



REPORT
OF THE
MARYLAND STATE PROSECUTOR

2019 - 2022

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Seal of the Office of the State Prosecutor



Motto of the Office of the State Prosecutor

The agency motto is “Quis Custodiet Ipsos Custodes?” The Latin phrase, roughly translated as “Who Will Guard the Guardians?”, is found in the work of the Roman poet Juvenal and is frequently quoted to highlight the challenging efforts of a society to hold accountable those who wield public power.

Mission & Vision

The Office of the State Prosecutor combats political corruption, official misconduct, election law violations, and other crimes throughout Maryland by conducting independent, professional, and timely investigations and prosecutions of alleged criminal offenses, partnering where appropriate with federal, state, and local partners, and leveraging the best available technical, legal, and human resources.

I. Foreword

The Maryland Office of the State Prosecutor (“OSP”) was formed by constitutional amendment and legislation in 1976 and began operation in January 1977. Responding to several contemporary political scandals, OSP was intended to restore public confidence in the integrity of state and local government institutions and the electoral process in Maryland by establishing an independent, politically neutral, law enforcement agency to investigate and prosecute allegations of corruption and misconduct involving public officials and employees, and potential violations of State of Maryland election, ethics, and campaign finance laws.

During the period of 2019 through 2022, OSP continued to target political corruption, official misconduct, and criminal threats to the electoral process throughout the State, proceeding independently or in concert with local, state, and federal partners. We have operated in a politically neutral, independent modality, while striving to be as transparent as possible to individual complainants, other law enforcement stakeholders, and the public at large. At the same time, we have initiated several significant improvements to our operating protocols, policies, and organizational structure, resulting in a more thorough and professional approach to the investigation and documentation of alleged offenses, and a more efficient and prioritized application of our severely limited resources to address emerging threats within the broad scope of our jurisdiction. Finally, we have engaged in legislative initiatives regarding necessary legal reforms to enhance our ability to successfully investigate and prosecute these types of crimes. Details of many of these efforts can be found below.

Of note, State Prosecutor Emmet C. Davitt retired on August 1, 2019, after a long and successful career of public service. I was deeply honored to be appointed as the fifth Maryland State Prosecutor by Governor Larry Hogan on November 7, 2019. I am indebted to Mr. Davitt and former Deputy State Prosecutor Kelly Madigan for their efforts to ensure a smooth transition, ensuring that the agency did not lose traction in any investigation or prosecution.

Charlton T. Howard III

II. Statutory Authority

The OSP was established by constitutional amendment and legislation in 1976 (Chapter 612, Acts of 1976, ratified Nov. 1976), and began operation in January 1977.

The State Prosecutor may investigate on his/her 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 offenses include: 1) State election law violations; 2) State public ethics law violations; 3) State bribery law violations involving public officials or employees; 4) misconduct in office by public officials or employees; and 5) 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.

If a violation of the criminal law has occurred and the State Prosecutor recommends prosecution, the agency makes a confidential report of its findings and recommendations 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 may immediately 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 the office's findings to the agency mentioned in paragraph one above that requested the investigation. The report is made available to the public if the subject of the investigation so requests.

In investigating and prosecuting cases within the agency's jurisdiction, the State Prosecutor has all the powers and duties of a State's Attorney.

The State Prosecutor is nominated by the State Prosecutor Selection and Disabilities Commission and appointed by the Governor for a term of six years and

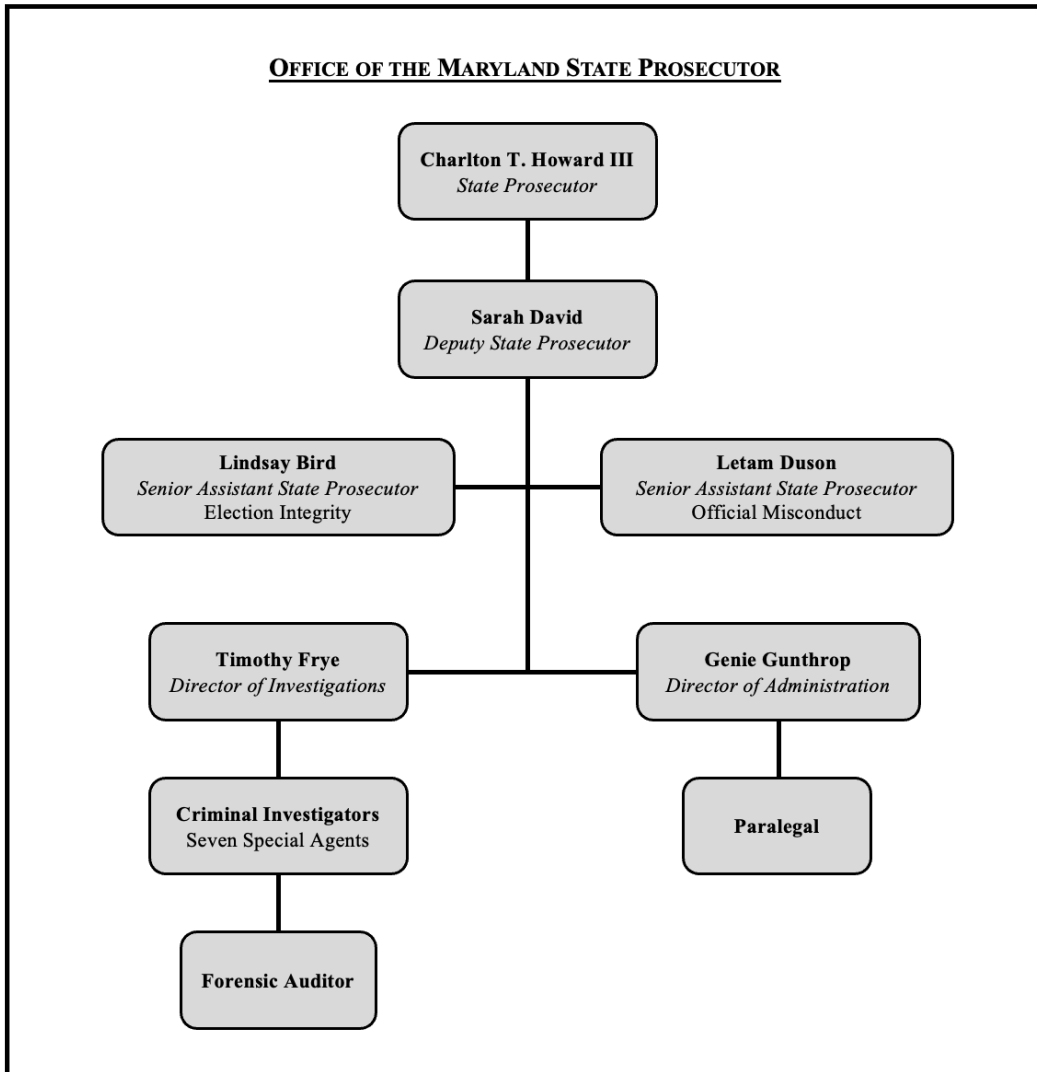
until his successor is appointed and qualifies. The State Prosecutor may be removed only for misconduct in office, persistent failure to perform the duties of the office, or conduct prejudicial to the proper administration of justice (*Criminal Procedure Article*, Sections 14-101 through 14-114, Annotated Code of Maryland).

III. Agency Leadership and Current Organization

OSP Structure

At the conclusion of the reporting period, OSP consisted of 13 permanent personnel: four attorneys (including the State Prosecutor), seven special agent/criminal investigators, one administrative manager, and one paralegal. OSP also employed one contractual part-time investigator and one contractual part-time forensic auditor, as well as a small number of law student interns on a periodic, part-time basis. All personnel are primarily assigned to the OSP office at 300 East Joppa Road, Suite 410, Towson, MD, though liberal telework is often employed to ensure flexibility of operational response. As the agency has state-wide jurisdiction, and consequently investigates and prosecutes cases throughout the state, OSP personnel often engage in extensive travel, and frequently expend significant resources to remain on site during the pendency of a case or court hearing.

The office is organized as indicated in the chart below:



OSP Leadership

Full Biographies of OSP senior leadership can be found in the appendix.

State Prosecutor.

Charlton T. Howard III was appointed as Maryland State Prosecutor by Governor Larry Hogan on November 7, 2019, charged with directing the investigation and prosecution of public corruption, official misconduct, election law violations, and other crimes throughout the state.

Deputy State Prosecutor.

Sarah David joined OSP in 2018 as a Senior Assistant State Prosecutor. She was promoted to Deputy State Prosecutor in January 2020. Ms. David oversees the agency's strategic partnerships, legislative agenda, and budget. She also manages a caseload of corruption and police misconduct cases.

Senior Assistant State Prosecutor, Election Integrity & Litigation.

Lindsay Bird joined OSP in 2019 and oversaw the investigation and prosecution of OSP's civil and criminal election law and campaign finance offenses, as well as handled corruption and misconduct matters. (Note: In November 2022, Ms. Bird resigned from the office to accept a position with the Federal Elections Commission. Abigail Ticse was appointed to the position of Assistant State Prosecutor in December 2022 and assumed Ms. Bird's duties.)

Senior Assistant State Prosecutor, Official Misconduct.

Letam Duson joined OSP in May 2021 and is responsible for litigating corruption and other official misconduct matters throughout the state.

Director of Investigations.

Timothy Frye joined OSP in 2013 and was appointed as Director of Investigations in 2017, responsible for overseeing all agency investigations, and coordinating joint efforts with counterpart local, state, and federal law enforcement organizations.

Director of Administration.

Genie Gunthrop joined OSP in 2007. As Director of Administration, Ms. Gunthrop managed administrative support and served as the agency's fiscal officer. (Note: Ms. Gunthrop left OSP in January 2023. Ruth Sweeney has since been appointed to the position of Director of Administration.)

IV. Agency Operations

During the period of 2019 through 2022, OSP continued to pursue an ever-increasing caseload of public corruption, official misconduct, and election/campaign finance law offenses with diligence and success. Several technical enhancements and operational improvements – including the adoption of an electronic case management system and sophisticated forensic accounting software, as well as the establishment of an automated complaint portal on the agency website – resulted in an increase in both the quantity and relevance of complaints and consequent investigations, as well as a greater rate of successful closures. In addition, sustained engagement with key law enforcement partners, particularly the Maryland State Police (MSP), the Federal Bureau of Investigation (FBI), the United States Attorney’s Office, and local State’s Attorney’s Offices, allowed OSP to leverage necessary investigative and legal resources.

Complaints are received via referral from the Governor, the Attorney General, the General Assembly, local State’s Attorneys, the State Board of Elections, the State Ethics Commission, other state or local agencies, or by the general public via personal contact or by the aforementioned complaint portal located on the OSP website. Complaints can also be initiated by OSP on its own initiative. All complaints are reviewed, assessed, and assigned by the agency leadership intake team. OSP employs a vertical prosecution model, where prosecutors and investigators partner from the very beginning of an investigation through any eventual prosecution or other resolution. All cases are tracked and documented in accordance with OSP policy utilizing an electronic case management system.

Cases are investigated either unilaterally by OSP personnel, or jointly by OSP personnel and other agencies, most often MSP or FBI. At the conclusion of an investigation eliciting evidence of a crime, a charging decision is made after appropriate coordination with the cognizant local State’s Attorney. OSP attorneys will then charge and prosecute the case in the appropriate state court and will also handle all subsequent appeals and post-conviction matters. If a joint OSP-FBI case is also prosecuted in Federal Court by the U.S. Attorney’s Office, OSP attorneys will often support the prosecution as designated Special Assistant United States Attorneys.

Election law violations that do not meet the threshold for criminal liability are handled administratively by OSP with the issuance of civil citations, which if contested, are adjudicated in the District Court of Maryland.

Details of agency investigations and prosecutions during the reporting period are provided in the charts below, followed by a selection of individual case highlights.

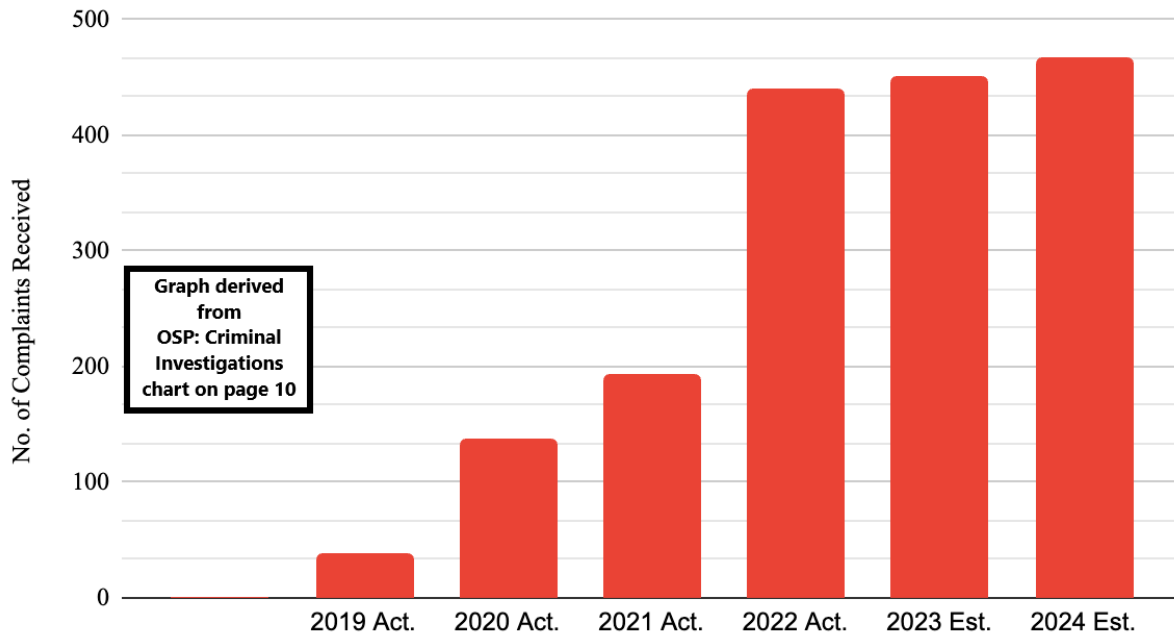
Operational Statistics

General Criminal Investigations:

OSP: Criminal Investigations Fiscal Year 2019 - Fiscal Year 2024 (est.)						
	2019 Act.	2020 Act.	2021 Act.	2022 Act.	2023 Est.	2024 Est.
Number of Complaints Received	36	136	192	439	450	465
Number of Investigations Opened	35	35	93	63	70	70
Cases Closed	33	14	120	171	175	180
Cases Charged	3	7	13	5	15	15
Conviction Rate	100%	100%	100%	60%	100%	100%
Post-Conviction & Appellate Litigation	N/A	5	12	12	14	14

General Criminal Complaints:

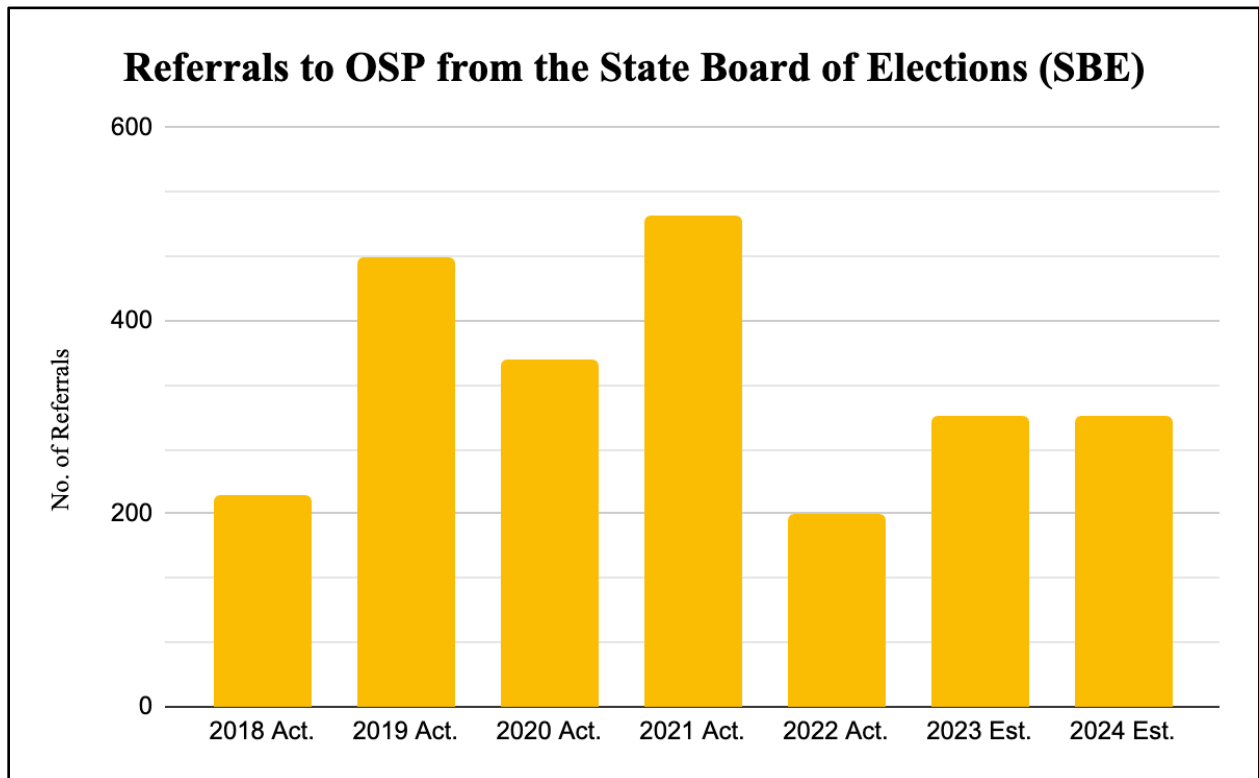
OSP Complaints Received 2019 - 2024



Note: The above chart depicts the significant rise of complaints received during the reporting period.

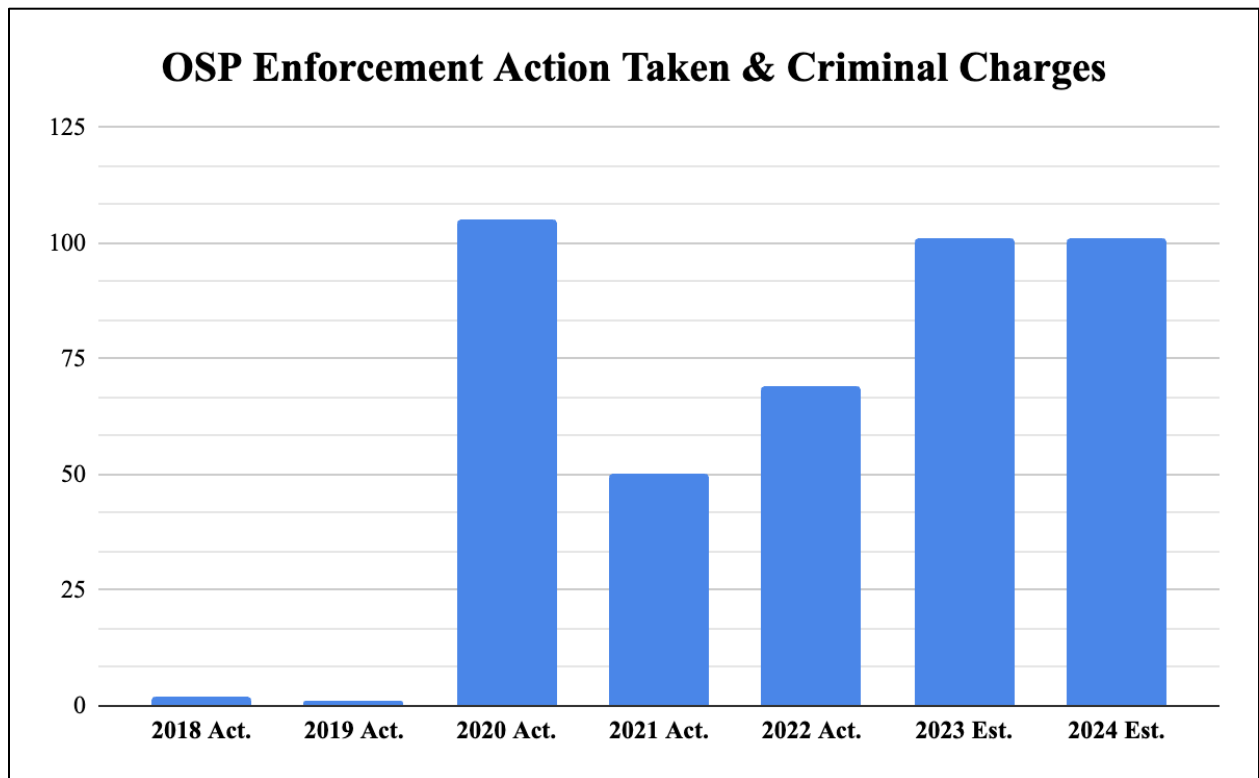
Election Law and Campaign Finance Complaints:

OSP: Election Law Enforcement Fiscal Year 2018 - Fiscal Year 2024 (est.)							
	2018 Act.	2019 Act.	2020 Act.	2021 Act.	2022 Act.	2023 Est.	2024 Est.
Number of Referrals	218	463	358	506	197	300	300
Enforcement Action Taken	N/A	N/A	105	49	68	100	100
Civil Penalties	N/A	N/A	\$24,680	\$128,391	\$133,405	\$140,000	\$145,000
Criminal Charges	2	1	0	1	1	1	1
Conviction Rate	100%	100%	100%	100%	100%	100%	100%



The rate of election law and campaign finance referrals, the majority of which originate with the State Board of Elections (SBE), tracks the federal and state election cycles. Delays in reporting are often caused by the challenges of collecting information from local boards of election and garnering essential financial data from a plethora of institutions. Given the past trends following hotly contested elections, and the technical and process improvements discussed above, OSP expects ever-increasing numbers of both referrals and enforcement actions during periods of heavy election activity in the upcoming fiscal years.

Response to Election Law & Campaign Finance Complaints:



Note: OSP did not record relevant statistics concerning overall election law enforcement actions prior to FY 2020.

OSP works closely with SBE to coordinate the processing and assessment of complaints to ensure OSP’s limited investigative and prosecutive resources are employed in the optimum manner to enforce the laws safeguarding the integrity of state and local elections. OSP enforcement actions include both civil and criminal

remedies, and in the first instance are most often geared to bring errant parties into compliance with the regulatory requirements, while at the same time identifying individual instances of criminal culpability meriting further investigation and litigation. Despite the cyclical reduction in referrals, OSP's focused engagement and coordination with SBE, and the agency technical and process improvements discussed above, have resulted in a greater quantity and quality of OSP enforcement actions over the past two years, a trend which is expected to continue.

V. Significant Public Corruption Prosecutions.

Catherine Pugh.

Ex-mayor of Baltimore, Catherine Pugh, was charged with perjury by OSP on December 18, 2019. Ms. Pugh resigned as mayor in May 2019 amidst allegations that she earned over \$800,000 dollars from a children's book series, *Healthy Holly*, that she self-published and sold to organizations around the city. A joint OSP – federal investigation surfaced evidence of numerous crimes associated with Pugh's *Healthy Holly* enterprise. Pugh was ultimately charged by OSP with perjury, alleging that she knowingly excluded her business relationship with Healthy Holly, LLC on her required state ethics forms when she was a Senator in the Maryland General Assembly. Pugh was also charged by the U.S. Attorney's Office in the District of Maryland with conspiracy to commit wire fraud, conspiracy to defraud the United States, and tax evasion. Pugh ultimately pleaded guilty in both federal and state court. Pugh was sentenced in federal court to three years in prison, followed by three years of supervised release, and ordered to pay \$411,948 in restitution, as well as forfeit property. Pugh was sentenced in the Circuit Court for Anne Arundel County to six months in prison for perjury.

Danean Cunningham.

On December 5, 2019, Danean Cunningham, a Business Manager for the Baltimore City School System, pleaded guilty in the Circuit Court for Baltimore City to one count of theft over \$1,000 and under \$10,000.

A joint investigation by OSP and the FBI revealed that between June 2017 and December 2018 Cunningham deposited monies totaling \$9,999 belonging to

the Baltimore City School System into her personal bank account. Cunningham was employed at the Baltimore City Mergenthaler Vocational Technical High School at the time of the theft.

Cunningham was sentenced to a three-year suspended sentence, three years of supervised probation, and ordered to pay \$9,999 in restitution.

Michael Petyo.

On November 13, 2019, Michael Petyo, former Chief of the Greensboro Police Department in Caroline County, Maryland, was charged by OSP with one count of misconduct in office for making misrepresentations and omissions in an Application for Certification for one of his police officers.

An Application for Certification is filed with the Maryland Police and Correctional Training Commission (MPCTC) to certify police officers throughout the State of Maryland. Officers must be certified to carry out their duties, and the certification process is an integral tool in ensuring that officers are properly screened and evaluated. The MPCTC receives thousands of applications for certification each year. It relies on the candor of the police agency heads who are required by law to truthfully disclose information about the applicant's character, reputation, behavior, and background.

Petyo, while serving as Greensboro Police Chief, submitted an Application of Certification on behalf of Thomas Webster to the Commission for certification as a Greensboro police officer. In his submission, Petyo made several intentional misrepresentations and omissions about Webster's background.

On January 17, 2020, Petyo pleaded guilty to misconduct in office and was sentenced to a period of two years' incarceration, all suspended, with three years of supervised probation. A subsequent post-conviction petition by Petyo alleging ineffective assistance by his defense counsel was denied by the court.

Eddie Martin.

On June 6, 2019, as the result of a joint investigation by OSP, the Prince George's County Police Department, and the FBI, District Heights Mayor Eddie Martin was charged with one count of misconduct in office as the result of his

involvement in a scheme to illegally procure class B explosives on behalf of an acquaintance.

Investigative efforts disclosed Martin signed a letter on the City of District Heights' letterhead authorizing the unlawful purchase of approximately \$50,000 worth of Class B and Class C fireworks from Wayne's World Fireworks and representing that these fireworks were to be used on behalf of the City of District Heights. Martin, however, was aware that the fireworks were not for the City of District Heights but were instead for an acquaintance who was not legally permitted to possess class B fireworks, which are regulated explosives.

Martin was convicted of misconduct in office after a two-day jury trial in the Circuit Court for Prince George's County. Martin was sentenced to five years' incarceration, with all but one weekend suspended, and five years of supervised probation. Martin was further ordered to pay \$22,252.50 in restitution to Wayne's World Fireworks, which was never paid for the purchase Martin authorized.

Jessup Correctional Facility.

On January 11, 2018, 18 defendants were indicted after a year-long joint investigation by OSP, MSP, and the Department of Public Safety and Correctional Services into corruption at the Jessup Correctional Facility located in Anne Arundel County, Maryland. Included among the defendants were two correctional officers, six inmates, and ten outside facilitators. The indictments included charges of conspiracy to distribute controlled dangerous substances, conspiracy to commit bribery, bribery, and smuggling contraband, mainly illegal narcotics and cellular phones, into Maryland correctional facilities. Both correctional officers were also charged with misconduct in office.

Defendants Tyrone Johnson, Kevin Cooper, Dante Bruce, Dwayne Gaffney, Jabraiyl Hale, and Duane Dundas, who were all incarcerated at the time of the conspiracy, each pleaded guilty in 2018 to their role in the conspiracy in exchange for sentences ranging from four years to 20 years of incarceration, all to run consecutive to their underlying sentences for which they were incarcerated.

Defendants Travis Johnson, Marquis Johnson, Kiana Littlejohn, Latoya Carmichael, Thelma Powers, Karisma Ashford, Seingwaeng Hammond, Donya Bruce, and Raeniece Board, all outside facilitators serving as intermediaries

between the correctional officers and the inmates, pleaded guilty in 2018 and received sentences ranging from three years to 12 years of incarceration, the majority suspended, and terms of probation.

In September 2018, Correctional Officer Warren Wright, was sentenced in Anne Arundel County Circuit Court after pleading guilty to bribery, conspiracy to distribute narcotics, and possession with intent to distribute cocaine. Wright was sentenced to 20 years' incarceration, with all suspended but three years, followed by five years of supervised probation. According to the Statement of Facts presented during his guilty plea, Wright admitted to accepting cash bribes of at least \$500 dollars per meeting to smuggle narcotics into the prison and had met with other members of the conspiracy at least 40 times over the course of the two-year conspiracy.

In January 2019, Correctional Officer Phillippe Jordan, was sentenced in Anne Arundel County Circuit Court after pleading guilty to bribery and conspiracy to commit bribery. The judge imposed a sentence of ten years, with all but three and a half years suspended, followed by five years of supervised probation upon Jordan's release. According to the Statement of Facts presented during his guilty plea, Jordan admitted to meeting with the sister of an inmate incarcerated at the Jessup Correctional Institution and receiving a \$2,000 bribe to smuggle heroin, suboxone strips, synthetic marijuana, tobacco, and nine cell telephones into the prison. Jordan was also charged in the Circuit Court for Baltimore County with 24 counts related to the possession of controlled dangerous substances (CDS) with the intent to distribute, possession with the intent to deliver contraband into the Jessup Correctional Facility, and firearm offenses. In March 2018, Jordan was sentenced to a three-year period of incarceration after previously pleading guilty to possession of CDS with the intent to distribute.

Kelvin Sewell.

On July 20, 2016, as the result of an OSP investigation, former Pocomoke City Police Chief Kelvin Sewell was charged in the Circuit Court for Worcester County with one count of conspiracy to commit misconduct in office and one count of misconduct in office. The charges alleged that, in November 2014, Sewell willfully interfered with the investigation of a motor vehicle accident by subordinate officers to benefit Douglas Matthews, a local correctional officer. Sewell elected a jury trial and was convicted of criminal misconduct in office on

December 1, 2016. Sewell was sentenced to a term of three years' incarceration, all suspended, three years of probation, and a fine of \$1,000. Sewell appealed his conviction to the Court of Special Appeals. The Court remanded the case to give Sewell the opportunity to call an expert witness.

On May 14, 2019, Sewell was re-tried for misconduct in office as it related to interfering with a traffic citation to benefit an acquaintance. The jury convicted Sewell and on July 9, 2019, he was sentenced to a term of three years' incarceration, suspended, and three years of probation. Sewell appealed his conviction to the Court of Special Appeals. The court denied all but one of Sewell's claims of error, remanding the case solely to allow the trial court to hold an evidentiary hearing regarding a claim of prosecutorial misconduct. Sewell ultimately declined the hearing and dismissed his claim, allowing the conviction to stand.

Maryland Department of Public Safety and Correctional Services Officers.

Two former State Correctional Officers and one State civilian employee pleaded guilty to misconduct in office and felony theft resulting from charges filed following a joint investigation by the OSP and the Maryland Department of Public Safety and Correctional Services (DPSCS).

The investigation found that State employee Shantil Carter conspired with DPSCS Correctional Officers Okezie Chidume and Gerald Leon Solomon, Jr., to falsify their "worked" hours, increasing their respective overall compensation by tens of thousands of dollars. Throughout the course of the scheme, Carter, in her capacity as a Fiscal Technician within DPSCS Finance Service Accounting Payroll and Audit Unit, illegally altered the timecards of the Correctional Officers, adding hundreds of hours that employees did not work, resulting in the Officers being paid for work they did not perform. In exchange for altering the time entries, the Correctional Officers made payments totaling several thousands of dollars to Carter. Officers Solomon and Chidume pleaded guilty on March 17, 2021 and May 5, 2021, respectively, with Carter pleading guilty on September 23, 2021. Carter was sentenced to a period of three years' incarceration, with all but 60 days suspended, followed by 18 months of supervised probation. Officers Solomon and Chidume were each sentenced to a period of ten years' incarceration, suspended, and three years' supervised probation. Additionally, Officer Solomon was ordered to pay \$26,696.49 in restitution.

Glenda Hodges.

Following a joint investigation conducted by OSP, the Department of Justice (DOJ) Office of the Inspector General, and the FBI, former non-profit Chief Executive Officer Glenda Hodges pleaded guilty to two counts of wire fraud in connection with the misuse of federal funds related to non-profit and for-profit entities that Hodges operated, and an additional count of fraud committed while Hodges was on pretrial release. According to Hodges' plea agreement, as CEO of Still I Rise Incorporated, a non-profit formed with the purpose of providing resources to minority survivors of domestic violence, sexual assault, and stalking, Hodges misused grants provided to the nonprofit by DOJ's Office of Violence Against Women (OVW) by converting the funds to her personal benefit. After having exhausted grant funding, Hodges admitted to fraudulently diverting at least \$295,060.48 in funds intended for OVW and targeted recipients. On October 25, 2021, Hodges was sentenced to two years in federal prison, followed by three years of supervised release.

Phillip Dupree.

As the result of an OSP investigation, on November 23, 2021, a Prince George's County Grand Jury indicted Fairmount Heights Police Officer Phillip Dupree on multiple charges of kidnapping, perjury, and misconduct in office. The charges allege that in August of 2019, Officer Dupree conducted an illegal traffic stop in Washington, D.C., handcuffing and arresting the driver, Mr. Sinclair. The charges further allege Officer Dupree used Oleoresin Capsicum (pepper) spray on Mr. Sinclair while he was handcuffed, and, after leaving the scene of the arrest, proceeded to take Mr. Sinclair to the Fairmount Heights Police Department, instead of the Department of Corrections as was required, and provided false information to the dispatcher. Subsequently, the indictment alleges that Officer Dupree included several misstatements in a Statement of Charges and Statement of Probable Cause relating to the arrest. Officer Dupree is currently pending trial. (All individuals who are charged with a criminal offense are presumed to be innocent.)

Andrew Bradshaw.

On November 15, 2021, OSP filed a criminal information charging Andrew Bradshaw, ex-mayor of Cambridge, Maryland, with 50 counts of distributing revenge porn in violation of Maryland's Revenge Porn Statute. Bradshaw subsequently resigned as Mayor and, on April 18, 2022, pleaded guilty to five counts of distributing revenge porn. According to the Statement of Facts accompanying the plea, the victim informed law enforcement that she had discovered nude photographs of herself posted to the public website reddit.com. The victim further informed law enforcement that she had taken the photographs, but had sent them to only one person, Bradshaw, during a romantic relationship that had since ended, and that they were posted without her knowledge or consent.

Bradshaw was sentenced to five years and five days of incarceration, all suspended, three years of supervised probation, and \$5,000 in fines. Bradshaw was further ordered to comply with several special conditions of probation, including paying restitution to the victim in the amount of \$750 and performing 100 hours of community service.

Alexandra Gilbreath.

On May 4, 2022, OSP filed a criminal information in the Circuit Court for Anne Arundel County, charging Alexandra Gilbreath, the Treasurer for the political committee "Team 30 Slate," with felony theft scheme, embezzlement, perjury, and failing to file campaign finance reports. The criminal information stated that between October 10, 2018 and January 2, 2019, Gilbreath transferred approximately \$4,321.21 from the "Team 30 Slate" bank account to her personal Venmo account, which she in turn used to pay for personal expenses. Additionally, the charges alleged that Gilbreath failed to report the Venmo transactions, cash withdrawals, and additional transactions on campaign finance reports, which were filed by her under the penalties of perjury.

On September 29, 2022, Gilbreath pleaded guilty to misdemeanor theft and was sentenced to probation before judgment. Gilbreath was also ordered to complete 100 hours of community service, and to pay restitution in the amount of \$4321.21.

Roy McGrath.

On October 5, 2021, OSP announced that a federal grand jury returned an indictment, and a state criminal information was filed, charging Roy C. McGrath of Naples, Florida, for allegedly fraudulently obtaining funds from Maryland Environmental Service (MES) corporation and illegally recording private conversations with senior Maryland state officials.

According to the six-count federal indictment filed in U.S. District Court and the 27-count criminal information filed in the Circuit Court for Anne Arundel County, on December 27, 2016, McGrath was appointed by the Governor of Maryland to serve as Executive Director of MES, a corporation owned by the State of Maryland. MES functioned as an independent state corporation which did not pay its employees according to the state government pay scale but did require its employees to comply with state travel regulations, annual leave policies, and policies regarding compensatory leave, and time and attendance reporting. McGrath resigned from MES as of May 31, 2020, to become the Governor's Chief of Staff effective June 1, 2020.

The federal and state charges allege that from March 2019 through December 2020, McGrath personally enriched himself by using his positions of trust as the Executive Director of MES and the Governor's Chief of Staff to cause MES to make payments to McGrath, or on his behalf, to which he was not entitled. Specifically, that McGrath: caused MES funds to be paid to a museum where he was a member of the Board of Directors instead of using his personal funds to pay his pledge to the museum; caused the MES Board of Directors to approve paying McGrath a \$233,647.23 severance payment—equal to one year's salary—upon his departure from MES by falsely telling them that the Governor was aware of and approved the payment; caused MES to pay tuition benefits for McGrath after he left MES by personally approving reimbursements for payments made by a subordinate employee on McGrath's behalf; and falsified his time sheets, reporting that he was at work while on two separate vacations in 2019.

The state criminal information also alleges that, during his tenure at MES and later as the Governor's Chief of Staff, McGrath illegally recorded private conversations involving senior State officials without their permission.

If convicted of the federal charges, McGrath faces a maximum sentence of 20 years in federal prison for each of four counts of wire fraud; and a maximum of

ten years in federal prison for each of two counts of embezzling funds from an organization receiving more than \$10,000 in federal benefits.

In the State case, McGrath faces a maximum penalty of any sentence that is not cruel or unusual for misconduct in office, and a maximum of five years in prison for felony theft, felony theft scheme, misappropriation, and for each violation of the Maryland wiretap statute. (All individuals who are charged with a criminal offense are presumed to be innocent.)

Adam Chaudry.

On September 29, 2022, a federal grand jury returned an indictment charging former Baltimore City Assistant State's Attorney Adam Chaudry with ten counts of fraud in connection with obtaining confidential phone records. An investigation conducted by OSP, later joined by the FBI, identified significant alleged misuse of the grand jury by Chaudry to obtain information about five individuals. According to the federal indictment, as well as the Statement of Facts in support of Chaudry's guilty plea in federal court, Chaudry maintained a romantic relationship with two individuals between May 2005 and January 2018 (Victim #1), and August 2017 and September 2020 (Victim #2), respectively. Between January 2019 and April 2021, Chaudry caused 33 grand jury and trial subpoenas to be issued for information related to Victim #1, in which the subpoenas fraudulently stated the information sought was "relevant and material to a legitimate law enforcement inquiry." At no point were any of the individuals a witness or target of any criminal investigation by the Baltimore City State's Attorney's Office (BSAO).

Chaudry similarly fraudulently caused a grand jury to issue subpoenas to three other individuals at different periods between February 2019 and February 2021 (Victims #3, #4, and #5). As was detailed in the indictment, Chaudry also asked BSAO investigators to run the name of Victim #2, who had served time at a detention center in Maryland in a case unrelated to BSAO, despite there being no grand jury investigation relating to the individual. Chaudry also allegedly used information attained through BSAO, such as Victim #1's home address, MVA information, and drivers' license photograph, to request information from a hotel about Victim #1 and Victim #3's previous stays at a hotel.

Chaudry pled guilty on December 9, 2022, in the U.S. District Court for the District of Maryland, and is scheduled to be sentenced on March 8, 2023. Chaudry faces a maximum sentence of ten years in federal prison for each count, with a possible five-year enhancement per count for stalking.

Maryland Department of Public Safety and Correctional Services.

Former Correctional Officers for the Maryland Department of Public Safety and Correctional Services Erica Byrd, Dephany McKnight, Syretta Saunders, and Sharonda Stokes pleaded guilty to felony theft and misconduct in office on June 10, 2021.

The correctional officers exploited a flaw in the timekeeping mobile application used to track their working hours, Workday, and claimed a vast number of additional hours that they did not work. Their fraudulent reporting resulted in a collective theft of more than \$380,000 from the State of Maryland.

On July 7, 2021, Byrd was sentenced to five years of incarceration, with all but 60 days suspended, and five years of probation. Byrd was additionally ordered to pay \$114,065.70 in restitution to the State of Maryland.

On July 28, 2021, Stokes and McKnight were sentenced. Stokes was sentenced to five years' incarceration, all suspended, and five years of probation. Additionally, he was ordered to pay \$74,790.95 in restitution to the State of Maryland. McKnight was sentenced to five years of incarceration, all suspended, and five years of probation. She was also ordered to pay \$28,652.43 in restitution.

Finally, Saunders was sentenced on August 11, 2021 to five years' incarceration, all suspended, and five years of probation. Saunders was additionally ordered to pay \$85,381.76 in restitution.

VI. Significant Election Law and Campaign Finance Violations.

OSP is responsible for the investigation and enforcement of numerous election laws, including allegations of failure to file required reports or pay required fees, authority line violations, double voting, voting by non-citizens, and over-contributions, among others. Many referrals come from the SBE. OSP works closely with SBE to ensure the election laws of Maryland.

Since OSP's inception, the number of referrals regarding election law violations has increased significantly during periods of heavy election activity (tracking the federal and state election cycles), as reflected in the tables above. While most cases where violations are sustained are resolved with compliance agreements and administrative penalties, some matters involving significant violations or recalcitrant defendants required criminal prosecution. Examples include:

Richard Parker.

On October 30, 2019, Richard Parker, a candidate for Baltimore City Sheriff in 2014, pleaded guilty to charges alleging he filed a campaign report with false and misleading information and signed an electronic submission for one of his campaign forms without the express consent from his treasurer. Parker was ultimately sentenced to one year of incarceration, suspended, three years of unsupervised probation, and 100 hours of community service.

Ivan Gonzalez.

Former Baltimore City Police Officer and Candidate for Mayor of Baltimore City, Ivan Gonzalez, pleaded guilty to perjury on August 20, 2021, as the result of an OSP investigation. According to the Statement of Facts accompanying the plea, Gonzalez falsely asserted on candidacy forms, under the penalties of perjury, that he met the residency requirement for Baltimore City Mayor. He certified that he lived in Baltimore City, but he actually resided in Baltimore County, making him ineligible for candidacy as Baltimore City's mayor.

Gonzalez was sentenced in the Circuit Court of Baltimore City to probation before judgment with three years of probation. Additionally, as part of the plea agreement, Gonzalez agreed to resign from the Baltimore City Police Department.

Lora Walters.

Former Deputy Director of the Cecil County Board of Elections, Lora Walters, pleaded guilty to misconduct in office on July 29, 2021. According to the Statement of Facts accompanying the plea, Walters, as part of her duties as Deputy Director, was tasked with collecting financial disclosure forms from candidates. Walters failed to collect a financial disclosure form from a candidate, but then, when later provided with a financial disclosure form, backdated the form to appear as if the form had been collected at the appropriate time. Additionally, Walters provided false information to election officials and to the court in a civil proceeding regarding her alterations of the document.

Walters was sentenced in the Circuit Court for Cecil County to probation before judgment with three years of supervised probation.

VII. Other Investigative Highlights.

Roger L. Harris Jr.

As the result of an OSP investigation, former Baltimore County Assistant State's Attorney, Roger L. Harris Jr., pleaded guilty on November 16, 2018, to stealing \$74,795.23 from clients.

After leaving the State's Attorney's office, Harris began a private law practice. According to the Statement of Facts accompanying the plea, Harris forged his clients' signatures on settlement checks and deposited the checks into his personal bank account. Additionally, he negotiated reduced medical costs for his clients, only to take the difference for his personal benefit. Finally, on several occasions, Harris took a larger percentage of his clients' settlement than what was due to him. The matter was referred to OSP by both the Office of the State's Attorney for Baltimore County and the Attorney Grievance Commission of Maryland.

Harris was sentenced in the Circuit Court for Baltimore County to two years' incarceration, all suspended, and three years of unsupervised probation. Furthermore, Harris was ordered to pay restitution, and was disbarred from the practice of law in the State of Maryland.

Floyd Briscoe Wright.

A former Maryland Department of Human Services employee and tax preparer, Floyd Briscoe Wright, pleaded guilty to a felony theft scheme and willfully filing false tax returns on February 1, 2019. According to the Statement of Facts accompanying the plea, Wright, while preparing returns, entered falsely adjusted gross incomes based on false and inflated business losses, false charitable contributions, fictitious businesses, and/or other false filings that minimized his clients' Maryland tax liabilities and increased their tax refunds.

On April 2, 2019, Wright was sentenced to five years' imprisonment, with all but 90 days suspended. Wright was also sentenced to three years of probation and was ordered to pay \$50,000 in restitution.

Edward M. Estes.

Edward Estes, former Mayor of Glen Arden, was charged in November 2020 by OSP with violating the Maryland Wiretap Statute and misconduct in office. Estes pleaded guilty to misconduct in office for illegally recording a private meeting among Estes and two others. On August 6, 2021, Estes was sentenced in the Circuit Court for Prince George's County to probation before judgment with two years of probation.

Elizabeth "Betsey" Gardner.

Former Baltimore City employee, Elizabeth "Betsey" Gardner, pleaded guilty to perjury on July 26, 2021. Gardner, who served as a Community Liaison for the City Council, admitted that she failed to disclose over \$15,000 in payments from several community organizations on her city financial disclosure forms. Gardner was sentenced to probation before judgment with three years of unsupervised probation.

VIII. Agency Budget

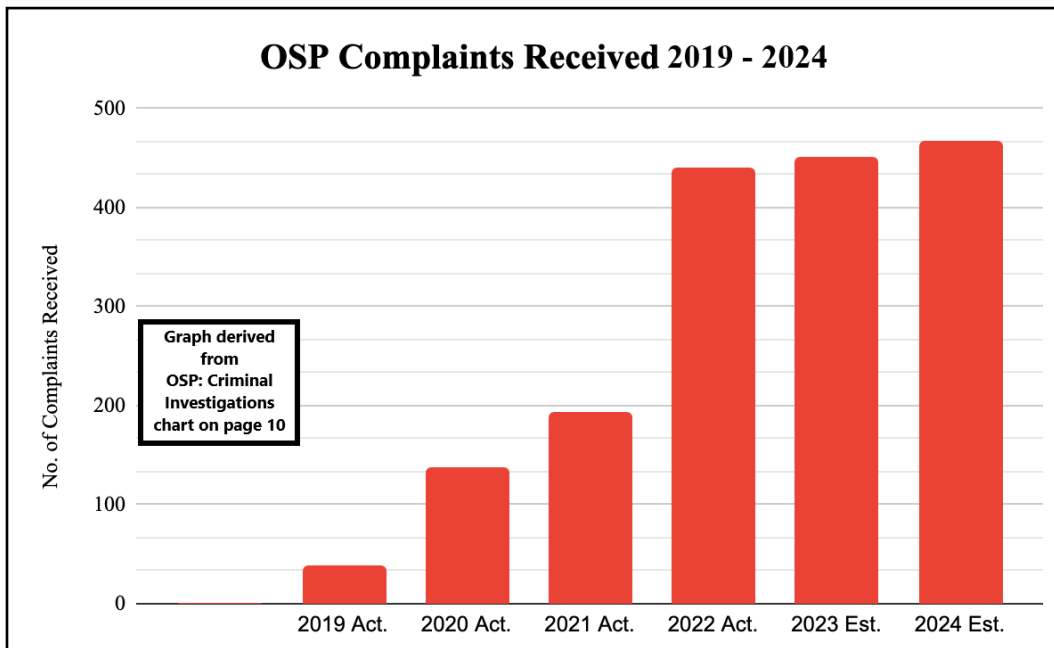
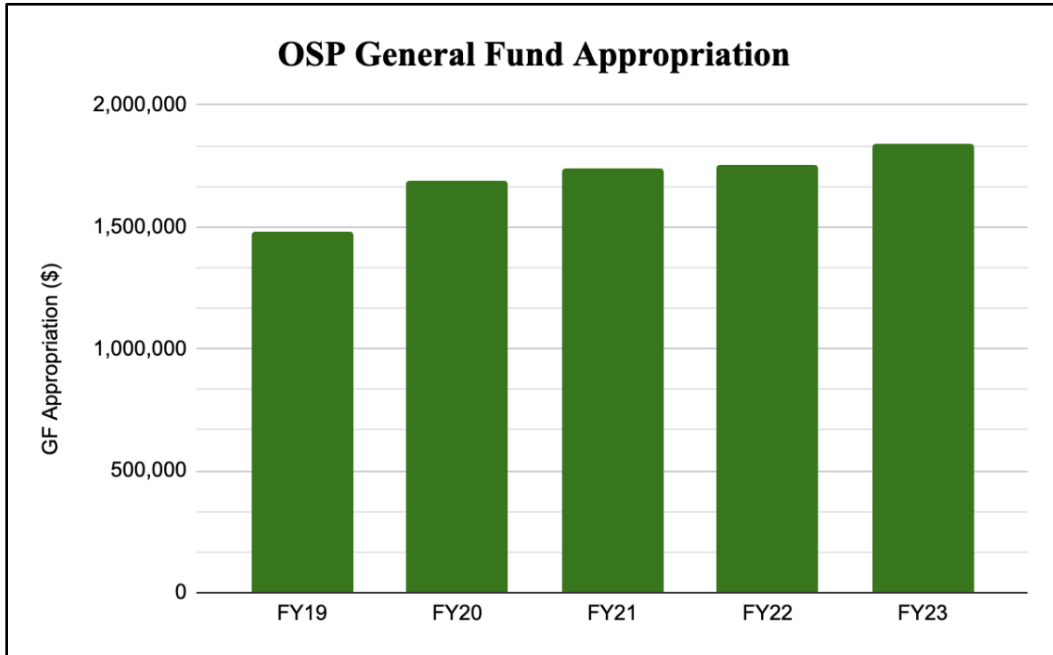
The below charts reflect the OSP budget during the reporting and immediately preceding periods. The subsequent charts display the rise in agency complaints compared to the budget allocation over the same reporting period, demonstrating that the increase in agency budget has not kept pace at the same rate as the rising number of cases. OSP anticipates future requests for additional resources to meet the continuing growth in mission requirements.

Agency Budget

	FY2015	FY2016	FY2017	FY2018	FY2019
FUNDS	(actual)	(actual)	(actual)	(actual)	(actual)
General	\$1,395,530	\$1,361,945	\$1,480,994	\$1,456,401	\$1,400,508
Federal					
Total Funds	\$1,395,530	\$1,361,945	\$1,480,994	\$1,456,401	\$1,400,508
Reimbursable					
STAFF					
Authorized	13	13	13	13	13
Contractual (FTE)	1				
Total Staff	14	13	13	13	13

	FY2020	FY2021	FY2022
FUNDS	(actual)	(actual)	(approp.)
General	\$1,714,610	\$1,717,166	\$1,753,765
Special			
Total Funds	\$1,714,610	\$1,717,166	\$1,753,765
Reimbursable			
STAFF			
Authorized	13	13	13
Contractual (FTE)			
Total Staff	13	13	13

Budget vs. Criminal Complaints



IX. Contacting the State Prosecutor

Mailing Address, Phone Number, and Email Address

Office of the State Prosecutor
300 East Joppa Road
Hampton Plaza, Suite 410
Towson, MD 21286-3152
Phone: 410.321.4067
Fax: 410.321.3851
Email: info.osp@maryland.gov

Social Media

The Office of the State Prosecutor shares information through its various social media outlets, to include Twitter (@OSP_MD), LinkedIn (Office of the Maryland State Prosecutor), Facebook (@OSPMD), and Instagram (osp_md).

How to File a Complaint

OSP has jurisdiction to investigate and prosecute violations of state law related to: 1) election law violations; 2) public ethics law violations; 3) bribery law violations involving public officials or employees; 4) misconduct in office by public officials or employees; and 5) extortion, perjury, or obstruction of justice related to any of the above.

Anyone may file a complaint with OSP. Our online complaint form on our website (osp.maryland.gov/file-a-complaint/) is the most efficient means to file a complaint. Information about the complainant can be provided, or complaints can be filed anonymously.

The information provided by complainants is handled according to OSP's internal policies and guidelines, and appropriate action is taken. It is OSP's general policy not to comment on the status or existence of any investigation unless and until it is charged criminally.

X. Appendices

Executive Biographies.

Charlton T. Howard III, Maryland State Prosecutor.

Charlton T. Howard III was appointed as Maryland State Prosecutor by Governor Larry Hogan on November 7, 2019.

A Maryland native, Mr. Howard was born in Baltimore and raised in Dundalk. He graduated from the U.S. Naval Academy in 1980 and served for five years as an intelligence officer in the U.S. Marine Corps. After leaving active duty, Mr. Howard attended the University of Maryland School of Law, where he was Editor in Chief of the Maryland Law Review, graduating with honors in 1988. He subsequently clerked for the Honorable Francis D. Murnaghan, Jr., U.S. Court of Appeals for the Fourth Circuit. In 1989, Mr. Howard was appointed as an Assistant State's Attorney (ASA) in Baltimore, prosecuting misdemeanor and felony crimes.

Continuing to serve as a reserve officer, Mr. Howard transferred from the Marine Corps to the Navy Reserve. In 1991, he was recalled to active duty for the Persian Gulf War and assigned as a counterintelligence agent with the Naval Criminal Investigative Service (NCIS). At the conclusion of the war, he accepted a civilian position as an NCIS Special Agent, conducting and managing criminal, counterintelligence, and terrorism investigations for the next 22 years in various locations throughout the world, including the U.S., Asia, Europe, South America, and the Middle East. His assignments included case agent for award-winning narcotics operations and homicide investigations in Southeast Asia; lead counterintelligence agent for the International Force East Timor; lead supervisor for the USS Cole Task Force; Assistant Special Agent in Charge, Central and South America; Chief, NCIS Counterintelligence and Terrorism Divisions; Chief of the Department of the Navy Multiple Threat Alert Center (MTAC); Special Agent in Charge, Washington Field Office; and Assistant Director/Law Enforcement Information Exchange (LInX) National Program Manager. In 2006, he served as the Director of the Multi-National Force Iraq Strategic Counterintelligence Directorate, the senior U.S. counterintelligence official in Iraq. In 2010, Mr. Howard was named NCIS Executive Assistant Director, and

concurrently head of all Navy Human Intelligence Operations. He ultimately retired from NCIS in 2013.

Mr. Howard then returned to the Baltimore City State's Attorney's Office as an ASA in the Major Investigations Unit. In 2015 he joined the Maryland Attorney General's Office, serving as an Assistant Attorney General overseeing the statewide child support enforcement program, until appointed to his current position.

Mr. Howard was named the NCIS Special Agent of the Year in 2000. His other awards include the Navy Superior Civilian Service Award, two Navy Meritorious Civilian Service Awards, the NCIS National Security Career Achievement Award, the Department of Defense Counterintelligence Award, the International Narcotics Enforcement Officers Association International Award of Honor, the Defense Meritorious Service Medal, the Joint Civilian Service Commendation Award, and numerous other law enforcement, intelligence community, and military commendations and service awards. Mr. Howard retired from the Navy Reserve in 2007 as a Navy Captain.

Sarah R. David, Deputy State Prosecutor

Ms. David joined the Maryland Office of the State Prosecutor in 2018 as a Senior Assistant State Prosecutor. She was promoted to Deputy State Prosecutor in January 2020. Ms. David oversees the agency's strategic partnerships, legislative agenda and budget, as well as a caseload of corruption and police misconduct cases.

Ms. David graduated *Phi Beta Kappa* from Johns Hopkins University in 2003 where she studied Political Science and Arabic. A 2006 Truman Scholar and a 2008 George J. Mitchell Scholar, Ms. David obtained a Master's Degree in Comparative Ethnic Conflict from Queens University in Belfast, Northern Ireland. Ms. David studied Arabic language in both Egypt and Morocco before working as an Intelligence Research Specialist in the New York City Police Department's (NYPD) Counterterrorism Division. During her time at the NYPD, Ms. David served as primary briefer to the Deputy Commissioner for Counterterrorism, a regional specialist in the Levant and Iraq, and was tasked to the Joint Terrorism Task Force for special case assignments.

Ms. David attended the Francis King Carey University of Maryland School of Law as a Leadership Scholar and graduated *cum laude* in 2013. After graduating from law school, Ms. David clerked for the Maryland Court of Special Appeals before serving as an Assistant State's Attorney in the Baltimore City State's Attorney's Office where, in addition to her general caseload, was specially assigned to high-profile, complex prosecutions. Ms. David left the State's Attorney's Office to serve as Chief of Staff to the Chairman of the Judicial Proceedings Committee in the Maryland State Senate, where she worked on legislation related to criminal, civil, family, and other areas of law.

Ms. David has been recognized in the community for her work in non-profits and professional organizations by the Maryland Bar Foundation as a Maryland Bar Fellow, as a graduate of the Maryland State Bar Association Leadership Academy, by the Associated Jewish Charities as a Fred Walpert Community Award Recipient, and by the Maryland Daily Record's Leading Women.

Lindsay Bird, Senior Assistant State Prosecutor, Election Integrity and Litigation

Ms. Bird oversaw the investigation and prosecution of the Office's civil and criminal election law offenses, as well as handled corruption and misconduct matters.

Ms. Bird graduated, *magna cum laude*, Order of the Coif, from the University of Maryland School of Law, where she served as an Associate Editor of the Maryland Law Review. During law school, Ms. Bird interned with the United States Department of Justice Civil Rights and participated in the Civil Rights of People with Disabilities Clinic.

Ms. Bird began her career post law school as an Assistant State's Attorney at the Baltimore City State's Attorney's Office, handling heavy dockets in district court before being promoted to the Major Investigations Unit, where she was responsible for developing and prosecuting felony cases in circuit court against violent repeat offenders. Ms. Bird handled the prosecution of multi-defendant conspiracies involving long-term undercover investigations and wiretaps.

Following her time at the State's Attorney's Office, Ms. Bird was a litigator at a private firm, where she managed a large case load of complex civil cases and engaged in frequent trial and motions practice.

Ms. Bird joined the Office of the State Prosecutor in 2019. (Note: In November 2022, Ms. Bird resigned from the office to accept a position with the Federal Election Commission.)

Letam Duson, Senior Assistant State Prosecutor, Official Misconduct

Ms. Duson joined the Maryland Office of the State Prosecutor in May 2021 and is responsible for litigating corruption and other official misconduct matters throughout the state.

A 2013 graduate of the University of Maryland Francis King Carey School of Law, Ms. Duson also graduated from the University of Maryland College Park in 2010 with a dual major in Government & Politics and Psychology.

During law school, Ms. Duson served as a Rule 16 Student Attorney for the Appellate and Post-Conviction Advocacy Clinic, where she prepared an appellate brief, reply brief, and delivered an oral argument on behalf of her client before the Maryland Court of Special Appeals. Ms. Duson also served as an Articles Editor on the *University of Maryland Law Journal of Race, Religion, Gender and Class* and was a member of the law school's National Trial Team. Ms. Duson was an intern to the Honorable Lynn Stewart Mays in the Circuit Court for Baltimore City, as well as an intern in the Howard County State's Attorney's Office. Ms. Duson was also a Rose Zetzer Fellow in the *Women, Leadership & Equality Program*, and was a recipient of the 2013 Litigation and Advocacy Award for her contributions to the school's achievements in intra and inter-school trial and appellate competitions.

Immediately after graduating law school, Ms. Duson clerked for the Honorable Broughton M. Earnest in the Circuit Court for Talbot County. Prior to joining the Maryland Office of the State Prosecutor, Ms. Duson was an Associate Attorney at Rollins, Smalkin, Richards & Mackie, LLC where she litigated complex auto tort, premises, and products liability cases. Prior to that, Ms. Duson was an Associate Attorney with a civil defense litigation firm in Baltimore City where she handled auto tort and complex premises liability cases involving toxic exposures. Ms. Duson also served as an Assistant State's Attorney in Baltimore City for four years, handling a variety of cases, ultimately concluding her tenure in the Violent Felony Division.

Ms. Duson is a member of several bar associations and organizations, including: The Maryland State Bar Association, the Alliance of Black Women Attorneys of Maryland, Inc., the Monumental City Bar Association, the Bar Association of Baltimore City, and the Lawyers Campaign Against Hunger. Ms. Duson is a recipient of the Daily Record Leadership in Law – Generation J.D. Award, a Maryland Bar Fellow, and a member of the Board of Directors for Civil Justice, Inc.

Timothy Frye, Director of Investigations

Mr. Frye has been with the Office of the State Prosecutor since 2013 and is a career criminal investigator with 35 years of state-wide law enforcement experience.

Amongst other duties, Mr. Frye is responsible for directing a staff of OSP special agents conducting criminal investigations of suspected public corruption, misconduct by public officials, violations of the election laws, and other crimes, as well as overseeing the review and processing of all complaints and referrals to the agency, and investigative support to ongoing OSP prosecutions. He also serves as the OSP liaison to the Maryland law enforcement community and leads the agency's information sharing and data collection efforts.

Prior to joining OSP, Mr. Frye served for 27 years with the Maryland State Police, including 20 years in the Criminal Investigation Division, where he had multiple roles as an investigator, supervisor, and commander. Mr. Frye's assignments included 13 years supporting the Maryland Attorney General's Criminal Investigation Division, eight years with the State's gun violence reduction/firearms efforts, and three years in the Homicide Unit.

Mr. Frye is a native Marylander and a graduate of the University of Maryland.

Maryland State Prosecutors

Gerald Glass 1977 - 1984

Stephen Montanarelli 1984 - 2004

Robert Rohrbaugh 2004 - 2010

Emmet C. Davitt 2010 - 2019

Charlton T. Howard III 2019 - Present