



WASHOE COUNTY

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STAFF REPORT

BOARD MEETING DATE: February 27, 2018

DATE: February 6, 2018

TO: Board of County Commissioners

FROM: Paul Lipparelli, Assistant District Attorney
337-5700, plipparelli@da.washoecounty.us

SUBJECT: Approve a Resolution Requesting the Assistance of the Attorney General in the Prosecution of Joshua B. Morton Due to a Potential Appearance of Impropriety and Other Matters Properly Related Thereto (All Commission Districts.)

SUMMARY

A request for Attorney General to serve as prosecutor because the Washoe County District Attorney's Office involvement cause a potential appearance of impropriety.

Strategic Objective supported by this item: Stewardship of our Community.

PREVIOUS ACTION

None.

BACKGROUND

The Washoe County District Attorney is responsible for the prosecution of certain criminal offenses which have occurred within Washoe County. Joshua B. Morton was arrested on or about February 1, 2018 and booked into the Washoe County jail on potential charges of burglary and uttering a false note or bill.

The Washoe County District Attorney employs a person who is within the second degree of consanguinity or affinity to Mr. Morton and the employee may also be related to a person who may be a victim of the crimes with which Mr. Morton may be charged.

It is essential in our judicial system that the decisions and conduct of the prosecutor remain free of any appearance of conflict of interest or impropriety. If the Washoe County District Attorney's Office proceeds with the prosecution of Joshua B. Morton there may be a suggestion of impropriety or conflict of interest arising from Mr. Morton's relationship to a Washoe County District Attorney's office employee or from the employee's relationship with a potential victim.

In these instances the District Attorney asks the Nevada Attorney General to take the case. The Attorney General charges Washoe County only for the out of pocket costs of such cases and does not charge for the time of the work of the Attorney General's Office.

AGENDA ITEM # _____

FISCAL IMPACT

Washoe County will be responsible to pay the expenses of the Nevada Attorney General in the prosecution of the case. The case is expected to be tried or otherwise resolved in Washoe County and is not expected to involve extensive travel or extraordinary costs. In the past these cases have resulted in no costs to Washoe County. The source of funds for any costs that are charged is the District Attorney's cost center 106100.

RECOMMENDATION

It is recommended the Board adopt the resolution requesting the assistance of the Attorney General in the prosecution of Joshua B. Morton due to a potential appearance of impropriety and other matters properly related thereto.

POSSIBLE MOTION

A possible motion would be:

"Move to adopt the resolution requesting the assistance of the Attorney General in the prosecution of Joshua B. Morton due to a potential appearance of impropriety and other matters properly related thereto"