

**RESOLUTION 2021 – 37
REQUEST FOR PROSECUTORIAL ASSISTANCE**

WHEREAS, the Lewis and Clark County Attorney has accepted an offer of prosecutorial assistance from the Office of the Montana State Auditor, Commissioner of Securities and Insurance, in the prosecution of *State of Montana vs. Mark Anthony Biegler*;

WHEREAS, it is desired and deemed appropriate that a Special Deputy County Attorney(s) be appointed to assist in handling prosecution issues in the aforementioned case;

WHEREAS, the previous Resolution in the aforementioned case (2020-111) no longer accurately describes the statutory basis for the appointment in the aforementioned case;

WHEREAS, Mont. Code Ann. § 7-4-2401 authorizes the County Attorney to appoint special counsel as may be necessary for the faithful and prompt discharge of the duties of the office; and,

WHEREAS, the Office of the Montana State Auditor, Commissioner of Securities and Insurance, is charged pursuant to Mont. Code Ann. § 30-10-107 with general supervision and control of securities fraud investigations and enforcement;


THEREFORE, BE IT RESOLVED, that the attorneys assigned to the Office of the Montana State Auditor, Commissioner of Securities and Insurance, and any attorneys retained by the Office of the Montana State Auditor, Commissioner of Securities and Insurance, are hereby appointed as a Special Deputy County Attorneys for Lewis and Clark County Attorneys for the purpose of assisting in the prosecution of the aforementioned case.

BE IT FURTHER RESOLVED, the Office of the Montana State Auditor, Commissioner of Securities and Insurance, shall charge the County no fee for attorney time provided by its attorneys. Witness fees and expenses, jury costs, and other normal costs associated with trial will be the County's responsibility as with all other prosecutions.

DATED this 25 day of May, 2021.



LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS


Andy Hunthausen, Chair

ATTEST:


Amy Reeves, Clerk of the Board

