

ORGANIZATIONAL STRUCTURE

STATE PROSECUTOR

- Stephen Montanarelli, *State Prosecutor*
(appointed by Governor upon nomination of State
Prosecutor Selection & Disabilities Commission),
1989 (410) 321-4067
- Deborah A. Amig, *Administrative Aide*
 (410) 321-4067
- SENIOR ASSISTANT STATE PROSECUTORS**
- Thomas M. McDonough (410) 321-4067
- A. Thomas Krehely (410) 321-4067
- ASSISTANT STATE PROSECUTOR**
- Isabel M. Cumming (410) 321-4067
- CHIEF INVESTIGATOR**
- James I. Cabezas (410) 321-4067

The office of State Prosecutor was established by Constitutional amendment (Chapter 612, Acts of 1976, ratified Nov. 2, 1976). An independent unit within the Office of the Attorney General, the State Prosecutor's office began operation January 1977.

The State Prosecutor may investigate on his own initiative, or at the request of the Governor, the Attorney General, the General Assembly, the State Ethics Commission, or a State's Attorney, certain criminal offenses. These include violations of State laws on elections, public ethics, or bribery involving public officials or employees; misconduct in office by public officials or employees; and extortion, perjury, or obstruction of justice related to any of the above. At the request of the Governor, Attorney General, General Assembly, or a State's Attorney, the State Prosecutor also may investigate alleged crimes conducted partly in Maryland and partly in another jurisdiction, or in more than one political subdivision of the State. In investigating and prosecuting cases in which he is authorized to act, the State Prosecutor has all the powers and duties of a State's Attorney.

If a violation of the criminal law has occurred, the State Prosecutor makes a confidential report of these findings, with recommendations for prosecution, to the Attorney General and the State's Attorney having jurisdiction to prosecute the matter. Such a report need not be made to the State's Attorney, however, if the State Prosecutor's findings and recommendations contain allegations of offenses committed by the State's Attorney. If the State's Attorney to whom the report is rendered fails to file charges within 45 days in accordance with the State Prosecutor's recommendations, the State Prosecutor may prosecute such offenses. The State Prosecutor immediately may prosecute offenses set forth in the report and recommendations if they are alleged to have been committed by a State's Attorney.

Where no violation of the criminal law has occurred or prosecution is not recommended, the State Prosecutor reports these findings to the person requesting the investigation. The report is made available to the public if the subject of the investigation so requests.

Nominated by the State Prosecutor Selection and Disabilities Commission, the State Prosecutor

is appointed by the Governor to a six-year term (Code 1957, Art. 10, secs. 33A—33C).

STATE PROSECUTOR SELECTION & DISABILITIES COMMISSION

Eugene M. Feinblatt, *Chair*, 1988

Appointed by Governor (who names chair): Barbara Sue Liebman, 1987; Charles Cahn II, 1989; Barry A. Gold, 1989; two vacancies.

Ex officio: J. Joseph Curran, Jr., Attorney General
233 East Redwood St.
Baltimore, MD 21202—3332 (410) 576-4211

The State Prosecutor Selection and Disabilities Commission was created by a 1976 law which took effect on January 1, 1977 (Chapter 612, Acts of 1976).

When the Governor notifies the Commission that a vacancy exists or is about to occur in the office of State Prosecutor, the Commission seeks and reviews applications of proposed nominees for the position. The Commission then interviews and evaluates eligible applicants and reports in writing to the Governor (within seventy days after notification) the name of the person or persons it finds to be legally and professionally qualified. The Governor may appoint or reject within thirty days of receiving the Commission's report.

If, after a hearing, the Commission finds the State Prosecutor guilty of misconduct in office, persistent failure to perform the duties of the office, or conduct prejudicial to the proper administration of justice, the Commission may reprimand the State Prosecutor or recommend to the Governor the removal from office of the State Prosecutor. The Commission also is empowered to investigate allegations made against the State Prosecutor which, if true, may warrant removal or discipline. In this regard, the Commission may conduct hearings, administer oaths and affirmations, issue process to compel attendance of witnesses and the production of evidence, and require persons to testify and produce evidence by granting them immunity from prosecution, penalty, or forfeiture.

The Commission has seven members. Six are appointed to four-year terms by the Governor. Of those appointed, two are nominees of the Senate President; two are nominees of the Speaker of the House of Delegates; one is nominated by the Board of Governors of the Maryland State Bar Association. One—an incumbent State's Attorney at the time of appointment and throughout the term of service — is nominated by the governing board of the Maryland State's Attorneys' Association. One serves *ex officio*. The Governor names the chair (Code 1957, Art. 10, secs. 33D-33F).