

RESOLUTION 2022 - 104

A RESOLUTION APPOINTING A SPECIAL DEPUTY COUNTY ATTORNEY
UNDER MONT. CODE ANN. § 2-15-501(6).

WHEREAS, the Lewis and Clark County Attorney has requested prosecutorial assistance in the case of *State v. Nicholas Percival*;

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;

WHEREAS, the Attorney General has created an Elder Justice Prosecutor whose duties include working with local, state, and federal law enforcement and prosecutors to review cases, investigate, and, as appropriate, prosecute crimes involving adult maltreatment including abuse, neglect, and financial exploitation of adults over the age of 60 and other disabled or otherwise vulnerable adults;

WHEREAS, the Elder Justice Prosecutor, Michael L. Fanning, is a duly appointed Assistant Attorney General under Mont. Code Ann. § 2-15-502, licensed to practice law in the State of Montana, and who is in good standing with the State Bar of Montana; and

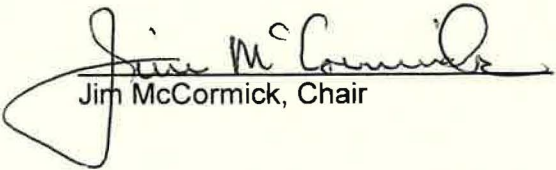
WHEREAS, it is desired and deemed appropriate that a special deputy county attorney be appointed to assist in the prosecution of the aforementioned case,

THEREFORE, IT IS RESOLVED: That Assistant Attorney General Michael L. Fanning is appointed as a special deputy county attorney for Lewis and Clark County for the purpose of assisting in the prosecution of the aforementioned case.

IT IS FURTHER RESOLVED: That Elder Justice Prosecutor will charge no legal fees for attorney time provided for under this appointment. Investigation expenses, witness fees and expenses, expert witness fees, jury costs, and other normal costs associated with trial will remain the County's responsibility as would normally be the case if prosecution were being handled solely by the Lewis and Clark County Attorney. Should the case be charged and/or tried, the Elder Justice Prosecutor and the County will arrange separately to pay the Elder Justice Prosecutor's reasonable travel, meals, lodging, and other incidental expenses, if any.

Dated this 10th day of November, 2022.

LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS


Jim McCormick, Chair

ATTEST:


Amy Reeves, Clerk of the Board

