

STATE OF NEBRASKA

SS:

COUNTY OF HALL

AFFIDAVIT OF MARK PORTO

1) My name is Mark Porto. I am 43 years old and an attorney in Grand Island, Nebraska.

2) I currently represent Mr. Jacy Todd in relation to criminal charges pending against him in Hall County, Nebraska (Hall County Court case number CR24-2676).


3) On Monday, October 14, 2024 I received a phone call from deputy Nebraska Attorney General Zachary Viglianco. During this call, Mr. Viglianco identified himself as an attorney representing the State in pending litigation involving the medical marijuana ballot initiatives. Mr. Viglianco informed me that he was aware of pending criminal proceedings involving Mr. Todd and inquired whether Mr. Todd would be willing to communicate with members of his office and (I assumed) potentially testify in support of the State's position in relation to the pending civil proceeding regarding the medical marijuana ballot initiatives. Mr. Viglianco did not make any affirmative representations as to any benefit Mr. Todd would receive in exchange for his cooperation, but it was suggested that there would likely be a benefit to Mr. Todd related to his pending criminal charges should he cooperate with the Attorney General's office.

4) In addition, Mr. Viglianco inquired as to whether, if called to testify, Mr. Todd would assert his Fifth Amendment right to remain silent or if he would answer questions related to his conduct that is the subject of the pending criminal charges in Hall County. I informed Mr. Viglianco that I would need to speak with my client and let Mr. Viglianco know if Mr. Todd was interested in cooperating and/or whether he would be asserting his Fifth Amendment rights if questioned under oath.

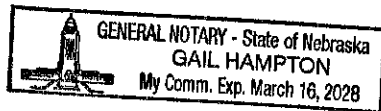
5) After speaking with Mr. Todd, I contacted Mr. Viglianco on Tuesday, October 15, 2024, and informed Mr. Viglianco that there was no interest on the part of Mr. Todd in cooperating with the Attorney General's Office and


that my client desired there to be no further contact between myself and attorneys from the Attorney General's Office.

6) This was the full extent of my communication with Mr. Viglianco.  
Further Affiant sayeth not.

  
MARK PORTO

SUBSCRIBED AND SWORN to before me on October 16, 2024.



  
Notary Public