongpre to the corner of Harper and Fountain, was 345 feet (Exhibit 1.) Mr. Eppard tried to get away from the defendant but was prevented from doing so by the cross traffic on Fountain and once his friend Mr. Ward exited the vehicle, he would not leave him behind. (PH p. 78.)

The defendant stopped his car behind the Jeep. He exited his car and began to make gestures which one witness described as meaning "that he wanted to start something. I didn't really know what, but it made me think that he had a problem with what Dave said, yelling out the window." (PH pp. 54-55.) The defendant and Mr. Ward exchanged words and then the witness testified "I saw [defendant] go back in his car, with both hands, either to the floor of his car or under his seat." (PH p. 55.) It can be inferred this is when the defendant retrieved the murder weapon. "Then [defendant] came back up. It looked like he was tucking in his shirt or something; and then he walked – walked around to the passenger's side of my car, at which time Davie got out..." (PH p. 55.) He was met by the defendant. (PH p. 56.) Mr. Ward was unarmed. (PH p. 59) There was a "skirmish" and Mr. Ward dropped to the ground (PH p. 56.) Mr. Bowman quickly exited the Jeep to assist his fallen friend. (PH pp. 56-57.) Mr. Bowman felt Mr. Ward "already looked kind of weak. He didn't have the upper hand on the situation..." (PH p. 102.) At this time the murder weapon, an eight-inch in length, double edged skeleton handle boot knife, was seen in the defendant's right hand. (PH p. 58.) The defendant declared, "I will take all three of you... I will f*cking take all three of you." (PH p. 58.) Mr. Eppard was pleading with the defendant and Mr. Ward to stop fighting. (PH pp. 60-61 and p. 103.) No one in the victim's car had any weapons. (PH p. 59 and PH pp. 116-117.) Mr. Ward managed to get to his feet and the

defendant, with knife in hand, “lunged toward Dave.... That is when we tackled him to the ground. At this point I don’t know who much Dave was putting up a struggle; but I grabbed him [the defendant] by the arm that had the knife in it;’ and I held it down on the ground and stared yelling “Drop the knife. Drop the knife.” (Mr. Bowman’s testimony PH pp. 103-104.)

Mr. Eppard’s description of the events was similar. After MR Ward dropped to the ground, Mr. Bowman exited the Jeep to assist him. (PH p. 56.) The defendant declared he would take on all three of the men. The defendant, with knife in hand, lunged at Mr. Ward. Mr. Ward tried to tackle the defendant. (PH p. 61.) They both fell to the ground. (PH p. 61.) Mr. Bowman began to state, “He has got a knife...” (PH p. 61.) Mr. Eppard had to repeatedly kick the defendant to get him to drop the knife. When the knife was release Mr. Eppard kicked it away. Mr. Bowman immediately got off the defendant. (PH P. 62.) Mr. Ward lay there, on top of the defendant, dying from the fatal stab wounds. With the assistance of his friends Mr. Ward managed to stand up. “It took him a little while to stand up. He did stand up for a second. He was full of blood. He looked like he had no control over his body pretty much anymore. He was fighting to stand up, and he couldn’t.” (PH p. 105.)

Mr. Eppard somehow managed to get the dying David Ward into the Jeep. On route to the hospital he expired. Mr. Bowman scared and bleeding profusely from his multiple stab and laceration wounds was screaming in the back of the Jeep. Mr. Eppard somehow managed to get them to the hospital, driving past the traffic collision involving the defendant.

Mr. Bowman suffered a stab wound to the chest, which required 9-10 stitched to close. Another stab wound in his left bicep required 10-11 stitches. He also suffered lacerations to his left hand, which requires 13 stitches to close. He suffered nerve damage to a finger in the same hand and it appears the finger is permanently damaged. (“It killed the nerves in my finger, so to this day it is still numb.” (PH p. 108.) (PH pp. 107-108.)

Mr. Ward's injuries were numerous stabs and slashes. According to the coroner's report the cause of death was a 3-½ inch stab wound to the heart. The victim also suffered four additional stab wounds and two lacerations. (PH p. 127.)

The defendant had only one cut wound in his right calf. He had no defensive cuts on his hands. (PH P. 128.)

The murder weapon was left at the crime scene. It was distinctive weapon – a double-edged skeleton handled boot knife. It was identified as a “fighting” weapon, which required specialized training to use effectively. (PH pp. 127-128.)

The defendants' former roommate, Jesse John Petrick, testified the defendant told him he kept a knife in his car. (PH p. 39.) The witness also testified he had seen a knife under the driver's side floor-mat in the defendant's car. (PH p. 25.) The handle of that knife resembled the handle of the murder weapon. (PH p. 25-27.) The witness also testified the defendant had a proficiency in weapon handling, demonstrated by the way the defendant could twirl a similar metal handled knife in his hand while driving. (PH p. 27-29.) The witness also testified to recognizing an enlarged copy of the defendant's resume. (PH p. 22.) That same resume stated the defendant was proficient at “martial arts, jujitsu, Thai kick boxing, tae kwan do, weapons, stage combat, fencing, military training, stunts...” (PH p. 125.) Mr. Petrick also testified he observed the defendant working out with numchakus (PH p. 23) and sais (PH p. 24.) Both items were later identified as martial arts instruments, however questioning was halted on the area of expertise required to use the devices when the court had determined it was satisfied that the defendant “stabbed these people.” (PH p. 126.)