



DAVID ROGER
District Attorney

**OFFICE OF THE DISTRICT ATTORNEY
CLARK COUNTY, NEVADA**

CHRISTOPHER J. LALLI
Assistant District Attorney

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Assistant District Attorney

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County Counsel

MEMORANDUM

TO Deputy Chief Ted Moody

FROM David Roger, District Attorney *DR*
WLL Christopher J. Lalli, Assistant District Attorney
TRC Thomas Carroll, Chief Deputy District Attorney, Special Victims Unit

DATE February 1, 2007

SUBJECT State of Nevada vs. James Gibbons

On December 26, 2006, we directed a memo to Deputy Chief Greg McCurdy, indicating that we determined there was insufficient evidence to prove criminal charges against Mr. Gibbons beyond a reasonable doubt. However, because we had not received relevant cellular telephone records, we stated that we would conduct further investigation into allegations that individuals attempted to influence Chrissy Mazzeo's testimony.

We have now reviewed the cellular telephone records and have interviewed several witnesses. A copy of Investigator Michael Karstedt's report is attached to this memo. Based upon the totality of the circumstances, we conclude that there is insufficient evidence to prove any criminal charges beyond a reasonable doubt.

**CLARK COUNTY DISTRICT ATTORNEYS OFFICE
INVESTIGATOR'S REPORT**

EVENT # 061013-3774

**BATTERY
SUBJECT**

DATE & TIME OCCURRED: 10/13/2006 @ 2200 HOURS

LOCATION OF OCCURRENCE: HUGHES CENTER PARKING STRUCTURE
335 HUGHES CENTER DRIVE
LAS VEGAS, NEVADA 89169

INVESTIGATOR REPORTING: MIKE KARSTEDT
INVESTIGATIVE SUPERVISOR
CCDA'S OFFICE
(702) 671-2571

VICTIM: CHRISSY MAZZEO
[REDACTED]
LAS VEGAS, NEVADA 89113
(702) 366-4426
LVMPD ID# 1820522
DOB: 07/11/1974 SSN: [REDACTED]
WFA, 5' 4", 112 LBS., BROWN, BROWN

SUSPECT: JAMES GIBBONS
[REDACTED]
RENO, NEVADA 89511
(775) 851-4266
DOB: 12/16/1944 SSN: [REDACTED]

PERSONS INTERVIEWED: MICHELLE DIEGEL
10049 DRAGON FLY WING STREET
LAS VEGAS, NEVADA 89183
(702) 407-2477
(702) 650-6565
DOB: 02/20/1965 SS: [REDACTED]

GEORGEANNE WERT BRADLEY
3557 NEWLAND AVENUE
LAS VEGAS, NEVADA 89121
(702) 650-6565
DOB: 04/06/1959 SS: [REDACTED]

**PENNIE MOSSETT-PUHEK
1902 WILD INDIGO COURT
LAS VEGAS, NEVADA 89123
(702) 361-5341
(702) 808-8917
DOB: 01/21/1966 SS: ██████████**

**SIG ROGICH
3980 HOWARD HUGHES PRKWAY, STE# 550
LAS VEGAS, NEVADA 89109
(702) 531-0050
(702) 796-1773
DOB: 05/17/1944 SS: ██████████**

SYNOPSIS:

On Friday, October 13, 2006, at approximately 2226 hours, Chrissy Mazzeo placed a phone call to the Las Vegas Metropolitan Police Department alleging that she was the victim of a battery. That in this phone call, Chrissy Mazzeo identifies James Gibbons, candidate for the Nevada Governorship, as the suspect. That the incident was reported to have occurred in the Hughes Center parking garage located at 3960 Hughes Center Drive. The parking garage is located directly across the street from McCormick & Schmick's Steak & Seafood Restaurant. An investigation by the LVMPD & Clark County District Attorney's Office was conducted and the results of that investigation were submitted to the District Attorney for review. In a follow-up investigation in regards to cell phone records, Michelle Diegel, Georgeanne Bradley, Pennie Mossett-Puhek and Sig Rogich were interviewed. Included and discussed in this report are alleged threats reported by Chrissy Mazzeo, the cell phone records of James Gibbons and cell phone records obtained by the LVMPD and Clark County District Attorney's Office during this investigation.

CHRISSEY MAZZEO:

Chrissy Mazzeo, in a tape-recorded statement by the LVMPD, alleges that she received threats and was intimidated in not going forward with the case. The source of the threats and intimidation came from Pennie Puhek. The threats allegedly began on Saturday 14, 2006. Mazzeo also alleges that she received several threatening voicemail messages from Puhek, however Mazzeo deleted these voicemail messages and the messages are not retrievable through the cell provider. Upon review of Chrissy Mazzeo and Pennie Puhek's cell phone records it's apparent that they had several conversations after the alleged incident.

Between October 13, 2006, after the reported incident and October 28, 2006, Chrissy Mazzeo placed twelve (12) cell phone calls to Pennie Puhek. Pennie Puhek, in return, called Chrissy Mazzeo twenty-one (21) times from her cell phone. Upon viewing these statements many of these calls are short in time indicating that either the call wasn't answered or a voice message may have been left. It is believed that all conversations generated between Mazzeo & Puhek were on their cell phones. However, there is that possibility calls between one another could have been by landline. In a statement to the LVMPD and a follow-up interview by the Clark County District Attorney's Office, Puhek admitted to having several conversations but denied ever making threats or trying to influence Mazzeo not to go forward with the case. There is no evidence to support Mazzeo's claims that Puhek made any attempt to dissuade her from going forward with her allegations. Not taken into consideration at the time of this report was the possibility of text messaging from Chrissy Mazzeo & Pennie Puhek's cell phone accounts.

CELL PHONE RECORDS:

That during the course of this investigation, the Clark County District Attorney's Office was provided with cell phone records from the LVMPD. The Clark County District Attorney's Office also, by administrative subpoena, produced cell phone records needed to conduct further follow-up. Certain witnesses as well provided, on their own behalf, their personal cell phone records. A list of records subpoenaed and provided was as follows.

CELL PHONE RECORDS PROVIDED BY THE LVMPD:

- | | | | |
|----|----------------|-------------|---------------------------------|
| 1. | (702) 278-4553 | Subscriber: | Edwin W. Evans |
| 2. | (702) 419-4545 | Subscriber: | Francis W. Gore |
| 3. | (702) 376-7034 | Subscriber: | William D. Shaw |
| 4. | (775) 287-7284 | Subscriber: | Sharron Gardner (James Gibbons) |
| 5. | (702) 366-4426 | Subscriber: | Chrissy Mazzeo Cell |
| 6. | (702) 499-6225 | Subscriber: | Bernadino Damelio |

CELL PHONE RECORDS OBTAINED BY THE CCDA:

- | | | | |
|----|----------------|-------------|---------------------------------|
| 1. | (775) 287-7284 | Subscriber: | Sharron Gardner (James Gibbons) |
| 2. | (702) 808-8917 | Subscriber: | Pennie Puhek |
| 3. | (702) 279-0000 | Subscriber: | Rogich Communications Group |
| 4. | (702) 279-0006 | Subscriber: | Rogich Communications Group |
| 5. | (702) 497-1955 | Subscriber: | David Groover & Associates |

CELL PHONE RECORDS PROVIDED TO CCDA BY WITNESSES:

1. (702) 808-8917 Subscriber: Pennie Puhek
2. (702) 279-0006 Subscriber: Rogich Communications Group
3. (702) 279-0000 Subscriber: Rogich Communications Group
4. (702) 249-6635 Subscriber: Bernhard/Bailey (Georgianne Bradley)
5. (702) 407-2477 Subscriber: Michelle Diegel
6. (702) 497-1955 Subscriber: David Groover & Associates

JAMES GIBBONS CELL PHONE RECORDS:

After reviewing James Gibbons cell phone records there is nothing to suggest that, from October 13, 2006 thru November 12, 2006, Mr. Gibbons had any contact by cell phone with the alleged victim Chrissy Mazzeo, witnesses Pennie Puhek, Georgianne Bradley and Michelle Diegel. Furthermore, Jim Gibbons cell phone records do not provide incoming call numbers. There are cell phone calls made to Rogich Communications Group during this period of time.

MICHELLE DIEGEL:

Michelle Diegel is employed as a legal assistant for attorney Pete Bernhard at 3980 Howard Hughes Parkway, STE# 550, Las Vegas, NV 89109. Michelle Diegel was interviewed at her work on Tuesday, January 16, 2007, at approximately 11:10am. In the interview Michelle Diegel states she provided an affidavit in reference to the events occurring on Friday, October 13, 2006. Michelle Diegel was asked to provide the affidavit to show that during the night of the incident that there was nothing inappropriate happening at their table. In regards to Michelle Diegel's cell phone records, there are very limited incoming and outgoing calls. Michelle Diegel recalls receiving phone calls from Sig Rogich's assistant Chris Cole, on Saturday, October 14, 2006. The call was only in reference to what was alleged to have occurred the previous evening. Diegel recalls receiving a phone call from Sig Rogich on either Saturday, October 14, 2006 or Sunday, October 15, 2006. Diegel believes she received the call on her cell phone, as Mr. Rogich did not have her home phone number. Cell phone records would reflect Diegel received calls on her cell phone from Rogich Communications on Saturday, October 14, 2006. Diegel said that Rogich only asked her if she recalled anything inappropriate happening on Friday evening while they were seated at the table. Diegel also had a conversation with Pennie Puhek, on Monday, October 16, 2006 at approximately 5:08pm. The conversation lasted about five (5) minutes and there was only a discussion in regards to what was alleged to have happened on Friday evening. That at no time was Michelle Diegel ever asked or pressured into deviating from her original statement.

GEORGEANN BRADLEY:

Georgeanne Bradley is an attorney in the law firm, Bulliant Houser & Bailey. Bradley was interviewed in her law office on January 16, 2007, at approximately 1:00pm. Bradley had also been previously interviewed by the LVMPD and provided a tape-recorded statement. Bradley provided her cell phone records for review. There is nothing in these cell phone records other than one call received from Private Investigator David Groover on October 17, 2006. This interview, by phone, was in regards to the events occurring on October 13, 2006. Bradley also provided an affidavit to Sig Rogich as to the events on this date. Bradley was asked to provide an affidavit to show that nothing inappropriate occurred in her presence on October 13, 2006 at McCormick & Schmick's. Like Diegel, Bradley was never asked or pressured into deviating from her original statement.

PENNIE MOSSETT-PUHEK:

Pennie Mossett-Puhek was interviewed on Wednesday, January 17, 2007, at approximately 9:35am, in the Law Offices of John Bailey, located at 8691 W. Sahara, STE# 200, Las Vegas, NV. Present was Pennie Puhek and her attorney John Bailey. Puhek was cooperative and provided her cell phone records for review, for the months of October/November of 2006. After review of Puhek's cell phone records, it's apparent that Puhek has several incoming and outgoing calls on her cell phone to Sig Rogich and Chrissy Mazzeo. On Wednesday, October 18, 2006, Puhek has a phone conversation with Sig Rogich and is asked to provide an affidavit to Rogich for the evening of October 13, 2006. Puhek provides an affidavit stating that nothing inappropriate occurred on October 13, 2006, at least not in her presence. That, in all the conversations with Sig Rogich, Puhek said it was never suggested or implied that she change her story or be untruthful as to the events occurring the evening of October 13, 2006. There was believed to be approximately eighteen (18) calls between Puhek and Rogich Communications. Puhek said that in all the conversations she had with Mazzeo, Puhek never threatened Mazzeo or suggested to Mazzeo what might happen to her if she continued in her attempt to have Gibbons prosecuted. Puhek found Mazzeo's claims preposterous and made no sense at all. Puhek's conversations with Mazzeo were with more concern of Mazzeo providing personal information to the media about Puhek and the fact that Puhek's husband is a dentist in the Las Vegas area.

SIG ROGICH:

Sig Rogich was interviewed in his office on Wednesday, January 17, 2007, at approximately 12:00pm. Sig Rogich, like the others, had been cooperative and upon request provided his cell phone records. Rogich said that following this

incident he had asked Michelle Diegel, Georgeanne Bradley and Pennie Mosset-Puhek to fill out affidavits in regards to the events occurring Friday, October 13, 2006. Rogich asked only that the affidavits be filled out truthfully and at no time suggested to the three (3) what to put in their affidavits. Rogich said that in his entire phone conversations with Puhek, he never suggested that Puhek contact Mazzeo and threaten Mazzeo in any manner. At no time did Puhek indicate or suggest that anything inappropriate occurred while speaking with Rogich. Rogich at one point had considered a lawsuit against Mazzeo, but after careful consideration decided against it. There is nothing in the cell phone records to indicate that Rogich ever called or spoke with Mazzeo. Rogich said that either on Saturday or Sunday following the incident he spoke with Michelle Diegel asking her if she had observed anything inappropriate that Friday evening. Other than that conversation, Rogich has had very limited contact with Bradley and Diegel other than Wednesday, October 18, 2006 when both Diegel and Bradley provided signed affidavits. Sig Rogich said that he retained attorney Don Campbell and Private Investigator David Groover to look into the incident as well.

CONCLUSION:

On Monday, January 29, 2007, this part of my investigation concluded and the results forwarded to the District Attorney David Roger for review.

Mike Karstedt
Investigative Supervisor
Clark County District attorney's Office
Date & Time of Report: 01/29/2007 10:30am