

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

)	
UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	Case No. <u>1:07-cr-00107-TCB</u>
v.)	
)	
GERARD MARCHELLETTA,)	
GERARD MARCHELLETTA, JR.,)	
and THERESA KOTTWITZ,)	
)	
Defendants.)	
)	

DECLARATION OF SHERYL REA

I, Sheryl Rea, hereby declare that:

1. On August 4, 2009, I was interviewed by private investigator Maurice “Buddy” Pearson with respect to my employment with Circle and Jerry Marchelletta, Jr. I hereby execute this Declaration in support of Jerry Marchelletta, Jr.’s motion for a new trial pursuant to Rule 33 of the Federal Rules of Criminal Procedure.

2. Except where explicitly noted to the contrary, I have personal knowledge of the facts set forth in this Declaration and if called upon to testify, could do so competently.

3. I have a degree in Criminology from the University of South Florida. After graduating, I was a detention deputy for the Pinellas County, Florida, Sheriff’s Office for 10 years, prior to relocating to the Atlanta area.

4. I worked as an assistant for Terri Kottwitz in the accounting department for Circle and Jerry Marchelletta, Jr. I was in charge of accounts payable from September of 2000 until July of 2004 at which time, I was laid off by Jerry Marchelletta, Jr.

5. I first met Special Agent Patty Bergstrom in 2001 but did not actually speak with her until August of 2007.

6. In August of 2007, SA Bergstrom called me to speak with her concerning the investigation of the Marchelletas and Terri Kottwitz, but I told her I did not want her to come to my office. SA Bergstrom agreed to meet me in the parking lot of the Dawsonville Outlet Mall. At this meeting, SA Bergstrom served me with a subpoena. She told me she did not have to meet me away from my place of employment and further informed me I should not speak with Ms. Kottwitz at any time. Additionally, SA Bergstrom told me if I did not cooperate with the investigation she would have me sit in the courtroom everyday until I was to be called as a witness. I felt threatened by SA Bergstrom's remark because I would have had to miss work and possibly not get paid. Being responsible for medical billing at my job and missing work during the daytime hours may have led to working extra hours, late at night.

7. In response to SA Bergstrom's threat, I went to be interviewed by SA Bergstrom and AUSA Paul Monnin at the Federal building in downtown Atlanta.

8. SA Bergstrom asked me about who signed several checks from Circle. She further asked me to identify the signature of Terri Kottwitz. I was able to identify Ms. Kottwitz's signature and did not answer many questions, as I simply didn't know the answers. SA Bergstrom told me that this meeting wasn't a game. I replied I knew this was a criminal investigation. I did not appreciate her comment.

9. Additionally, I told SA Bergstrom I processed checks, made deposits and performed other normal accounting duties while at Circle.


10. I never saw anything criminal occurring while working for Circle or Jerry Marchelletta, Jr.

11. I felt as if SA Bergstrom was a disgrace to the profession and the badge. I believe the treatment of Terri Kottwitz by SA Bergstrom was disgusting. SA Bergstrom dragged Ms. Kottwitz downtown for handwriting samples and I could not understand while all of this was happening to her as Ms. Kottwitz always tried to do the right thing.

12. Drawing on my experience in law enforcement I would categorize SA Bergstrom as a rouge agent.

Pursuant to 28 U.S.C. §1746, I declare under penalty of perjury the foregoing is true and correct to the best of my information, knowledge and belief.

Dated: August 5, 2009



Sheryl Rea