

STATE OF * IN THE
MARYLAND * CIRCUIT COURT
V. * FOR
JOHN R. LEOPOLD * ANNE ARUNDEL
* COUNTY

INDICTMENT

The Grand Jurors for the State of Maryland for Anne Arundel County do on their oath present:

GENERAL ALLEGATIONS

1. In 2006, John R. Leopold (hereinafter “Leopold”) successfully ran for County Executive of Anne Arundel County, Maryland and was sworn into office for his first term on or about December 4, 2006.
2. Leopold was re-elected to a second term as County Executive on or about November 2, 2010 and sworn in on or about December 6, 2010.
3. As Anne Arundel County Executive, Leopold is afforded Executive Protection security and escort, provided by sworn Anne Arundel County Police officers.
4. The County Executive is the Chief Executive and Administrative Officer of the County, charged with devoting his full time and duties to the office of the County Executive. Leopold serves as a fiduciary and is deemed responsible for the proper and efficient administration of the finances, business and affairs of the County.

Misuse of Executive Protection Officers for Political and Campaign Activities

Campaign Signs

5. On or about June 25, 2010 Leopold filed for candidacy seeking re-election to a second term as Anne Arundel County Executive.
6. From on or about June 26, 2010 through November 2, 2010 (hereinafter “the 2010 campaign season”), Leopold was campaigning for re-election in addition to serving as the County Executive.
7. On or about July 9, 2010, Erik Robey, Leopold’s Assistant Chief Administrative Officer (hereinafter “Robey”), picked up approximately 1,000 campaign signs,

ordered by the John Leopold Campaign Committee, from an Annapolis area printing company and delivered them to Leopold's Pasadena home.

8. Leopold directed on-duty executive protection officers (hereinafter "EPOs") to go to his home to unload the campaign signs into his basement and subsequently to distribute campaign signs to County Executive staff, for placement throughout the county. Leopold was not present for these tasks, instead provided his house key to the EPOs to facilitate these tasks.
9. During the 2010 campaign season, Leopold required the EPOs assigned to him during the week, to place, replace and check on his campaign signs at various locations throughout the county, while on duty. The EPOs would perform this task regularly on weekdays for approximately two to three hours each morning, when not escorting Leopold to events.
10. Leopold generally was not present with the EPOs during the performance of these tasks.
11. The EPOs' regular hourly pay rate from County monies is approximately \$40.00 per hour.
12. EPOs, working overtime on weekends, were also tasked with placing campaign signs, on occasion, up to six to eight hours a day.
13. EPOs working on weekends earned overtime pay of approximately \$60.00 per hour from County monies.
14. The EPOs, on several occasions, reported their concerns regarding Leopold directing them to conduct campaign activity to their superiors in the police department, to include Chief James Teare, Sr., but no effective action was taken by the Chief.
15. On or about the last week of July, 2010, an EPO also reported to Robey their concerns regarding the use of the EPOs to place, replace and check on Leopold's campaign signs while on duty.
16. Notwithstanding their reporting of these concerns, Leopold continued to require the EPOs to engage in campaign activity while on duty.
17. The John Leopold Campaign Committee reported on its campaign finance filings, balances over \$500,000.00 throughout the 2010 campaign season.
18. In summer 2010, Robey suggested to Leopold that the John Leopold campaign committee expend campaign funds of approximately \$2,000.00 to pay persons to be hired by the campaign to place campaign signs. Leopold refused.

19. After the 2010 election was over, Leopold further directed the on-duty EPOs to retrieve all Leopold campaign signs and return undamaged ones to his home. On-duty EPOs did so regularly on weekdays for approximately two to three hours per morning after the election, for approximately two weeks.

Other Political Activity

20. On or about Saturday, June 26, 2010, Leopold held a small fundraiser at a private residence, where he announced his candidacy for re-election.
21. Leopold directed that a second, additional EPO be present at this event in order to collect campaign donation checks. This second, additional EPO was paid approximately \$385.00 in overtime pay from County monies, for working at the fundraising event that day.
22. Between on or about June 21, 2010, and on or about October 22, 2010, Leopold directed on-duty EPOs to respond to locations both in- and out-of-county to pick up campaign contribution checks for him, during the course of their regular work day.
23. At Leopold's direction, EPOs were regularly required to take campaign contribution checks to the bank to deposit. Leopold was not present for these banking transactions.
24. Leopold directed on-duty executive protection officers to create dossiers on persons he viewed as political challengers, including but not limited to, Joanna Conti and Carl Snowden. The EPOs did not consider these people to be security risks.

Theft of Opponent's Campaign Signs

25. Joanna Conti announced her candidacy for Anne Arundel County Executive on or about March 23, 2010.
26. On or about late August, 2010 to early September, 2010, while being driven by an EPO, Leopold unexpectedly directed the EPO to pull the car over on Jumpers Hole Road near Customs Way, where a Joanna Conti campaign sign was located. Leopold then exited the vehicle, pulled the Joanna Conti campaign sign out of the ground and threw it down a ravine. This rendered the sign useless as an advertisement to passing potential voters.
27. The EPO had no prior knowledge that Leopold was going to remove and dispose of the Joanna Conti campaign sign.
28. On January 18, 2012, Special Agent John Poliks, of the Office of the State Prosecutor, was directed by EPOs, to the location of the ravine where Leopold

threw the sign. Special Agent Poliks recovered the damaged Joanna Conti campaign sign.

29. On or about mid-September, 2010 to mid October, 2010 while being driven by a different, second EPO, Leopold again unexpectedly directed the EPO to pull the car over on Jumpers Hole Road near the East-West Boulevard where another Joanna Conti campaign sign was located. Leopold then exited the vehicle, pulled the Joanna Conti campaign sign out of the ground, climbed up a hill and threw the sign into the woods. This rendered the sign useless as an advertisement to passing potential voters.
30. Similarly, this second EPO had no prior knowledge that Leopold was going to remove and dispose of the Joanna Conti campaign sign.
31. On or about October 31, 2010 Leopold directed a third EPO who was on-call working weekend duty to pick him up at approximately 5:45a.m.
32. Upon being picked up, Leopold directed the EPO to drive to a specific location on Fort Smallwood Road in the vicinity of Marley Neck Road where a Joanna Conti campaign sign was present.
33. Leopold exited the vehicle, pulled the Joanna Conti campaign sign from the ground and threw it down a ravine into the woods, rendering it useless as an advertisement to passing potential voters.
34. Leopold then directed the EPO to three additional locations, exited the vehicle at each location and pulled Joanna Conti campaign signs out of the ground. Leopold laid the signs down flat on the ground rendering each useless as an advertisement to passing potential voters.
35. By the time Leopold had pulled up the fourth Joanna Conti sign that morning, it was approximately 6:40a.m.
36. Sunrise on October 31, 2010 was 7:33a.m., according to the United States Naval Observatory Astronomical Applications Department website.
37. Again, this third EPO had no prior knowledge that Leopold was going to remove and dispose of the Joanna Conti campaign signs.

Misuse of County Employees for Personal Purposes

38. Leopold has an Appointments Coordinator whose duties include scheduling and maintaining his official calendar, answering calls and coordinating with the EPOs.

39. The appointments coordinator is a county employee who is appointed by and serves at the pleasure of the County Executive. Leopold appointed an appointments coordinator upon taking office on or about December 2006. She continued in that position until on or about May 13, 2011.
40. In addition to scheduling Leopold's county affairs and appointments, Leopold directed the appointments coordinator to handle many personal tasks during regular workday hours.
41. At all times pertinent, Leopold was in a long-term relationship with a woman named Jane Miller, of Stoney Beach, Anne Arundel County (hereinafter "Miller"); Leopold lives with Miller at her residence.
42. At all times pertinent, Leopold also engaged in an intimate relationship with Constance Casalena (hereinafter "Casalena"), a former employee of the County Executive's office, who was transferred to, and currently works for, the Recreation and Parks Department.
43. Leopold has repeatedly directed both the appointments coordinator and the EPOs to aid in his attempt to prevent Miller from learning about his relationship with Casalena.
44. The appointments coordinator was often directed to ascertain whether Casalena would be attending county Recreation and Parks events Leopold was attending. If Casalena was expected to attend, Leopold often directed that a second EPO be on duty for the purpose of concealing his relationship with Casalena from Miller.
45. Leopold required the EPOs to allow him (Leopold) to use their personal cell phones to communicate with Casalena, again, for the purpose of concealing the relationship.
46. Leopold required the appointments coordinator to call Casalena to instruct her not to call him at Miller's residence, for the purpose of concealing their relationship.
47. Leopold often required the on-duty EPOs to drive him to meet Casalena in parking lots of Annapolis area businesses, during the course of the regular work day.
48. Upon Casalena's arrival, Leopold entered her vehicle and directed the EPO to remain in the same parking lot, but at some distance away, while he and Casalena engaged in sexual activity.
49. Such meetings lasted 45 minutes or longer. Upon returning to the EPO's car, Leopold, at times, commented to them in graphic language about his sexual encounter.
50. Such parking lot meetings occurred as much as two to three times each week during

the second half of 2010.

51. Leopold frequently required on-duty EPOs to do menial personal errands for him, including but not limited to doing his personal banking, picking up and delivering newspapers to his home on weekends, picking up and delivering take-out dinners to his home, and purchasing and delivering personal gifts from Leopold to others.
52. Leopold had back surgery in February and July of 2010. He was hospitalized for several days both times.
53. Leopold instructed the appointments coordinator and the EPOs that Casalena was not to be allowed to visit him in the hospital, in order to conceal his relationship with her from Miller. Leopold also directed the EPOs to instruct hospital staff that Casalena was not to be permitted to see him.
54. Casalena attempted to visit on or about February 26, 2010. Hospital staff refused her visitation, as directed.
55. Immediately thereafter, Leopold directed that a second, additional EPO be on duty at the hospital during visiting hours, to further attempt to conceal his relationship with Casalena from Miller, for the remainder of his February 2010 hospitalization, as well as his entire July 2010 hospitalization.
56. The EPOs did not consider Casalena to be a security risk to Leopold.
57. Anne Arundel Medical Center had its own security force to escort unwanted persons from the hospital when necessary.
58. The EPOs that Leopold required to be on duty, for the purpose of concealing his relationship with Casalena from Miller, worked over 170 hours of overtime during his two hospitalizations, costing the County more than \$10,000.00 in overtime pay.
59. For months after being discharged from the hospital after his February 2010 surgery, Leopold required a urinary catheter.
60. The urinary catheter had a collection bag, secured to his ankle, which periodically required emptying.
61. When being shown by hospital staff how the urinary catheter and collection bag worked, Leopold required the EPOs to be present so to be instructed as to how to empty his urine.
62. Upon discharge from the hospital, Leopold required the EPOs to empty his urinary catheter bag as needed. When in the County Executive's office, during the course of the regular business day, Leopold required the appointments coordinator to empty his urinary catheter bag as needed.

COUNT ONE—MISCONDUCT IN OFFICE
**Misfeasance—Misuse of Executive Protection Officers for Political
and Campaign Activities**

63. The allegations contained in paragraphs 1-24 are re-alleged and incorporated herein by reference as if set forth in full.
64. At all times pertinent, JOHN R. LEOPOLD was a sworn public official, serving as the County Executive of Anne Arundel County, Maryland.
65. Between on or about June 25, 2010 and continuing to on or about November 16, 2010, at Anne Arundel County, Maryland, JOHN R. LEOPOLD, did, corruptly and in violation and perversion of his duties as the duly sworn County Executive of Anne Arundel County, to uphold, enforce and obey the laws of Anne Arundel County and the State of Maryland, commit misfeasance in office by knowingly, willfully and intentionally requiring, under the color of office, that Anne Arundel County employees, specifically, executive protection detail officers assigned to protect him, perform political and campaign activities and tasks while on duty and being paid by county monies, in violation of the common law and against the peace, government and dignity of the State.
Common Law

COUNT TWO—MISCONDUCT IN OFFICE
Malfesance—Theft of Joanna Conti's Campaign Signs

66. The allegations contained in paragraphs 1-4 and 25-37 are re-alleged and incorporated herein by reference as if set forth in full.
67. At all times pertinent, JOHN R. LEOPOLD was a sworn public official, serving as the County Executive of Anne Arundel County, Maryland.
68. Between on or about late-August 2010, and continuing to on or about October 31, 2010, at Anne Arundel County, Maryland, JOHN R. LEOPOLD, did, corruptly and in violation and perversion of his duties as the duly sworn County Executive of Anne Arundel County, to uphold, enforce and obey the laws of Anne Arundel County and the State of Maryland, commit malfesance in office by knowingly, willfully and intentionally stealing campaign signs, the personal property of the Joanna Conti campaign committee, by willfully and knowingly concealing and abandoning Joanna Conti campaign signs in a manner that deprived the Joanna Conti campaign committee of the signs, in violation of the common law and against the peace, government and dignity of the State.

Common Law

COUNT THREE—MISCONDUCT IN OFFICE

Misfeasance—Misuse of County Employees for Personal Purposes

69. The allegations contained in paragraphs 1-4 and 38-62 are re-alleged and incorporated herein by reference as if set forth in full.
70. At all times pertinent, JOHN R. LEOPOLD was a sworn public official, serving as the County Executive of Anne Arundel County.
71. Between on or about February 17, 2010 and continuing to on or about May 15, 2011, at Anne Arundel County, Maryland, JOHN R. LEOPOLD, did, corruptly and in violation and perversion of his duties as the duly sworn County Executive of Anne Arundel County, to uphold, enforce and obey the laws of Anne Arundel County and the State of Maryland, commit misfeasance in office by knowingly, willfully and intentionally requiring, under the color of office and for his personal purposes, Anne Arundel County employees, perform tasks and activities for his personal purposes and not for County purposes during the course of their regular work day and while being paid by county monies, in violation of the common law and against the peace, government and dignity of the State.

Common Law

COUNT FOUR—MISCONDUCT IN OFFICE

Malfeasance—Misuse of County Monies for Personal Benefit

72. The allegations contained in paragraphs 1-4, 41-42, and 52-58 are re-alleged and incorporated herein by reference as if set forth in full.
73. At all times pertinent, JOHN R. LEOPOLD was a sworn public official, serving as the County Executive of Anne Arundel County.
74. Between on or about February 26, 2010 and continuing to on or about July 18, 2010, at Anne Arundel County, Maryland, JOHN R. LEOPOLD, did, corruptly and in violation and perversion of his duties as the duly sworn County Executive of Anne Arundel County, to uphold, enforce and obey the laws of Anne Arundel County and the State of Maryland, commit malfeasance in office by knowingly, willfully and intentionally, misappropriating monies belonging to Anne Arundel County and its citizens, while serving in a fiduciary capacity to Anne Arundel County and its citizens, by causing county monies to be utilized to pay executive protection officers over \$10,000.00 in overtime pay for his own use and benefit, in an attempt to conceal a personal relationship, in violation of the common law and

against the peace, government and dignity of the State.
Common Law

COUNT FIVE—FRAUDULENT MISAPPROPRIATION BY FIDUCIARY
Misuse of County Monies for Personal Benefit

75. The allegations contained in paragraphs 1-4, 41-42, and 52-58 are re-alleged and incorporated herein by reference as if set forth in full.
76. At all times pertinent, JOHN R. LEOPOLD was a public official, serving as the County Executive of Anne Arundel County.
77. Between on or about February 26, 2010 and continuing to on or about July 18, 2010, at Anne Arundel County, Maryland, JOHN R. LEOPOLD, as the County Executive for Anne Arundel County and serving in a fiduciary capacity for and on behalf of Anne Arundel County and its citizens, did, fraudulently and willfully appropriate monies belonging to Anne Arundel County and its citizens, by causing county monies to be utilized to pay executive protection officers over \$5,000.00 in overtime pay for his own use and benefit, in an attempt to conceal a personal relationship, in violation of his fiduciary duty to the County and its citizens, and in violation of §7-113(1) of the *Criminal Law Article* of the Annotated Code of Maryland and against the peace, government and dignity of the State.
CJIS Code 1-2799
Criminal Law Article 7-113(1); penalty no less than one year and not exceeding five years

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