



**REPORT  
OF THE  
MARYLAND STATE PROSECUTOR**

**FY 2014**

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## **Introduction**

The Office of the State Prosecutor (OSP) was established to restore the public's confidence that the State Government has the integrity and ability to monitor the activities of its public officials and employees. This Office has continued to take its mission seriously. Over the past several years, the Office has had one goal – the consistent and fair enforcement of the corruption, misconduct in office, bribery and election laws without regard to political affiliation.

During the past several years, the Office has convicted persons throughout the State of various offenses, including misconduct in office, theft, voter suppression, campaign finance and other election law violations. Our primary focus has been on public corruption investigations and election law criminal violations which use an overwhelmingly large portion of the limited assets of the Office.

The Office of the State Prosecutor continues to experience a heavy workload. In addition to a continuous stream of political corruption complaints, the Office has experienced a large increase in the number of election law violations referred to us by the State Board of Elections. This increase has been driven to a large extent by recent legislation that places new reporting requirements on campaign committees. OSP Investigators and Prosecutors continue to work long

hours to keep on top of this workload and bring about timely and fair resolutions to all complaints received here.

## **II. Observations of the Maryland State Prosecutor – Emmet C. Davitt.**

As I near the completion of my fourth year as State Prosecutor, I continue to meet on a regular basis with various States' Attorneys and the U.S. Attorney for Maryland. It remains clear that there is always more work to be done in the political corruption and white collar arena and I continue to strive to strengthen law enforcement ties with federal, state and county agencies. By sharing information and assets, law enforcement in the State is enhanced and limited resources can be used more effectively.

In last year's report, I noted that, in spite of requests by my predecessors, the General Assembly had not enacted legislation granting this Office the same statutory authority that County State's Attorneys and the Attorney General possess to grant, when appropriate, "use immunity" to witnesses who appear before the grand jury or at trial. I am pleased and gratified to report that, during the 2014 legislative session, the General Assembly passed and the Governor signed legislation (House Bill 364 and Senate Bill 224) which granted the Office of the State Prosecutor the authority to compel testimony through this limited form of immunity.

As mentioned earlier, the Office has experienced a large increase in the number of election law violations referred here by the State Board of Elections. This increase was driven to certain extent by The Campaign Finance Reform Act of 2013 which implemented, among other things, additional reporting requirements. To ensure that the Office had adequate resources to handle the increased caseload, the OSP requested and the Board of Public Works approved an additional Assistant State Prosecutor position and an additional Investigator position. Although our staff remains small,<sup>1</sup> these additional resources make it possible for the Office to continue to complete investigations and close cases in a timely manner.

Public corruption is not limited to illegal conduct by elected officials. Corruption potentially reaches every level of government. It makes no difference to the citizens of this State what the job title of the public employee is – corruption at any level is not acceptable. The Office of the State Prosecutor has been, and continues to become increasingly more effective in its primary missions: to detect, investigate and, where appropriate, prosecute and deter public corruption; and to protect the integrity of our electoral process.

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<sup>1</sup> Thirteen individuals including myself comprise the entire OSP staff.

### III. Review of Significant Cases in 2013-14

#### A. Appellate Decisions

Unlike an ordinary prosecutor's office, the OSP handles the investigation, charging, trial, collateral and appellate proceedings for our cases.<sup>2</sup> Over the last several years, appeals have taken an ever increasing proportion of our resources.

##### 1) Leopold v. State

As discussed in last year's annual report, the Grand Jury for Anne Arundel County indicted County Executive John R. Leopold on several counts of misconduct in office in March of 2012. The charges alleged that Leopold regularly misused his executive protection unit and other county employees for his own political and personal purposes. In January of 2013, after a court trial, he was convicted of two counts of misconduct in office. He subsequently filed an appeal to the Court of Special Appeals challenging the constitutionality of the charge of Misconduct in Office as applied to the facts of his case. Leopold also challenged the condition of probation that prohibited him from running for public office. The Court of Special Appeals rejected Leopold's contention that his constitutional rights were violated and affirmed his convictions on both misconduct in office claims. The appellate court, however, did hold that the probation condition

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<sup>2</sup> Appeals of OSP cases are not handled by the Criminal Appeals Division of the Attorney General's Office.

prohibiting him from seeking public office during his period of probation was invalid.

2) Henson v. State of Maryland

On July 1, 2013, the Court of Appeals issued its mandate in the above referenced case. As set forth in last year's report, Paul E. Schurick, the campaign manager of candidate Robert L. Ehrlich's gubernatorial campaign, and Julius Henson, a Baltimore City campaign consultant, had been indicted, as co-defendants, for conspiracy, using fraud to affect a voter's decision whether to cast a vote, and failure to properly identify the source of a robo-call (known as an authority line violation).<sup>3</sup> Henson was convicted of conspiracy with Schurick to conceal the source of a fraudulent robo-call and appealed his conviction to the Court of Special Appeals. In his appeal, he challenged, among other issues, the constitutionality of the statutes under which he was charged. In a published opinion, the appellate court affirmed the judgment of the Circuit Court for Baltimore City. Henson's Petition for Certiorari to the Court of Appeals was denied on September 13, 2013.

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<sup>3</sup> In December 2011, Paul Schurick, was convicted of two counts of conspiring with Henson and two counts of election law violations for his role in orchestrating the fraudulent political robo-call in an effort to suppress voter turnout in Baltimore City and Prince George's County. He, however, declined to appeal his conviction.

## **B. Prosecutions**

1. Leroy L. Ambush, III (former) Victim/Witness Coordinator for Frederick County State's Attorney's Office

On October 21, 2013, Leroy L. Ambush, III, former Victim/Witness Coordinator for the Frederick County State's Attorney's Office, pleaded guilty to felony theft of victim restitution funds. Investigation by the OSP revealed that, between February of 2010 and March of 2013, Ambush stole restitution funds paid by criminal defendants that were intended for numerous individual and business victims on 58 separate occasions. The amount of restitution funds stolen totaled \$26,700. In November of 2013, the court imposed a sentence of five years incarceration suspending all but four and one half years. Upon release, he was placed on supervised probation and ordered to pay restitution and perform 300 hours of community service.

2. Philip Harrison, II, Campaign Treasurer and grandson of the late Delegate Hattie Harrison

On April 3, 2014, Philip Harrison, II, Treasurer of the "Hattie Harrison for Delegate" campaign committee and grandson of the late Delegate Hattie Harrison, pleaded guilty to felony theft of campaign funds. Investigation by the OSP revealed that, between July of 2006 and November of 2009, Harrison wrote numerous unauthorized checks from the "Hattie Harrison For Delegate" campaign



account to himself and to his then-girlfriend and current spouse Rehanna Singletary. After relinquishing his role as Treasurer, he retained a campaign account checkbook and continued writing checks to himself and Ms. Singletary, as well as paying certain Comcast and Verizon bills by forging the present Treasurer's name. This activity persisted until August of 2010, and the theft of campaign funds totaled just over \$17,600. The Court imposed a sentence of five years suspending all but fifteen days followed by three years of supervised probation. The Court further ordered Harrison to perform 200 hours of community service and ordered him to pay full restitution.

### 3. Voter Fraud – Elsie Schildt and Linda Wells

On February 27, 2014, Montgomery and Frederick County Grand Juries each returned an indictment charging illegal voting in the 2012 Presidential General Election. The Frederick County Grand Jury returned a three count indictment against Elsie Virginia Schildt, charging her with impersonating another person in an attempt to vote, attempting to vote under a false name, and attempting to vote more than once in the same election. Investigation by the OSP revealed that Ms. Schildt requested absentee ballots for herself as well as her mother for the 2012 Presidential General Election. Ms. Schildt's mother, however, died in September of 2012. Ms. Schildt nevertheless completed and mailed in her own

absentee ballot and signed her mother's name to the other absentee ballot and mailed it to the Frederick County Board of Elections.

The Montgomery County Grand Jury returned a three count indictment against Linda Earlette Wells, charging her with impersonating another voter in order to register in the name of the voter, attempting to vote under a false name, and impersonating another person in an attempt to vote. Investigation by the OSP revealed that Ms. Linda Wells had called the Montgomery County Board of Elections the day before the presidential election and claimed to be her deceased mother, Beatrice Wells. Based on Ms. Linda Wells false representation that she was in fact Beatrice Wells, the Montgomery County Board of Elections re-activated Beatrice Wells voter registration from inactive (due to death) to active. On Election Day, Linda Earlette Wells then cast a provisional ballot in the name of Beatrice Wells. Both Ms. Schildt and Ms. Wells subsequently pleaded guilty and received probation before judgment.

4. Brian S. Bailey, Candidate for State Delegate in Baltimore County

On June 2, 2014, Brian S. Bailey, a candidate for the Office of State Delegate for District 12 was charged with a criminal election law violation for failing to provide an authority line on campaign material. Investigation revealed that Bailey registered and published a website domain name in the name of [www.DongarraforDelegate.com](http://www.DongarraforDelegate.com) which he used to publish derogatory campaign

material about Rebecca Dongarra, a candidate running against him in the 12<sup>th</sup> District. The website failed to provide an authority line containing his name and address as required by law and falsely indicated that “[t]his message has not been authorized or approved by any candidate.” Bailey subsequently pleaded guilty, was fined \$500.00, ordered to perform 200 hours of community service and placed on probation.

#### IV. Campaign Violations

##### A. Failure To File Campaign Finance Reports

As anticipated, the number of election law cases increased dramatically last year due to the upcoming election and the enactment of the Campaign Finance Reform Act of 2013. Campaign Finance Reports are due annually in January for all active Campaign Finance Committees. Since 2014 was an election year, there were also supplemental Campaign Finance Reports due to the State Board of Elections on a nearly monthly basis leading up to the November Election. Despite the dramatic increase in referrals to our office from the State Board of Elections regarding these Campaign Finance Reports, our staff was able to successfully close hundreds of election law violations.

## B. Authority Line Violations

Since the ruling of the Supreme Court in *Citizens United v Federal Election Commission*, 558 U.S. 310 (2010), the authority line requirement has become virtually the sole deterrent to the publication of fraudulent and scurrilous campaign material. Such material may not be prohibited under the First Amendment, but the public is entitled to know who is speaking. Although investigations of these violations can be complex and time-consuming, we will continue to vigorously investigate and prosecute those who use fraudulent authority lines or simply refuse to comply with this requirement.

## V. Investigations Not Resulting In Charges

One of the fundamental missions of the Office of the State Prosecutor is to prosecute persons who have committed offenses coming within the jurisdiction of the Office. The Office strives to assure equal, just treatment of all persons. Allegations are easy to make, but difficult to prove. When the Office receives an allegation, it is imperative that the facts be analyzed without any preconception. Often, it is determined the allegations are unfounded or simply cannot be proven. In those instances, it is vital that the reputation of those persons who have not been charged publicly be protected from harm. In other instances such as cases where there has been a failure to file a campaign finance report with the State Board of Elections, efforts are made to attempt to convince persons to file the necessary

reports before prosecution is undertaken. When first time offenders come into compliance before a prosecution commences, the Office takes no further action and the case does not become a matter of public record. It is not, nor has it ever been, the goal of the Office of the State Prosecutor to bring charges and obtain convictions for the sake of statistics.

Furthermore, because one of the mandates of this Office is to pursue allegations of possible corrupt relationships which are, by definition, surreptitious and complex, the Office should not be judged on case numbers alone. Nevertheless, some statistics should be provided to reassure the public that its law enforcement officials are working diligently to successfully accomplish its mission. Our statistics are summarized as follows:

**CASELOAD STATISTICS**  
Fiscal Year 2014

Opened in FY 2014	
Corruption	79
Election Law	684
Other	<u>4</u>
	767 Total Cases Opened
Closed in FY 2014	
Corruption	80
Election Law	602
Other	<u>3</u>
	685 Total Cases Closed

## Conclusion

Over the last four years, I have been fortunate to have an impressive, albeit small, group of dedicated and hard working lawyers, investigators and support staff. Recent hires, including two former Maryland State Police veterans have further strengthened our team. Members of the Office of the State Prosecutor take great pride in their work and in the significant investigations that have resulted in successful prosecutions over the last several years. My entire team looks forward to continuing its important mission and I personally look forward to working with these men and women in the future:

### Prosecutorial Staff

Thomas M. McDonough, Deputy State Prosecutor  
Nicolle Norris, Senior Assistant State Prosecutor  
Katherine Anthony, Assistant State Prosecutor

### Investigative Staff

James Cabezas, Chief Investigator  
Daniel Bralove, Special Agent  
Latisha Beal, Special Agent  
Timothy Frye, Special Agent  
Thomas McElroy, Special Agent  
Charles O'Connor, Investigator  
Cynthia Thomas, Investigative Assistant

### Administrative Staff

Eugenia Gunthrop, Office Administrator  
Deborah Amig, Administrative Aide

Respectfully submitted,

A handwritten signature in blue ink that reads "Emmet C. Davitt". The signature is written in a cursive style with a large, sweeping initial 'E'.

Emmet C. Davitt  
State Prosecutor