

GWINNETT COUNTY

STATE OF GEORGIA

AFFIDAVIT OF ROBERTO BERNARDINO PICCARRETO

1. I, **Roberto Bernardino Piccarreto**, am a licensed attorney to practice law in the State of Georgia, and I am a member in good standing with the Georgia State Bar. I am over the age of majority and qualified to make this affidavit. I am a resident of the State of Georgia and make this affidavit based on my own personal knowledge and/or firsthand account of the events. I am offering observations, analysis, opinions, testimony, ect;
2. My contact information is as follows: PICCARRETO LAW FIRM, LLC, P.O. BOX 2197, DULUTH, GEORGIA 30096; Tel. 770-418-1188.
3. I state the following:

I.

BACKGROUND AND EXPERIENCE

4. At present, I am a Municipal Court **Judge Pro Tem** for a Metro Atlanta Municipality;
5. I am a **Prosecutor** for a city in suburbia Atlanta;
6. I practice mainly in the areas of Criminal Law in both Federal and State Courts, Immigration Law, Family Law, Workers' Comp., Police Civil Liability, Personal Injury, and International Law. I have 2 offices in the United States in the cities of Duluth and Norcross, Georgia. I also have 2 international offices in South America, in the city of Bogota (Colombia) and in the city of Medellin (Colombia).
7. I am a former Metro Atlanta **Police Officer** and former **State Trooper** for the **Georgia State Police**. Also, I have worked for the Fulton County Sheriff's Department as a Deputy. Throughout my Law

Enforcement career, I have served on the **SWAT Team, United States Presidential Security Detail** (*Protecting the President and Vice President of the United States during the 1996 Olympics in Atlanta*), the DUI Task Force, and Served High Risk Drug Warrants as a SWAT Member on the Entry Team. As a Law Enforcement Officer, I have had multiple street level contacts with various gangs, to include, but not limited to, 18th Street, MS 13, Southern Mexicans, Jamaican Posse, the Aryan brotherhood, etc. ;

8. I am a former **United States Army Airborne Ranger**, that was assigned to Ft. Benning, Georgia (*Columbus, Georgia*), and I actively participated in combat in the U.S. invasion of Panama in 1989 as a United States Army Airborne Ranger to remove Dictator Manuel Noriega from power;
9. I had a Special Background Investigation (SBI) "**Top Secret**" Military Clearance;
10. I worked in **U.S. Intelligence** within the **Special Operations** Community, which included many rotations to the Pentagon, South America, Europe, conducting classified missions on behalf of the United States Military and being familiar with various of types of weapon systems employed throughout the world.

II

VERY BRIEF STATEMENT OF FACTS

11. I was declared an Expert in Certain Police Procedures relating to Ballistics in a Nevada State Court for the Ronald Mortensen case several years ago.
12. I had participated in a ballistics testing for the Mortensen Case back around 1998¹ with two other Law Enforcement Officers and Former U. S. Army Rangers. The two other Law Enforcement Officers involved in the ballistics testing with me for the Mortensen case were: **(1) Mr. Darrell Powell**, who has testified in a California State Court as a Firearms / Ballistics Expert and is a retired "Command Sergeant Major" (CSM) and a Ranger Instructor (RI) at the U.S. Army Ranger School located at Fort Benning, Georgia; and, **(2) Mr. Lon Russell**, a former U.S. Army Ranger, who has served as a SWAT

¹ The year 1998 is an approximate time frame for the conducting of the test as I do not recall the exact date we did the test.

Commander for his Sheriff's Department, a Department Sniper, and is in charge of the Department's Firing Range and weapons training.

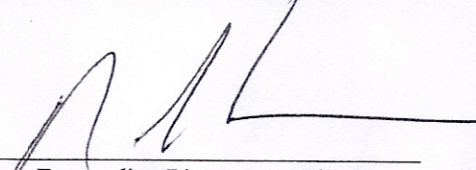
13. Regarding the Ballistic test outcome, I have consulted with two of Mr. Ronald Mortensen's attorneys in the past, Mr. David Schieck and Mr. Frank Cremen. In fact, I have had multiple meetings with Mr. Cremen and Mr. Schieck over the Ballistics tests and its findings, which proved that the caliber of weapon that killed Mr. Mendoza on "McKeller" Street in Las Vegas was not the alleged weapon that was owned by Mr. Mortensen. Equally, Mr. Darrel Powell has traveled from Atlanta to Las Vegas to consult with Mr. Cremen as well.
14. In addition, I was present at the Mortensen Trial and I personally heard all the witnesses testify that they saw one (1) weapon come out the passenger side window of the Brady truck. Mr. Ronald Mortensen testified that Mr. Brady stuck a weapon out the window of the passenger side of the truck, again one (1) weapon. Mr. Chris Brady testified/admitted that he stuck his weapon out the passenger side of the truck and then blacked out, one (1) weapon. The important point in Brady's testimony was that he (Brady, Not Mortensen) stuck a weapon out the passenger window of the truck.
15. The weapon of Mr. Brady was of a higher caliber with special ammunition that could've been consistent with the ballistics testing results and the track wound in Mr. Mendoza's body. On the contrary, the theory of the Clark County District Attorney's Office (the Prosecution) that a lower caliber weapon, which the Prosecution alleged the weapon to be owned by Mr. Mortensen, was responsible for Mr. Mendoza's death, was clearly inconsistent with the Ballistics testing performed.
16. It was my impression that the Prosecution's theory of the weapon used in Mr. Mendoza's homicide was nothing more than a "naked allegation" rooted in guess work and unsupported by any acceptable testing standard of scientific relevance. The Prosecution's in court witness, Mr. Torrey Johnson, presented a version of firearm science that amounted to racially inflammatory "Junk Science", which I felt was manipulative to a jury who more than likely did not understand the difference between "Junk Science" and acceptable scientific Ballistics testing. I would later learn through reviewing investigative documents of the Las Vegas Metropolitan Police that Mr. Torrey Johnson may not have really believed in his own "Junk Science" presentation in the Mr. Mortensen trial. That issue was a concern raised upon the review

of one particular investigative document in which Mr. Torrey Johnson was leaning towards the opinion of a higher caliber weapon that may have been responsible for the homicide of Mr. Mendoza.

17. In summary, all witnesses and Mr. Mortensen testified that one (1) weapon came out of the passenger side window of Brady's truck. Mr. Chris Brady **ADMITTED** that he stuck his weapon (*1 Weapon*) out the passenger side window of his own truck. Thus, all involved in the testimony at the Mortensen trial saw one weapon come out the passenger side window of the Brady truck and that weapon was in Mr. Chris Brandy's hand - Mr. Brady's own testimonial Admission in open Court.
18. It's my opinion, based on the ballistics testing, the firsthand knowledge of the testimony of all the witnesses, the firsthand knowledge of the testimony of Mr. Mortensen, and the firsthand knowledge of the admission of Mr. Brady that he (Brady) stuck his own weapon out the passenger side window, that Mr. Mortensen is **INNOCENT**.
19. Mr. Mortensen is **INNOCENT** based on all the testimony alone at Court and the Ballistics test support Mr. Mortensen's innocence as well.
20. Regarding Attorney Mario Valencia, he has never sought me out to discuss my role and results in the ballistics testing or the investigative findings that I uncovered in the Mendoza homicide. Furthermore, I was available and still am, to speak with Mr. Mario Valencia. When Mr. Valencia first came on the case, I called him in Las Vegas at his office phone to discuss my findings on the case based on the ballistics tests and my investigation. Unfortunately, Mr. Valencia did not want to talk to me. This was the first Attorney (Valencia) to be involved in the Mortensen case that was not open to speaking with me concerning certain matters related to the case and the Ballistics issues. Equally, Mr. Valencia had an "arrogant" attitude with me in our very brief one time phone conversation. Mr. Valencia made it clear to me that he knew how handle this case – implying that he didn't need my input regarding the case. I only wanted to discuss with him my ballistics testing and investigative findings. I did not want to be involved in the case in any other capacity. Mr. Valencia said that if he needed me, he would call me. I never got any call from Mr. Valencia to date.

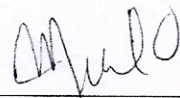
21. When Mr. Mario Valencia came on board with the Mortensen case, I never received a call Mr. Valencia, nor did I ever have an opportunity to discuss the case with Mr. Valencia from the stand point of an Expert Witness on the case.

Signed this Thursday, the 23rd day of July, 2015.

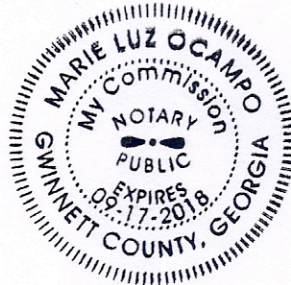


Roberto Bernardino Piccarreto, Affiant.

Sworn to and subscribed before me
This 23rd day of July, 2015.



Marie Ocampo, Notary Public.
Gwinnett County, Georgia.



My commission expires on:

September 17th, 2018.