131 - The Murder of Daniel Mendoza - Part 3

Shaun When a homicide investigation begins, the public expects police and prosecutors to follow the evidence wherever it leads, even if the evidence points back at one of their own. But in the months after Daniel Mendoza was killed, many people in Las Vegas began to wonder whether the system had followed the evidence or whether it had simply chosen which officer it was willing to prosecute.

John One metro officer sat behind bars facing a murder charge, while the other officer admitted he drove the truck, left the scene, handled the gun, waited more than a day to come forward, and still walked out of police headquarters as a witness, but not a suspect. Before a jury had ever heard a word of testimony, the city of Las Vegas was already asking the question that would hang over this case for years. Why was only one of them in handcuffs?

Shaun Hi, and welcome to Sins and Survivors. A Las Vegas true crime podcast where we focus on missing persons unsolved cases and the number one cause of homicide in the Las Vegas area. Domestic violence. I'm your host, Sean.

John And I'm your co-host, John.

Shaun This week, we are bringing you part three of our series on the murder of Daniel Mendoza. We strongly recommend that if you haven't heard parts one and two yet, you go back and start there to find those Visit Sins podcast. One twenty nine for part one and Sins podcast. One thirty for part two. In part one, we talked about Las Vegas in the mid nineteen nineties, a city booming so quickly that its infrastructure, the neighborhoods and the police department were all struggling to keep up. We also introduced you to Daniel Mendoza, a twenty one year old man from McKellar circle who was working two jobs planning to marry his girlfriend Carmen, and according to his family, trying to build a better future. We also talked about Ron Mortensen and Christopher Brady, two Las Vegas Metro officers assigned to the Southwest Area Command, and the troubling allegations that later surfaced about the way they had treated people in minority neighborhoods. We ended part one on the night of December twenty seven, nineteen ninety six, when Mortensen and Brady spent the evening drinking, drove into Daniels neighborhood, and six shots were fired from Brady's blue Dodge pickup truck. Daniel Mendoza was hit in the chest and died outside of his home.

John In part two, we followed the first thirty six to forty eight hours after the shooting. Officer Chris Brady said that Mortensen was the shooter. Mortensen said that Brady was the shooter. Each man told a version of events that made himself less responsible than his partner. When we left off, Mortensen had been arrested and charged with murder, while Christopher Brady had become the state's most important witness. However, Brady had also admitted to handling Mortensen's gun, cleaning it and storing it in his bathroom cabinet. Brady's truck that he drove during the drive by was processed by Metro, but never impounded. It was returned to him within days and before Mortensen's defence could fully inspect it, the custom seat from inside the truck had been removed and sold. The truck had been repainted, the window tint had been stripped away and even the clutch and carburetor had been adjusted. The clothing Brady had been wearing that night had also been washed before it was processed. This would raise questions. Was it intentional tampering, careless destruction of evidence or something Brady and his supporters would have described more innocently? No matter what the answer was, key evidence connected to the fatal drive by shooting had changed, and the officer who had control over it was not the officer sitting in jail.

Shaun The public reaction was immediate. At first glance, the facts seemed almost impossible to reconcile. The realization that two police officers had driven into a neighborhood just to terrorize minorities and the unhoused sent shock waves through the city to civil rights leaders and the residents of McKellar circle. This wasn't an isolated case of rogue policing or a tragic accident. It was a targeted hate crime. Community activists gathered outside City Hall carrying signs that asked who's policing the police, and warned that a police badge is not a permit to kill. NAACP and other community leaders pushed back against the idea that Daniels alleged gang ties could somehow explain away the shooting or make his death less worthy of outrage. Chester Richardson, speaking for the local NAACP, called the shooting a hate crime and told reporters you don't have two white males who come out of their way to come into this neighborhood to harass minority youth. This was spawned by hate. Richardson also rejected the attempt to reduce Daniel to a label. To hell with the fact he was a gang member, he said. He was a human being who did not deserve the fate that

was dealt to him. There needs to be a public outcry. One of the reasons we wanted to share this story is because this case was never only about what happened inside Brady's truck. It was also about what Daniel's life was worth after he was gone, and whether the system would treat his death the same way it would have treated the death of someone the public found easier to mourn. All of that was churning with the national undercurrent of police brutality and accountability, and the protests and riots that had spread from Los Angeles to Las Vegas just a few years earlier. Las Vegas was also struggling to cope with the ongoing community fear of gangs. Except now that fear had grown as residents became afraid gangs would retaliate against officers or anyone as revenge for what happened to Daniel. But Daniel's friend Alberto said, the only thing we want is justice to be served. For him to be prosecuted, to be judged under the law. Just like police do us. Many were demanding equal protection under the law, and for the officers to be held to the same standard as anyone else inside Metro. The pressure was building to a boiling point. The administration knew that if they mishandled this, the city could erupt.

John Sheriff Jerry Keller acknowledged the shock inside the police department. He said that to his knowledge, Metro had never before had one of its own officers charged with murder. And that the arrest shook the agency to its very heels. The initial public statements from Metro also reveal how quickly the narrative had begun to form. Officials said they had no evidence, at least at the time, showing that Brady had participated in the shooting itself, or that he knew that Mortensen had intended to shoot. They described Brady as someone who failed to report the incident quickly enough, but not as someone who had committed the homicide. One official said that Brady believed the shots were fired into the air and that Brady's car had some mechanical issue that made it harder for him to drive away at the time. That was the version the public was being asked to accept. Brady was irresponsible, possibly negligent, maybe guilty of poor judgment, but not a perpetrator. But that explanation did not satisfy everyone. Six shots had been fired into a crowd outside of a residential building. Daniel Mendoza had been hit in the heart. The truck had sped away. Brady had not stayed to check whether anyone had been hurt or killed. He waited more than a day to report what he knew, and when he finally did come forward, he did so with his father, a veteran Metro detective, beside him. Brady was not simply a young officer who walked into headquarters alone. He was the son of Michael Brady, a respected former homicide detective with decades inside of Metro. Early news coverage did not even release Christopher Brady's name right away, because officials said that he was being treated as a witness and identifying him could endanger his life. However, his identity did not stay secret for long. Sources confirmed that the driver of the pickup was the son of a former Metro homicide detective, and that connection became part of the public conversation almost immediately. One of the first public pressure points in the case was the question of whether Brady could be charged as an accessory. District Attorney Stuart Bell publicly acknowledged that his office was looking at the issue, but he emphasized that the legal standard was not simply whether people were angry or whether Brady's behavior looked suspicious, or even whether or not he had done something morally wrong. Prosecutors would have to prove a crime beyond a reasonable doubt.

Shaun On January twenty second, nineteen ninety seven, amid ongoing protests, Christopher Brady officially resigned from the force. Mortenson two had resigned, but he was sitting in a jail cell awaiting trial. His attorney, Frank Kremen, had tried to preserve the evidence he hoped would clear his client or damage Brady's credibility as a witness. However, as we mentioned earlier, Brady had altered the truck and laundered his clothes before the defense had a chance to have their experts examine the evidence. The layout of the cab of the truck mattered in demonstrating to a jury which officer was telling the truth. The question of whether Brady could have leaned across the console was critical to the case. Clothing mattered because it could have contained gunshot residue or other evidence that might have helped clarify who fired the gun. The defense was eager for any and all evidence that could back up Mortensen's version of events. The ballistics report from bullets and casings collected at McKellar circle were also not helpful. Metro forensic analysis tied Mortensen's SIG Sauer to the six cartridge casings found at the scene, as well as a bullet in the laundry room door, a bullet fragment and a bullet jacket. Mortensen's fingerprint was found on the slide of the gun, but Brady's fingerprints were not found anywhere on the SIG Sauer. This seemed to directly refute Mortensen's versions of events that night. He had claimed Brady had grabbed and used his gun in the shooting. The bullets found at the scene matched his story. The SIG Sauer was the only weapon used, but without Brady's fingerprints, it was not conclusive. Based on that evidence alone, who had pulled the trigger? Prosecutors continued to maintain that they had the right man, and from their perspective, Brady's story was fully supported by the physical evidence and by witnesses.

John The defense would argue that Brady had been protected, that Metro had gone to great lengths to protect the son of a long time detective, and that evidence had been allowed to shift in a way that benefited Brady and the entire police force. Caught in the middle of all that was Daniel Mendoza's family. While lawyers argued about access to Brady's truck while prosecutors debated charges, and while activists stood outside of City Hall asking who was policing the police, Daniel's father was still living with a simple, devastating fact that his son was gone. We're going to pause here, but when we come back, we're going to share one of the most remarkable moments in the entire case that happened in late April nineteen ninety seven, just before the trial began. Ramon Mendoza turned forty nine years old on April twenty six, nineteen ninety seven, almost exactly five months after Daniel was killed. Ramon had spent months hearing his son described in public as a gang member, a victim and the center of a massive controversy. He had watched his son's death become part of a larger argument about policing, race and accountability. Ramone had also filed a civil suit against the officers in Metro trying to force answers through the courts. But during the weekend of his forty ninth birthday, he did something unexpected. He invited several Las Vegas Metro police officers into his home. The invitation came after Ramon's mother, Maria Rubin, overheard Ramone talking with an officer and learned that the officer was from Mexicali, the same city in northwest Mexico where the Mendoza family was from. Maria told the officers to come over because it was possible they could all be related. For officers came to the Mendoza home for Ramon's birthday. They stayed for about an hour, sharing tacos, burritos and other traditional Mexican food with the family. And according to the officers who attended, no one talked about the shooting. Specifically, the conversation was centered on. Daniel Ramone, showed them photos of Daniel in his Little League uniform and talked about his jobs at Carl's Jr and the coffee shop near unIV. He shared that Daniel was planning to get married and showed how he was a young man that had his whole future taken away from him.

Shaun Lieutenant Garry Schofield, who worked in Daniel's neighborhood and attended the gathering with the other officers, later said he was stunned by the invitation. He said the Mendoza family would have every reason to categorize all officers as bad, but they did not. He said joining Ramon for his birthday was a great honor. After hearing Ramon talk about Daniel, Schofield said he learned a side of Daniel he had never heard before. He said it was quite moving. He explained that he knew that Daniel had been affiliated with a local gang, but he also said that being hooked up with a gang does not mean someone is a bad person. It's a small statement, but in the context of this case, it mattered because one of the ugliest themes running through the public response to Daniel's death was the idea that his alleged gang ties somehow reduced tragedy, as if a young man's mistakes or associations could make his killing less worthy of grief. Ramon did not ask people to pretend Daniel had been perfect. He did not ask people to ignore the reality of their neighborhood when he wanted. Was the people involved in his son's death to be held responsible through his attorney? He said he had always believed that the people involved should be called to take responsibility for their crime, but he did not hold resentment toward the entire police department. Ramon was still trying to make people see the person behind the case, Daniel, a son who had hopes and dreams. And now those dreams were gone. Two days after his birthday on April twenty eight, nineteen ninety seven, the trial began.

John Before we get into the opening statements, there's something we want to share that comes up a few times in the record. But given the facts of the case, we're not sure how relevant it is to the trial. According to newspaper reports, Ron Mortensen was six foot two and weighed two hundred and twenty pounds. In contrast, Brady was five foot nine and weighed one hundred and sixty five pounds. Since the two men were in a truck at the time of the shooting, it's not clear how much their builds were noticed by witnesses or taken into consideration by the jury. However, it's important to note that Ron Mortenson wore glasses. He wore them the night of the murder, and he was wearing them during the trial proceedings. During opening statements, the prosecution did not attempt to sugarcoat anything that happened that night. Chief Deputy District Attorney William Coote told jurors that Brady and Mortenson had been drinking together in celebration of Mortenson's thirty first birthday, and then took a break from bar hopping to drive around poor neighborhoods and harass the kind of people they often ran into on the job. According to Coote, before they even got into the vehicle, the two men had been talking about what he described as their hatred of dopers, bangers and screwball people. They argued that when the truck pulled up to McCullough's circle, Brady was the driver and Mortenson was the passenger who fired the gun. For the state, the case came down to the physical evidence and eyewitness testimony. The passenger window of the truck was facing Daniel's apartment building. Witnesses saw a gun come out of the passenger window, and the shooter was a white man in the passenger seat who was wearing glasses. All of the bullets came from Mortensen's gun. Mortensen's defense attorney knew the case was going to come down to which officer the jury believed. Defense attorney Frank Kremen told jurors that it was

not Ron Mortensen who committed that act that night, but Christopher Brady from the start. The defense wanted to make it clear that the individuals conducting the investigation had relationships with the Brady family and accused the Las Vegas Metropolitan Police Department of going to great lengths to protect Christopher Brady. As we described last week, when Brady came forward with his story to his father, Mike Brady, who was a long standing and well respected detective within Metro. The lead detective on the homicide investigation was Detective Brent Becker. Becker knew Mike Brady because they conducted surveillance together back in nineteen ninety. The defense team had a laundry list of facts that pointed to Brady as being the guilty party. Brady admitted he drove the truck. He handled the gun after the shooting. He washed his clothes and fundamentally altered the truck before the defense team could examine them. Brady, despite being an officer, fled the scene after the shooting and never stopped to see if someone had been hurt. He didn't report the shooting immediately. He waited more than thirty six hours before coming forward. The defense knew that Brady was going to be the star witness, and they wanted to start out the case by planting the seed that Brady was the shooter, and his testimony shouldn't be taken at face value.

Shaun The prosecution called several eyewitnesses that had been with Daniel that night at McKellar circle. Andrew Lujan was sitting in the passenger seat of a car with Luis Ramon Martinez when the shooting happened. She estimated she was about twenty feet from the truck. She testified she could see there was a driver and a passenger in Brady's truck, but no one was sitting between them and no one was in the bed. She saw the passenger side window and she saw her friend Eduardo Rodriguez walking toward the truck. And then she saw a gun come out on the passenger side. Lujan's testimony was helpful to the state because she specifically said she did not see anyone's arm reach across from the driver's side. She said the gun appeared right there at the passenger window. She testified, here is the window, and I saw it come out right there. I didn't see anybody's arm reach over. According to Andrea, the driver was sitting behind the wheel, looking calm and normal. Her testimony was not perfect and the defense could point out its limitations, but it supported the prosecution's basic theory that the gun came from the passenger side, not from Brady leaning across the cab. Luis Ramon Martinez also testified in late December he had viewed a photo lineup array and identified Mortenson's photo as the passenger in the truck. However, the next day, he viewed a physical lineup where he failed to select Mortenson. During his testimony, he said he was somewhere around fifty to sixty feet from the truck and he acknowledged that the lighting was much better on the passenger side than it was on the driver's side. That detail became important because it explained why several witnesses could describe the passenger much more clearly than the driver. Martinez said he saw the passenger and saw the passenger side window roll down. He said only a few seconds passed between the truck parking and the window rolling down, and just five or six more seconds before he saw a gun. He said the passenger stuck his head out the window and pointed the gun while holding it with two hands. He clearly stated he only saw one gun and he did not see the driver lean across the passenger in the truck. He said it was the passenger that fired because he was the one with the gun stuck out. Ruben Ramirez gave another version of the same basic picture. According to court records, Ruben was unable to identify Mortensen in a photographic lineup array on December thirtieth, nineteen ninety six. However, he identified Mortensen in a physical lineup. The next day, he testified that he saw two people in the truck but could not see the driver clearly because the passenger blocked his view and the lighting was better on that side. Ramirez said the passengers signaled for people to come closer and then fired from the window. At trial, he identified Mortensen as the shooter. Eduardo Rodriguez did not select a suspect from the photo lineup arrays he was shown during the investigation, and he did not attend a physical lineup at trial. He testified that the passenger waved people over, leaned on the door, pulled out a gun without turning his body. Rodriguez was positive. The passenger pulled out the gun with his left hand, which the defense seized on. As Mortensen is right handed, Rodriguez said he began to ran away and then heard someone say, hey, where are you guys going? Followed by the shots, he made an in court identification of Mortensen as the shooter. Again, there were weaknesses the defense could point to to raise doubts about what the witness had seen. Everything had happened quickly. It was late at night. It was dark. The lighting wasn't great. People were scared. Their identifications during photo arrays and lineups were inconsistent and so on, but for the prosecution. Even with those limitations or imperfections, it all led to the same conclusion. No one said they saw Brady fire, and again and again the gun was described as being outside of the passenger window. We're going to pause here for a second break, but we'll be right back with more of the eyewitness testimony from the night of Daniel's murder.

John Finally, we want to share the testimony of Rosarita. She was Daniel's friend and the nursing assistant who administered CPR after he was shot. At trial, she told the jurors that she looked out of her apartment

window when Brady's truck pulled up around one o'clock in the morning. At first, she thought the men in the truck were undercover officers. She turned to her friend and said, the narcs are here. From the point of view of the friends that night, the men who pulled up in the truck were not random people who were looking to start trouble. The group believed they were police officers, which is why they showed their hands to signal they were not armed and they didn't have any drugs. They were not a threat. As a side note here in the press, one of Daniel's friends made this point without hesitation and without pretending the neighborhood was something that it's not. He said he knew for sure the group of friends were not armed, because if they had had guns, they would have fired back. Rosa testified that when she looked back out the window, the gun was already being pointed out of the truck. She saw the man duck his head out of the window and hold the gun with two hands near his forehead, with his elbows resting on the window frame. Zoraida said the passenger was turned toward the side and that he smiled, laughed, and shot the gun. She said he wore a little round glasses, like the glasses she saw on Ron Mortenson in court. During her testimony, she identified Mortensen as the shooter, pointing at him at the defense table. The defense would point out that there were other issues with her eyewitness identifications. Sarita did not identify anyone in the photographic lineups and during the physical lineup. She narrowed her selection down to Mortensen and another person, but chose the other person. Mortensen's height and build seemed to support her testimony, as he was significantly taller than Brady and had to duck out of the window. She also said she saw him holding the gun with two hands, defeating any attempts to claim that the gun was actually being held by Brady out of the window, and who was to the left of Mortensen.

Shaun The state's firearms expert, Tory Johnson, added another layer of evidence against Mortensen. Johnson identified the SIG Sauer as the gun that fired the rounds. While Detective Becker had previously confirmed that gun was registered to Ron Mortensen, as we mentioned earlier. Mortensen's fingerprint was found on the slide of the gun, but Brady's prints were not on it. An expert testified that Mortensen's fingerprints would not necessarily have been disturbed by Brady, later clearing the weapon, handling the grip and pulling back the slide. Johnson testified that based on the ejection characteristics of the gun and the location of the shell casings, the SIG Sauer must have been fired from outside the truck cab. He had examined bullet strikes at the scene, including strikes on sheet metal, the electric box and the laundry room doorway. Based on those trajectories, he concluded, the gun moved at least six feet during the shooting. That was important because it supported the state's argument that the truck was moving while the shots were fired. The truck was moving. The prosecution could argue that it made little sense to believe that Brady had leaned across a larger passenger, fired out the passenger window, and then returned to the driver's position while also accelerating away. The defense objected to part of Johnson's testimony, arguing that they had not been given proper notice that he would testify. The truck moved during the shooting. The defense asked for a mistrial, but the judge denied the motion.

John We should go back to the truck and summarize why its design and layout was critical to both the prosecution and the defense. As we described last week, Mortensen's description of the incident was that Brady had leaned all the way over in the cab and shot out of the window using Mortensen's SIG Sauer pistol. The state would argue that that wasn't possible, because the bench seat in the truck had a raised center console, and Brady could not have come all the way across the front seat to reach out the window. However, Brady admitted to investigators that yes, he could reach the window if the center console seat was up, but according to him, it was down at the time of the shooting. From the perspective of the defense, without the truck in its unaltered state, it couldn't confirm which explanation of the shooting was more credible. At trial on Thursday, May one, nineteen ninety seven, the court directed the prosecution to make every effort over the weekend to get that truck back in the same condition. It was on the morning of December twenty eighth, nineteen ninety six. The court ruled that the defense's investigator could be present at the restoration and ordered that the state had to notify the defense when the restoration was complete. The following Monday, May fifth, Metro crime scene analyst Daniel Ford, who had originally processed the truck, testified at trial that the custom seat had been reinstalled on the truck, and then the jury was allowed to access that truck. According to court records, the shape of the bench seat was likely not as important as the defense believed it was. All of the shell casings landed outside the truck, which logically make it seem like the gun itself would have had to be all the way outside the window. However, the firearms expert testified that SIG Sauer cartridges would be ejected to the right and slightly forward, and the state conceded that it could be possible for the shell casings to land outside the truck if the shooter had been Brady. The quote from the trial testimony was, I'm not here to tell you that you cannot do it the way Ron Mortensen says, Christopher Brady did it. I

mean, it can be physically done, I suppose, to straddle yourself across the seat and to do it without the shell casings landing in the bed of the truck or in the cab. It can physically probably be done. By that point in the trial, the state had built its foundation. Five witnesses had identified Mortensen as the passenger and the shooter. The gun was registered to Mortensen. All the bullets found at the crime scene came from that gun. All of the shell casings were found outside on the street, and the car was likely moving as the shots were fired.

Shaun However, the case was never that simple, and it was never going to be that easy to secure a conviction. The prosecution still had to rely on its star witness, Christopher Brady, who many already believe should have been sitting next to Mortensen at the defense table. Next week, Brady takes the stand and the trial will become what the case has been from the beginning. Two police officers, one dead young man and two stories that both cannot be true. But Mortensen wasn't going down without a fight. He took the stand in his own defense and claimed Brady grabbed the gun, leaned across his chest and shot Daniel later saying, I am evil.

John Be sure you're following the show on whatever platform you're listening on because you don't want to miss part four of our series on the murder of Daniel Mendoza, Las Vegas began bracing for a verdict that police feared could spill out of the courtroom and into the streets. Because this was never only about one shooting on McKellar circle. It's a good reminder that what happens here happens everywhere. Thanks for listening. Visit censored dot co slash subscribe for exclusive bonus content and to listen ad free. Remember to like and follow us on Instagram, Facebook, TikTok, and threads at @sinsandsurvivors If you're enjoying the podcast, please leave us a review on your podcast platform of choice. You can contact us at questions at Sins and survivors dot com.

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