

RESOLUTION 2021 - 65

REQUEST FOR PROSECUTORIAL ASSISTANCE

WHEREAS, the County Attorney has requested prosecutorial assistance in the case of *State v. David John Schmitz*, as well as *State v. Alan James Gleich*, pending in the Lewis and Clark County Justice Court and about to move to the Montana First Judicial District Court, Lewis and Clark County, and;

WHEREAS, it is desired and deemed appropriate that a special deputy county attorney be appointed to assist in the prosecution of the aforementioned case, and

WHEREAS, Mont. Code Ann. § 44-4-111 authorizes and contemplates that the training coordinator for county attorneys and the bureau chief of Prosecution Services Bureau (together with the deputies within said bureau) act as special counsel on request of the county attorney and upon the approval of the board of county commissioners, and

WHEREAS, Mont. Code Ann. § 2-15-501(6) authorizes the Attorney General to provide assistance to county attorneys in the discharge of his or her duties.

IT IS HEREBY RESOLVED:

That the attorneys assigned to the Prosecution Services Bureau of the Department of Justice are hereby appointed as special deputy county attorneys for Lewis and Clark County for the purpose of assisting in the prosecution of the aforementioned case and that any of said deputies can fulfill the functions set out in Mont. Code Ann. § 44-4-103.


IT IS FURTHER RESOLVED:

That under the terms of this agreement, no fee will be charged for attorney time provided by the Bureau. Assistance in such cases is provided without an hourly fee. Witness fees and expenses, jury costs, and other normal costs associated with trial will be the County's responsibility as with all other prosecutions.

Dated this 29 day of July 2021.



LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS


Andy Hunthausen, Chair

ATTEST:



Amy Reeves, Clerk of the Board

