

BEFORE THE BOARD OF PROFESSIONAL RESPONSIBILITY
Professional Responsibility

WYOMING STATE BAR

JUN 11 2021

In the matter of)	
LEIGH ANNE G. MANLOVE,)	
WSB # 6-3441,)	WSB BPR Nos. 2020-108, 2021-005 and
)	2021-039
Respondent.)	


Clerk

FORMAL CHARGE

COMES NOW W.W. Reeves, Special Bar Counsel, and pursuant to Rule 13 of the Wyoming Rules of Disciplinary Procedure, alleges the following:

1. Respondent Leigh Anne G. Manlove (“Manlove”) has been licensed to practice law in Wyoming since 2000. At all times pertinent to the above-captioned proceeding, Manlove was employed as the Laramie County District Attorney.

2. This formal charge consolidates three separate disciplinary investigations. The first, BPR No. 2020-108, was initiated following receipt by the Office of Bar Counsel of a letter signed by the four District Court Judges and the three Circuit Court Judges in Laramie County. The letter, submitted pursuant to the judges’ reporting obligation under Code of Judicial Conduct Rule 2.15(B),¹ described a broad range of misconduct by Manlove, characterized by the judges as prejudicial to the administration of justice in Laramie County. The judges’ report concludes:

In short, we are concerned that Manlove’s personnel management and caseload management cause prejudice to the administration of justice in Laramie County. ... We are also concerned for this community because it appears that there is a strong likelihood that Manlove’s continued tenure cannot provide our citizens with the representation in the District Attorney’s Office they deserve.

¹ Rule 215(B) provides, “A judge having knowledge that a lawyer has committed a violation of the Rules of Professional Conduct that raises a substantial question regarding the lawyer’s honesty, trustworthiness, or fitness as a lawyer in other respects shall inform the appropriate authority.”

3. The other matters consolidated for purposes of this proceeding, BPR No. 2021-005 and BPR No. 2021-039, were brought to the attention of the Office of Bar Counsel by mothers of female victims of dangerous crimes perpetrated by men whose return to the community (without the period of incarceration their crimes warranted) was later endorsed by Manlove. Both cases demonstrate the public safety hazards posed to Laramie County residents by Manlove's reckless conduct in failing to competently discharge the duties of her office.

4. The Review and Oversight Committee determined there is probable cause to bring these consolidated charges against Manlove pursuant to Rule 10(g), W.R.Disc.P.

Manlove's Broad-Ranging Failure to Competently Perform the Duties of Her Office

5. Manlove was elected as the Laramie County District Attorney in the November 2018 election. On her first day in office, she fired all but one of the prosecutors and several other staff members. A series of motions were filed to delay trial settings, falsely claiming her predecessor's misconduct made the delays necessary.

6. Owing to Manlove's incompetence and lack of professionalism, the office was an unhealthy workplace from the beginning of her administration. The new office manager began at once to take notes. Manlove's new legal assistant, LR, was reportedly hired at a higher salary than others who did the same work. Complaints about the legal assistant's hostile behavior began at once. For example, see:

01/22/2019: Ms. [R] visited my office and shared that [LR] was constantly speaking down to her and making her feel incompetent and unvalued. I asked Ms. [R] to share more. Ms. [R] shared that [LR] spoke the words "None of you are up to my level," regarding the retained legal assistants, and "DA Manlove needs me to see if I can try to somehow advance you." I touched base with [LR] and shared that I was sure [LR]'s intent was golden and that the delivery may have been lacking. [LR] reiterated that the legal assistants were poorly trained and had gotten lazy. I asked Ms. Riggs to rework her delivery in these circumstances to be positive and encouraging.

01/25/2019: I spoke with Mr. [A] from the Sheriff's Department on the phone. Mr. [A] indicated that he relayed information to Ms. [K] regarding inmates who were going to be released due to their 72 hours tolling with no charging documents filed. Mr. [A] said he called several assistants in the office, and Ms. [K] was the first person to pick up. He shared the names and asked Ms. [K] to disseminate the information to our office. Mr. [A] said [LR] called him shortly after and sharply reprimanded him for speaking to Ms. [K]. [LR] told Mr. [A] that he needed to call her ([LR]), and her only, if he has questions in the future.

01/31/2019: I met with Ms. [Y], Clerk of Circuit Court. During the visit, Ms. [Y] shared that [LR]'s communication was causing problems with the clerks. I told Ms. [Y] I would touch base with [LR] and bring it to her attention.

02/6/2019: I visited with [LR] about complaints I was receiving from Circuit Court regarding her tone and attitude when communicating with the Clerks. I shared that in an abundance of caution let's try to be overly professional and courteous in the way we communicate with others. [LR] said they don't like her and they're just picking. I shared that we can't go wrong extending grace and being professional. Later that afternoon I shared these concerns with DA Manlove. I also shared that we had received similar calls and complaints from law enforcement, judicial assistants, and internal employees. DA Manlove encouraged me to schedule a time to visit with [LR], show her support, and try to workshop some of the topics. DA Manlove also thought the upcoming training times with Circuit and District Courts might be helpful as well.

02/8/2019: Ms. [I], Deputy Clerk of Circuit Court, was in our office by our invitation for a scheduled training aimed at strengthening communication between our office and Circuit Court and fine tuning our internal processes to meeting Circuit Court's requirements. All staff were aware of the training; however, as of 15 minutes into the training, [LR] still had not joined. [LR] was the main offender in the majority of Circuit Court's complaints and returned documents. Circuit Court had shared that leading up to the training, and I had expressed to [LR] the importance of her participation when we visited earlier in the week. I had to leave the training and find [LR] to ask her to join. [LR] was visibly irritated and stormed into the break room where the training was taking place.

7. Manlove's office manager documented many more complaints about Manlove herself.

04/23/2019 "Temp Check" Visits with Staff

[LP, former legal assistant] is very disheartened by the change that she will no longer be able to do her attorney's jury trial prep. She shared her frustration and her hurt feelings with [R] and [Deputy District Attorney AD] [AD] told [LP] that she would talk with LA [DA Manlove]. [LP] shared that she is happy

to help wherever she can. She wants to see the office succeed. She is concerned that she's feeling a little unappreciated. I asked how I can support her and communicate better to affirm how appreciative I am of [LP] and her work. [LP] shared that her concerns stem from comments shared further up the ladder of authority. She reiterated that she is grateful for her position, and she will continue to work hard.

010/18/2019: [LP] asked to visit with me. She communicated that on several occasions she has been uncomfortable with the way DA Manlove communicated with her. This employee shared that the volume, tone, language, and aggressive posture made her feel unsafe. She shared that she believes she is experiencing adverse health conditions due to her stress and anxiety caused by the office environment created by DA Manlove.

[LP] cited two separate incidences in which she was uncomfortable and scared of DA Manlove. The first incident arose from DA Manlove's disapproval with loose filing being added to paper sorters of "file not found" documents left over from the all office filing day. [LP] said DA Manlove went to the West side of the office where [LP], [LS], and [RB] were working and yelled something along the lines of if she ever finds out who did that, she'd rip out their f*cking [body part/organ] and shove it down their f*cking throat.

The second incident [LP] cited had occurred when [LP] entered DA Manlove's office to request assistance with attorney coverage for a hearing that had been assigned to a recently deceased Assistant District Attorney. [LP] said DA Manlove appeared very angry, pushed herself back from her desk and glared at [LP] for what she believes was several minutes long without response. [LP] said this made her feel unsafe and like she was about to be attacked.

[LP] also shared that on one occasion, despite providing a note to DA Manlove from her medical provider stating that she should not be at work for a specified time period due to an illness, DA Manlove required her to work from home.

[LP] expressed that though she does not want to be seen as a complainer, she feels strongly that this treatment should be reported to a higher authority outside of our office. [LP] said she's afraid of retaliation. She does not want DA Manlove to know she is the employee bringing these types of incidents to light, and she asked that this information remain confidential. She believes someone at a higher level needs to be aware. Upon request, I shared the name and contact information for Erin Williams, A&I HRD Administrator, and encouraged [LP] to feel comfortable sharing. I assured [LP] that I would relay this information to HRD as well.

10/21/2019: I visited briefly with [LP] to let her know that I had emailed Erin Williams and Jared Hanson with HRD the information she shared with me.

[LP] said she's very uncomfortable with the working conditions and pointed out that the incidents she shared were only two examples of what happens on a daily basis. [LP] shared another example of a time in our all-office stand up meeting when DA Manlove told everyone in the office that they "better keep their f*cking mouths shut" regarding case details. [LP] said she called and left a message for Williams at HRD, and she is committed to sharing this information. [LP] said she'd call HRD again if she hadn't heard back from them by Wednesday. [LP] also shared that she is afraid of retaliation from DA Manlove, and she would prefer that DA Manlove does not find out that she reported this information.

[LP] also mentioned that she believes staff as a whole share these same concerns. She mentioned another employee, [AD], had been crying last week due to the environment.

8. There are many reports by present and former employees of hostile and abusive behavior. This was the cause of emotional harm for which some sought counseling and was the cause of resignations which left too few employees to meet the obligations of the office. An example in writing:

From: Leigh Anne Manlove <leighanne.manlove@wyo.gov>
Date: Thu, Aug 6, 2020 at 2:42 PM
Subject: Re: Thursday Jail Court Notes - Judge Lee 2PM - 8-6-20

I sure as fuck wish someone with a goddamn law degree would have READ and RESPONDED to my email about Anistyn Holt. She is NOT COMPETENT. She's on a DD waiver. She is a victim in a sexual assault case that I AM CURRENTLY PROSECUTING. And she has a fucking attorney.

Nicely done everyone.

9. Manlove is reported to be obsessively controlling of the details of the work of lawyers in the office, and requiring her personal approval for negotiated pleas, which complicates managing the workload. An example:

From: **Leigh Anne Manlove** <leighanne.manlove@wyo.gov>
Date: Tue, Oct 27, 2020 at 5:10 PM
Subject: Dismissed/declined cases because of budget cuts and unhappy victims
To: DA1 <dal@wyo.gov>

All,

Over the next days, weeks, and months, our office will probably hear from people who are victims of crimes who are very upset that their cases are dismissed or declined. My expectation is that you will communicate **WITH ME** regarding these folks.

I would ask you to put yourselves in their shoes. Each victim only knows about his or her own case - and it is ***THE MOST IMPORTANT CASE TO THAT VICTIM***.

Rather than be combative or defensive with an unhappy victim - who is 100% **JUSTIFIED** in those feelings - we need to wrap our arms around the victim and embrace them and share their frustration. These folks can become our biggest allies as we try to get the public at large to understand the negative impacts of these cuts. We need these folks to talk to legislators and the Governor about the unjust treatment that is the result of the budget cuts.

I AM TO BE THE PERSON WHO SPEAKS WITH ANY AND EVERY VICTIM WHO CONTACTS OUR OFFICE, UPSET ABOUT A DISMISSAL/DECLINATION.

No exceptions.

Today, a victim whose case was dismissed because of our budget cuts took to Facebook to air her opinions, yet three people in this office either spoke with the victim or knew about the victim's anger *before* the victim took to Facebook. You know how I learned about this victim's reaction to the dismissal? On Facebook. Where the victim decided to gas light me and this office. And who can blame the victim? I certainly don't. It is totally unacceptable that I learn on Facebook about something that happened in my office.

From this point forward, **I AM TO BE THE PERSON WHO SPEAKS WITH ANY AND EVERY VICTIM WHO CONTACTS OUR OFFICE, UPSET ABOUT A DISMISSAL/DECLINATION.**

--

Leigh Anne Grant Manlove
District Attorney

And another illustration:

From: Leigh Anne Grant Manlove
Sent: Tuesday, September 24, 2019 5:12 PM
To: DA Office
Subject: Press release on Weaver misdemeanor case
Attachments: .pdf Press release on Weaver misdemeanor case.pdf

Please be advised that if you are contacted by anyone -with the media regarding any issue relating to this office, or being prosecuted by this office, or an investigation that has been submitted to this office, you are not permitted to share any information of any kind with anyone, including the media.

[J] and [K] have done a terrific job of giving me every media inquiry - thank you.

I am reminding you that each one of you signed a confidentiality agreement - twice - and you are bound by it. If you violate your obligation to maintain confidentiality, you have committed the most grievous of breaches of trust. If you have friends who are reporters, and they ask you about anything related to the office, please shut them down. Refer them to me. I am the only person in this Agency who will speak publicly.

There are numerous reasons for these protocols, including that certain matters are protected under State law. Additionally, I am responsible under my rules of ethics for the conduct of everyone in this office.

Attached is the press release I issued on Andrew Weaver's misdemeanor case.
Leigh Anne

10. Weaver was released from jail because Manlove's office failed to present the papers necessary to hold him after his initial 72 hours in jail. The case attracted interest because shortly after his release, Weaver shot and killed two persons, injuring two 14-year-old boys. Manlove's office manager documented what happened:

09/24/2019: Leigh Anne emailed the office about her press release regarding Andrew Weaver. I visited with [J] about what transpired with the charging documents, since she was the legal assistant assigned to the case. [J] said she filed charging documents, but the Circuit Court kicked them back due to an error made by our office. [J] corrected the charging documents and placed them in the mail run area to go back to the court rather than walking the documents through to the court. There was a delay between when [J] placed the charging documents in the mail run area and when that stack was filed with the Court. Mr. Weaver was released from the jail because our office did not file corrected charging documents in a timely manner. I stressed the importance of expediting documents and physically walking everything through to the court herself rather than placing them in the mail run stack. I shared concern with [J] that what she shared with me wasn't consistent with the press release. [J] shared that she had visited with Leigh Anne about what had transpired prior to this press release.

11. The press release gave a plainly false account:

OFFICE OF THE DISTRICT ATTORNEY
FIRST JUDICIAL DISTRICT OF WYOMING

Laramie County Historic Courthouse
310 West 19th Street, Suite 200
Cheyenne, Wyoming 82001
Phone: (307) 633-4360
Fax: (307) 633-4369



LEIGH ANNE GRANT MANLOVE
District Attorney
First Judicial District of Wyoming

FOR IMMEDIATE RELEASE

September 24, 2019

CONTACT: Leigh Anne Grant Manlove, District Attorney

307.421.0766 | leighanne@da.co.laramie.wy.us

DA issues clarification statement regarding prosecution of Andrew Weaver

CHEYENNE, Wyo. – District Attorney for the First Judicial District of Wyoming, Leigh Anne Grant Manlove, issued a statement clarifying misinformation published by the *Wyoming Tribune Eagle* on September 20, 2019.

“Andrew Weaver was arrested on Sunday, September 8th and booked into the jail at 11:00AM,” Manlove said. “The next day, Monday, September 9th, the affidavit of probable cause – which is the document that permits us to charge an individual – was received by the office. Later that same day, Mr. Weaver was charged with one count of misdemeanor theft for unauthorized control or transfer of an interest in a Century Arms 9mm handgun, and one count of misdemeanor possession of methamphetamine,” Manlove said.

“The Circuit Court, which was closed that week, file-stamped the Information – which is the charging document – on Thursday, September 11th. You are charged with a crime when the DA files an Information, so Mr. Weaver was charged. Unfortunately, by then, Mr. Weaver had not made his Initial Appearance within 72 hours of his arrest, and he was released from the jail on Wednesday, September 11th at 12:03PM,” Manlove said. “The Circuit Court set his Initial Appearance for Monday, September 16th.”

“My grandmother always said, ‘Paper never refused ink,’ and I suppose the modern-day version is ‘The Internet never refused a post,’” Manlove said. “In this instance, it seems the media did not look at the court’s schedule or the file-stamped documents or even something as simple as the date on the Information, and as a result misleading and inaccurate information has been disseminated to our community, which is a disservice,” Manlove said.

Weaver was charged by Information, filed with the Court on September 18, 2019, with the September 16th murder of two people, attempted murder of a third victim, and aggravated assault and battery against two others.

The investigation of the September 16th crimes is ongoing and anyone with information is encouraged to contact the Cheyenne Police Department.

- END -

12. In response to Special Bar Counsel’s request that Manlove produce the Weaver press release and the District Attorney’s file on the case, Manlove produced only the press release.

The truth about what happened, as told in the office manager's contemporaneous note, came in the documents obtained by a Special Bar Counsel subpoena to the Attorney General.

13. Manlove's response to State budget restraints in 2020 was prejudicial to the administration of justice and included material misrepresentations. After some initial discussions, the State announced that starting August 1, 2020, all lawyers in the District Attorney's office must take one furlough day a month, a day off without pay. At that time, the office was fully staffed with eleven attorneys, including Manlove.

14. On September 14, 2020, Manlove told the State budget officers that the contemplated 10% budget cut would require one furlough day a month and that as a result:

[Our office] will no longer be able to staff treatment courts, or prosecute the vast majority of misdemeanors, most notably drug cases and first-offense DUIs. The office will not be able to prosecute traffic court, property crimes (including most felony property crimes), and CHINS (Children In Need of Supervision). There are administrative functions, like the preparation of Orders for the Courts, that the office will no longer be able to fulfill. In short, we will become a felony-only prosecutor's office; we will be able to continue to prosecute misdemeanor Domestic Violence cases because although our grant-funding for those cases has been cut, we can still make it happen.

Of course, if a first offense DUI is not prosecuted, there will never be a second offense for those individuals.

15. The budget cut was finally set by the State on September 17, 2020, at 6%. But on September 18, 2020, in a widely distributed letter to the courts and law enforcement officials, a similar reduction in service was announced with the false claim that each attorney must furlough two days a month, and other employees one day a month. Manlove wrote that these cuts, "will create the most serious public safety issue our community has faced in modern times." Over the weeks that followed, this letter was cited as the grounds to dismiss scores of cases.

16. The State announced on December 4, 2020, that all furlough days could end.

17. The real reason Manlove's office could not function was not furloughs, but employees quitting because of workplace conditions. Only one of the new lawyers hired in January of 2019 is still on the job. Eight lawyers and nine support staff resigned between April of 2019 and November 2020. Those interviewed by Special Bar Counsel uniformly cite Manlove's hostile and demeaning behavior as the reason they left their jobs.

18. On October 2, 2020, Manlove wrote that the budget cuts had created "chaos" in her office. There was chaos, but not because of the budget. Faced with similar cuts, the District Attorney in the Seventh Judicial District reports that service was modified only by an agreement with the City of Casper for police officers to write citations for City Court for offenses covered by the Casper City Code.

19. The chaos came in many forms. In accordance with the announcement that the prosecutions would be reduced, in October 2020, there was a sharp increase in dismissals of cases pending in District Court. The Clerk produced reports showing the dismissal of 75 cases between October 2019, and February 2020, and 132 cases between October 2020 and February 2021.

23. A review of files of cases dismissed in District Court between October 1, 2020, and January 19, 2021, is illustrative of the impact of Manlove's conduct on the administration of justice in Laramie County. Some were sent to Circuit Court on plea deals. Sixteen were dismissed on motions with the September 18 letter attached as the stated grounds. These were signed by Manlove. The charges included auto theft, embezzlement, drug possession and forgery.

20. Nearly 800 Circuit Court cases were dismissed outright between October 2020 and February 2021. Most of the dismissal motions in these cases had appended the September 18 letter. Many traffic citations were apparently dismissed before the date set for the offender to appear.

21. Motions to dismiss in four felony cases in District Court were filed on December 21, 2020, impressed with Manlove's signature stamp. In each of these cases a plea had been made and an agreed disposition was in progress. Manlove said the motions were filed in error.

22. In the September 18 letter, Manlove encouraged law enforcement officers to "shoulder the burden of prosecuting all non-priority offenses." It was her position that under Rule 101 of the Uniform Rules of District Courts, police officers could appear and act as prosecutors. There is no reasonably arguable basis for that contention.

23. Manlove actually proposed "putting Troopers into the courtroom." The Circuit Court judges told Manlove on October 2, 2020, that law enforcement officers could not appear and represent the State in criminal prosecutions. Nevertheless, the letter was repeatedly filed. Judge Campbell responded to the motions attaching the letter with an order striking it. Judge Sharpe said, "On numerous occasions and in various dockets, the Court has addressed the State's concern regarding the pandemic and the contents of the State's memo. This Court has previously entered orders striking the letter that the State routinely attached to its motion to dismiss as an improper and unnecessary exhibit."

24. Manlove refused to prosecute Game & Fish violations. She reiterated to the County Sheriff that her office would not prosecute misdemeanor offenses in the County as well as felony cases that were non-violent. Especially troubling to the Wyoming Highway Patrol was the refusal to prosecute certain traffic violations, convictions for which affect the right to hold commercial drivers' licenses.

25. In one case, Manlove sought to dismiss a DUI which was required by statute to be prosecuted. She used her office's resources to claim the statute was unconstitutional. That claim was briefed, argued, heard, and denied.

26. Manlove announced on a radio interview on October 31, 2020 that she would not prosecute violations of a Laramie County Health Officer Public Health Order because such a violation was not a crime. She said there were “thousands and thousands” of other kinds of cases that her office had very little ability to prosecute and that victims of such things as shoplifting and embezzlement could seek redress on their own in civil suits.

27. Manlove delayed seeking approval to fill vacant positions. She reports that positions became vacant on September 3, October 12, November 20 and two on December 11, 2020. Requests to fill those positions were made on November 30, 2020. The requests were granted on December 3.

28. The legal assistants in Manlove’s office are subject to the Fair Labor Standards Act (“FLSA”) and must be paid overtime. Some employees received some “comp” time, but only with Manlove’s consent. Such employees regularly worked overtime but were instructed to report only 40 hours per week. The office manager told them they should report their overtime, but they said they had been told by Manlove not to report it and said Manlove was more “scary” than the office manager. This unlawful practice subjects the State to exposure to claims of employees who worked overtime. The willful violation of the FSLA will result in civil and criminal penalties.

29. Manlove was requested by Special Bar Counsel to produce records of payment of any overtime to employees. The documents she produced do not evidence payment of any overtime.

30. On December 18, 2020, the Wyoming Supreme Court issued its opinion in the case of *Armajo v. State*, 478 P.3d 184 (Wyo. 2020). In that case, the Court held that Manlove had committed prosecutorial misconduct in a case she tried in September 2019 in which the defendant was charged with sexual assault of a minor. Following his conviction at trial, Armajo appealed

citing, among other arguments, prosecutorial misconduct by Manlove in closing argument. The Court held that Manlove had made improper, personal attacks on defense counsel and made a “patently improper” comparison of Armajo’s conduct with Catholic Church sex abuse scandals, but declined to reverse Armajo’s conviction because Manlove’s conduct was not severe nor pervasive enough to warrant a new trial.

31. On December 21, 2020, the four District Court Judges as well as the three Circuit Court Judges in Laramie County submitted an unprecedented report to the Wyoming State Bar Office of Bar Counsel (copy attached as Exhibit A). The letter began, “This is a letter we never wanted to write, but we are compelled to do so as a result of recent events. We have serious concerns about Ms. Manlove’s ability to fulfill her professional responsibilities and her responsibilities to this community.”

32. The judges’ four-page letter went on to detail Manlove’s apparent incompetence and lack of diligence in a number of areas encompassing personnel management and management of the District Attorney’s caseload which, taken together, “cause prejudice to the administration of justice in Laramie County.” Among the concerns expressed by the judges was Manlove’s improper and inappropriate filing of the letter detailing budget cuts as the reason for declining prosecutions, dismissal cases and other cuts in services by Manlove’s office.

33. The judges’ letter concluded, “We are also concerned for this community because it appears that there is a strong likelihood that Manlove’s continued tenure cannot provide our citizens with the representation in the District Attorney’s Office they deserve.”

34. As mentioned in their letter, the Laramie County judges found Manlove’s continued filing of the “budgetary constraints” letter particularly vexing (though they were apparently unaware that Manlove’s letter contained an outright misrepresentation about the number of

furlough days prosecutors were required to take each month). After being admonished that attaching the letter to motions to dismiss was improper, the text of the letter was pasted into the body of numerous motions to dismiss. This prompted Judge Sharpe to issue an Order to Show Cause demanding Manlove's appearance in court on November 23, 2020. That hearing opened with the following admonishment by Judge Sharpe:

[T]he Court had struggled with this, to be honest, Ms. Manlove. I have stricken, and I know other judges here have as well, the letter that is all too frequently attached to the State's motion [to dismiss].

It is this Court's humble opinion that the letter attached is an improper pleading and an improper exhibit. It goes well beyond the individual case to talk about budgetary issues and, quite frankly, what the Court looks to as political wrangling between the district attorney's office and the governor's office over budgetary matters.

Certainly I am sympathetic to your office with budget issues. We have them as well here. We'll certainly have to confront them, as have other state agencies and courts around the state.

But the Court has seen that letter as being inappropriate, which is why it was stricken. And now what we have in [this] case is what seems to me to kind of be a thumbing of the nose by the district attorney's office and a game-playing procedure where, instead of attaching the letter, you simply put those improper matters into the pleading itself.

The reason I say they're improper is because they talk about what I view as encouraging the unauthorized practice of law by law enforcement officers in circuit court that will have to handle and prosecute their own cases. It deals with CHINS cases and juvenile cases, which have absolutely nothing to do with [this] case. As I mentioned, I think it's an improper political statement that the district attorney's office is attempting to make.

I'm very disappointed that we're at where we're at in the status of our criminal cases. We have not had a jury trial since – I believe my last jury trial was in February of this year. So it would appear that there are available to the district attorney's office, if they're not trying cases, that can be applied towards prosecuting other matters and handling other matters.

And, quite frankly, that's the job of the district attorney's office is to enforce the law and to not pick and choose on a basis that they're not going to enforce the law as to certain matters. That's how the Court views this.

Manlove's excuse to Judge Sharpe, that she did not understand, is disingenuous.

35. On the afternoon of December 22, 2020, Bar Counsel emailed a copy of the judges' letter to Manlove. The following morning, Manlove sent a text to her office staff which stated in relevant part, "Also, the 'Declination Letter for Budget Reasons,' we can stop filing those with the circuit court and the law enforcement agency and the county attorney's office. I think everyone understands and it seems to be an annoyance to the recipients at this point." Manlove did not tell her staff about the judges' letter.

36. Manlove's ongoing incompetence and lack of diligence pose an immediate threat to public safety in Laramie County as demonstrated by Special Bar Counsel's investigation of two felony cases brought to the Office of Bar Counsel's attention by mothers of female victims of dangerous crimes perpetrated by men whose return to the community (without the period of incarceration their crimes warranted) was later endorsed by Manlove.

State of Wyoming v. Kyle Pandullo

37. Manlove's prosecution of Kyle Pandullo relates to a petition for order of protection filed June 15, 2020, by a victim of domestic violence at Pandullo's hands. On June 19, 2020, an *ex parte* order of protection was entered. The Petition was dismissed due to the victim's failure to appear at the hearing on the petition on June 19, 2020.

38. In a new petition that was filed July 13, 2020, the victim reported being kicked, punched and strangled and that Pandullo threatened the victim's family members. The same day, a criminal case was opened charging Pandullo with felony strangulation of a household member.

39. Pandullo was arrested and a 10% of \$15,000 bond set on July 24, 2020. His mother posted bond and he was released on conditions that included having no contact with the victim. Later, the mother wrote the Court requesting her money back and that the bond be revoked because

she thought her son was “trying to contact his victim. I don’t want to be responsible for his actions anymore.”

40. The State moved to revoke the bond. At Pandullo’s arraignment held October 26, 2020, at 1:30 p.m., Assistant District Attorney Caitlin Harper, the prosecutor to that point responsible for the case, told Judge Sharpe:

While Mr. Pandullo entered a denial today to having contact with the victim, he has been charged with five new counts of violation of a protection order that occurred prior to today. I will tell the Court when we’re talking about the willfulness of the defendant’s breach of conditions, between Saturday morning and 1:07 p.m. this afternoon, the defendant placed 68 calls to the victim. Many of those calls were answered.

It is disturbing to the State that the last call at 1:17 p.m. was Mr. Pandullo, and that’s today, Mr. Pandullo called his mother frantic because the victim had blocked his number from the jail; begging his mother, Amanda Pandullo, who is on the phone, to contact the victim and find out what was going on because Mr. Pandullo knew he had court today and was concerned that the victim was cooperating with the State.

41. Not only did Pandullo violate the terms of his bond by contacting the victim, following his discharge on bond, he beat and strangled her again. The investigating officer’s Probable Cause Affidavit for the new assault reads in part:

On the 19th day of November, 2020, at 1527 hrs, I was dispatched to the Cheyenne Public Safety Center reference a prior domestic violence which had taken place in the morning hours of 10-4-20 at an address within Laramie County.

I arrived and contacted [SG] (YOB-2001) who stated she had been living with Kyle Pandullo (YOB-2001) for about 18 to 24 months. [SG] stated she and Pandullo were in a verbal argument on 10-4-20 when Pandullo began punching, slapping, and hitting [SG]. [SG] said she began recording the incident with her cell phone.

Pandullo continued to hit and punch [SG] during the time she was recording the incident. [SG] stated Pandullo repeatedly strangled her causing her to lose consciousness for a short period of time. [SG] state she believed she was going to die during the incident.

[SG] said she had a hoarse voice and pain in her throat for several days after the incident. [SG] also stated she had bruises on her ribs and face from being struck by Pandullo during the incident. [SG] stated she feared for her life and was afraid she would not see her parents again.

[SG] provided a cell phone which she thought may have a recording of the incident. I listened to the recording and heard [SG]'s voice and the voice of a male subject who seemed to be Pandullo. In the recording [SG] was heard screaming and crying as Pandullo verbally berated her for starting the fight. Pandullo threatened to hit [SG] several times.

There were numerous sounds of someone being struck then [SG] crying or screaming. [SG]'s screaming was muffled several times followed by her crying, coughing and begging Pandullo to stop. [SG] accused Pandullo, on the recording, of choking her, strangling her, and trying to kill her. [SG] was heard pleading for her life several times during the recording.

Pandullo made the following statements, "You could breathe if you stopped", "you're gonna apologize the right way", "this is how angry I get", "you work for it, you aim for it", "you're mentally abusing me, you deserve it", "today's the first day I hit you first", "stop trying to move your arm", "stop screaming so loud", "I'm not getting off you till you fix your problems", "I will smack you in your stupid fucking mouth".

42. In a report the same officer wrote:

On 11-19-20 at about 1725 hours I, Officer Zabriskie, was dispatched to 415 W. 18th St. (The Cheyenne Public Safety Center) reference a prior domestic violence at 918 Montclair Dr. I arrived and contacted [SG] in the presence of her mother, [GB].

[SG] relayed the following information to me: [SG] had been dating and living with Kyle Pandullo for about 1.5 to 2 years. Kyle had been verbally and mentally abusive since the start of the relationship. The abuse became physical but [SG] did not report every incident. After being arrested for domestic violence, Kyle was the subject of a protection order but was repeatedly in contact with [SG]. On or about 10-4-20 around 1200 hours [SG] was with Kyle Pandullo at his grandfather, William Pandullo's house at 918 Montclair Dr.

At that time, Kyle was hitting, punching, slapping and verbally abusing [SG]. The abuse had been going on for about an hour, with [SG] trying to open windows and call for help when Kyle began recording her with a cell phone. Kyle continued verbally degrading [SG] and explained to the video why his actions were justified. [SG] interrupted and made a comment about Kyle's boyfriend at which point "he lost control". Kyle punched her in the face causing both eyes to bruise and swell, punched her in the ribs causing bruises and strangled her with his hands.

[SG] had difficulty breathing, lost consciousness for 5-10 seconds, and was afraid she would die. [SG] said, "I was afraid for my life" and she feared she would be unable to go home to her parents.

[SG] stated Kyle was arrested on 10-5-20, the day after the incident. [SG] said she had been admitted to the hospital for behavioral health and upon release was in better mental state and wanted to report the incident.

[SG] completed a written statement and the interview was recorded at the CPSC interview room. I requested the video be saved into CPD Property.

43. Then, with Pandullo's trial set for March 21, 2021 (and following Assistant District Attorney Harper's resignation in January 2021), Manlove took over the case in late January and promptly negotiated a dismissal of the felony strangulation for a misdemeanor plea in Circuit Court with one year of unsupervised probation. The conditions of the probation were no contact with the victim and complying with the recommendations of a Domestic Violence Assessment to be obtained within 30 days. The arrangement was that the plea and sentence would be submitted to the court on paper, but the victim was falsely told the sentencing would be some weeks following the plea.

44. A signed deal was ready for Judge Lee on February 2, 2020. He recognized Mr. Pandullo's counsel in the courtroom and asked for whom she was appearing. She told Judge Lee and explained the papers were ready for him to sign. Manlove was not present, but another attorney from Manlove's office told Judge Lee the victim's mother wanted to make a statement.

45. Judge Lee reset the matter for the next day, when the victim's mother and Manlove appeared. Judge Lee questioned Manlove about why she thought sentencing would be delayed when there was a completed deal. She said she didn't understand.

46. It is anomalous that an agreed sentence would be in place some weeks before the report of the Domestic Violence Assessment was due. To date, no Domestic Violence Assessment

has been filed. Upon his release, Pandullo promptly took up with his victim again, a fact that is known to Manlove, but at this time he has not been arrested and returned to jail.

47. When this deal was made, Manlove knew that a new strangulation event involving Pandullo was under investigation and that the evidence included video. With that knowledge it is inconceivable that this deal would be made – and Pandullo discharged from jail – without further investigation.

48. BPR No. 2020-005 is the matter number assigned to the complaint subsequently filed with the Office of Bar Counsel by the Pandullo victim’s mother.

State of Wyoming v. David Rutherford

49. Amid talk of pandemic-fueled budget cuts in September 2020, Manlove said they would “create the most serious public safety issue our community has faced in modern times.” A few days later, on September 30, 2020, Manlove wrote about David Rutherford, a violent offender, to one of the staff attorneys in her office:

In the future, when we have a violent (**see his other cases**) defendant who is expressly prohibited from using, possessing or owning a firearm and he is charged with Aggravated Burglary for STEALING A FIREARM that he appears in a video to be wearing in a holster and then ADMITS to stealing (see his PC Affidavit) AND he is under a bonded release for felony stalking...\$5,000 cash is a TOTALLY INSUFFICIENT bond.

Had I known that this would be the bond (and I don’t know what the State suggested but I sure hope it wasn’t \$5k) I would have appeared personally to recommend a \$50,000 cash only bond.

And BTW – DAVID RUTHERFORD is the charming fellow whose photo is posted at EVERY DOOR IN OUR OFFICE because he is a violent threat to every one of us, so it simply defies explanation that this is his bond.

PLEASE COME EXPLAIN THIS TO ME.

Leigh Anne Grant Manlove
District Attorney, First Judicial District Wyoming

50. Rutherford has an extensive history of encounters with the criminal justice system, including charges for felony theft, multiple auto thefts, aggravated assault, interference with a peace officer and child endangerment. He had a prior conviction for criminal entry. In late 2019, Rutherford racked up multiple charges, including criminal entry, felony stalking (a violation of his probation), and sexual exploitation of a child. He was arrested and put in jail in August 2019 and was released on bond September 19, 2019. He was arrested on September 30, 2019, for felony aggravated assault and felony burglary. While in jail, he was charged with taking contraband into jail as well as interference with a peace officer with resulting injury.

51. Manlove told one of his victims that Rutherford was very dangerous and that she was dedicated to getting him a long prison sentence. The crimes of which he was charged carry a maximum sentence of more than 100 years.

52. As trial approached, Manlove made a deal to put Rutherford on probation and release him from jail. On April 8, 2021, Rutherford appeared before Judge Froelicher to change his plea. Judge Froelicher approved his release with supervision by Probation and Parole. To date, Probation and Parole has declined and Rutherford remains in jail.

53. When asked by the mother of one of Rutherford's victims why she made a deal to release Rutherford from jail, Manlove said, "Because I can." The victim's mother promptly filed a complaint with the Office of Bar Counsel (BPR No. 2020-039).

54. Between Rutherford's arrest and his plea deal, there were only modest budget cuts, few if any criminal cases were tried, more than a thousand Circuit and District Court cases were dismissed, and, after a mass exodus of attorneys and staff from the office, too few employees were left in the office to get the work done. Presently, only one of the lawyers who started with Manlove in January 2019, is still on the job, and that lawyer is looking for a way out.

Alleged Rule Violations by Manlove

55. In the conduct set forth above, Manlove violated the following Rules of Professional Conduct:

- Manlove violated Rule 1.1 (duty of competence) by, among other things:
 - Purging the District Attorney’s Office of competent attorneys and staff on her first day in office
 - Failing to properly supervise her legal assistant
 - Engaging in abusive behavior toward lawyers and office staff to a degree that they resigned their positions
 - Exaggerating the impact of budget restraints and making drastic, unjustified reductions in the level of services provided by her office
 - Encouraging law enforcement officers to prosecute their cases without a lawyer
 - Directing wholesale dismissals of cases in a manner that jeopardized public safety
 - Appearing on live radio and announcing that her office would not be prosecuting a broad array of crimes
 - Failing to take prompt action to fill vacancies in her office
 - Directing staff not to report overtime, thereby violating the FLSA
- Manlove violated Rule 1.3 (duty of diligence) by, among other things:
 - Directing dismissals of cases because she was not prepared to go to trial
 - Filing improper motions to dismiss after she had been warned by judges to discontinue such filings
 - Failing to take prompt action to fill vacancies in her office
- Manlove violated Rule 3.3(a) (duty of candor to the tribunal) by misrepresenting the impact of budget constraints in motions to dismiss scores of cases
- Manlove violated Rule 3.4(c) (duty to follow rules of the tribunal) by failing to comply with judges’ direction to stop filing the “budgetary constraints” letter in support of motions to dismiss
- Manlove’s conduct as set forth above violated Rule 8.4(d), which provides, “It is professional misconduct for a lawyer to engage in conduct that is prejudicial to the administration of justice.”

WHEREFORE, the Wyoming State Bar requests that the Board of Professional Responsibility:

1. Conduct a formal disciplinary hearing into these allegations of violation of the Rules of Professional Conduct;

2. Directly impose or recommend that the Wyoming Supreme Court impose appropriate discipline upon Respondent;

3. Order Respondent to reimburse the Bar for all costs and expenses of prosecuting this matter and for the disciplinary proceeding; and

4. Grant such other relief as is just and proper.

NOTICE IS HEREBY GIVEN that the Wyoming State Bar intends to seek recovery from Respondent for all current and future costs of the disciplinary proceeding and investigation hereof. Such costs include all costs of discovery, copying and postage, fees for subpoenas, process, witnesses, and mileage, and all costs of hearing, including court reporting fees, preparing a full transcript of the hearing, and travel, lodging and meals for Bar Counsel, Board members and witnesses.

NOTICE IS FURTHER GIVEN that Respondent must file and serve an answer to this Formal Charge within 20 days after service of the Formal Charge, failing which a motion for default may be brought.

DATED this day 11th day of June, 2021.



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CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing was served upon Respondent this 14th day of June, 2021, by United States certified mail, return receipt requested and correctly addressed as follows:

D. Stephen Melchior
Melchior Law Firm, P.C.
2010 Warran Avenue
Cheyenne, WY 82001

and

Leigh Anne G. Manlove
310 West 19th Street, Suite 200
Cheyenne, WY 82001



Shannon Howshar
Assistant to Bar Counsel