

**BEFORE THE BOARD OF PROFESSIONAL RESPONSIBILITY**

**WYOMING STATE BAR**

Board of Professional  
Responsibility

In the matter of )  
LEIGH ANNE G. MANLOVE, )  
WSB # 6-3441, )  
Respondent. )

WSB BPR Nos.  
2021-62

OCT 18 2021

  
Clerk

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**FORMAL CHARGE**

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

Respondent Leigh Anne G. 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. The Review and Oversight Committee determined on October 12, 2021, that there is probable cause to bring this Formal Charge against Manlove pursuant to Rule 10(g), W.R.Disc.P. On similar allegations, a Formal Charge was filed against Manlove on June 11, 2021, in Nos. 2020-108, 2021-005, and 2021-039. The allegations of that Charge are incorporated here by reference.

**A SUMMARY**

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 most other employees of the Office. A series of motions were filed to delay trial settings, falsely claiming her predecessor's misconduct made the delays necessary. The Office never recovered from this loss of institutional knowledge. None of the lawyers hired at the beginning of her term remain. The present staff of lawyers is down by 50%. Of 32 employees, including lawyers, hired by Manlove, 24 have left.

These conditions resulted in inadequately trained and overworked employees in a hostile work environment, delayed prosecutions, late court filings, missed court appearances, failures to comply with court orders, and late delivery of evidence to defense counsel, all covered over with unfounded excuses. Two cases are illustrative.

First, in July of 2019, charges against a man described as a violent felon were dropped because Manlove failed to comply with a Court Order to deliver information about the case to the Defendant's lawyer. She admitted failing to produce the evidence in her possession but blamed the Police Department for not sending her Wyoming State Crime Lab reports. However, as was the standard practice, those reports had been timely posted on BEAST, a computer program where such evidence was routinely accessed by prosecutors as needed.

Next, in response to a Complaint to the Bar by the mother of a 14-year-old victim of sexual abuse, in July of 2021, Manlove made the same false claim that, "[W]e are wholly reliant on law enforcement to inform us that there are Lab results ..." The Cheyenne Police Department referred this case to the DA's office for prosecution on October 28, 2020. Manlove, who took charge of the case, took no action for seven months, when she signed a letter declining to prosecute. The mother of the victim regularly checked with the DA's office and was given plainly false and misleading excuses for the delay, including that crime lab DNA evidence had not been available.

These are not issues about the exercise of prosecutorial discretion, but rather, they demonstrate consistent misrepresentations, a lack of competence and diligence that is prejudicial to the administration of justice.

## The Facts

1. The Rodney Law case. On December 13, 2018, an Information was filed against Mr. Law in the District Court of the First Judicial District, Criminal Action No. CR 34-280. SBC # 005579.

2. The Information charged Mr. Law with First Degree Sexual Assault, Strangulation of a Household Member, Domestic Battery, and other crimes including the allegation that Mr. Law was a habitual criminal, having been convicted of 4 prior felonies.

3. Manlove took over responsibility for the case which was set for trial June 17, 2019, and the speedy trial deadline was July 13, 2019. SBC # 005563.

4. *A Motion to Exclude Evidence Due to Discovery Violation* was filed by Mr. Law's public defender on May 28, 2019. SBC # 005583. Manlove did not file a written response to the Motion, but at the hearing on the Motion admitted that she missed the deadline to produce an array of evidence including reports from the Wyoming State Crime Lab, and, she admitted, that failure was prejudicial to the Defendant, Mr. Law. SBC # 005583, 005647, and 005652. The Motion was granted by Judge Froelicher. SBC # 005597.

5. Without the excluded evidence, the case could not proceed. On the State's Motion, all charges against Mr. Law were dismissed with prejudice. SBC # 005607.

6. The evidence which Manlove had failed to produce included reports of DNA analysis from the Wyoming State Crime Lab and was readily available to the DA's office via the BEAST portal.

7. At the hearing on the Motion to Exclude Evidence on June 6, 2019, five months into her term, Manlove described the difficulty handling evidence which makes one wonder how the office ever met its obligation to disclose evidence to defendants. In keeping with her penchant

for blaming others for her incompetence, Manlove said, “We have a horrible discovery system ... We are in the process of moving away from this system ... we have this discovery system that is horrible, that doesn’t work. And this is a stunning example of how it doesn’t work.” SBC # 005647.

8. Next, she falsely blamed the Police Department for not sending the DNA reports to her. She said, “While I have all of the responsibility under the law to produce that evidence I have none of the control of it. ... [T]he way the Wyoming State Crime Lab’s set up, only the submitting agency the submitting law enforcement personnel receives electronic or digital notification and it’s an automatically generated email, that the testing is done. ... So I don’t receive that email. I sure wish I did.” SBC # 005650. When that statement was made, Manlove knew from an experience one month earlier that the lab reports were available on her computer via the BEAST portal (for which Manlove and her office staff had received training) as they were received by the Police Department. SBC # 005564. The same false statement would be repeated a year later, in the McGrew case, to excuse Manlove’s failure to prosecute a child sexual molestation case.

9. At the beginning of her term, Manlove and her staff apparently did not know how the District Attorney’s office accessed State Crime Lab reports.

10. After weeks of confusion, in one case the Deputy DA, Angela Dougherty, wrote to the Police Department Evidence Manager, “If I do not have these results today ...the Court may very well dismiss the case.” SBC # 005561. The Evidence Manager delivered the reports and wrote on May 10, 2019 – more than four months into Respondent’s term in office – that “We will not be sending results on cases in the future. As I have conveyed to multiple people in the DA’s Office, there is a Prosecutor Module for BEAST<sup>1</sup> in which anyone can log in at any time and see what has

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<sup>1</sup> BEAST is the database in which reports and results of law enforcement’s investigations are stored.

been submitted on a case and what reports are available.” The Evidence Manager offered to demonstrate how to find the cases and retrieve information. SBC # 005562. The Evidence Manager was asking nothing more than that Respondent’s office utilize the tools and resources that had already been made available.

11. On June 18, 2019, Manlove and her legal assistant were “activated with passwords,” by an Evidence Control Supervisor at the State Crime Lab, because “they needed immediate access for a discovery Packet download.” SBC # 005567.

12. The McGrew case. Move forward more than a year to October 28, 2020. The Cheyenne Police Department referred a case of sexual abuse of a 14-year-old girl for prosecution supported by reports and an Affidavit of Probable Cause. The detectives on the case describe the evidence of guilt as overwhelming. Manlove was aware that swabs had been sent to the State Lab for DNA analysis but declined to prosecute without even considering the Lab results. The Mother of the victim reported the issue to the State Bar. In her July 28, 2021 Response to the Bar Complaint, Manlove repeated the false claim that her office was “wholly reliant on law enforcement” to inform them that there were lab results.

13. The established practice was that in making charging decisions, the prosecutors opened BEAST to look at the evidence. The District Attorney’s investigator himself read the lab results on July 7, 2021, two weeks before the McGrew Complaint. In an affidavit submitted with Manlove’s Response, the investigator said that by “mid-2019,” legal assistants began regular searches of the computer program for lab results. He only complains that the program was not “user friendly,” and that “case numbers had to be entered on every inquiry.”

14. But Manlove continues to blame the Cheyenne Police Department in this proceeding:

“Despite notification and receipt of [the Lab results] CPD did not communicate with my office about it until *after* I declined to prosecute the case on June 8, 2021. The lead detective, Allison Baca, never submitted a follow-up report that explained she submitted physical evidence and DNA swabs to the [Lab] for analysis. Det. Baca never submitted a follow-up report to my office regarding the completion of the Lab’s analysis to my office.”

See July 28, 2021, Response p. 4.

15. Manlove knew that excuse was baseless. The Wyoming State Crime Lab reports of a DNA analysis in the case were posted on BEAST on January 19, 2021. The results were positive and provided conclusive support for the victim’s statement. See SBC # 005608.

16. On June 7, 2021, Manlove asked the detective on the case by email if the State Lab reports had been received. As she wrote, those reports had been available to her on her computer for five months. SBC # 5620-1.

17. The detective was on vacation and did not respond. The next day, Manlove signed a Declination of Case letter. SBC # 005622.

18. On June 25, the detective responded to all of Manlove’s questions in the Declination of Case letter and offered to amend the Affidavit of Probable cause to include the Lab results, although that certainly was not necessary. SBC # 005624. On July 2, Lieutenant Rob Dafoe made a further effort to persuade Manlove to charge the case, but she has persisted in her refusal to do that. SBC # 004512, Ex. 1 to Manlove response.

19. These circumstances prompted the City of Cheyenne on August 10, 2021, to file a *Petition for Request to Appoint Attorney General’s Office in Accordance with W.S. § 9-1-603(c)*, to investigate the case. SBC # 005627.

#### Conclusion

It is concerning that after nearly 150 days in office Manlove candidly admitted to Judge Froelicher in the Rodney Law case that she had no functioning program to meet the prosecutor’s

duty to deliver evidence to defense attorneys. It is more concerning that in the same case she blamed the Cheyenne Police Department for failing to make DNA evidence available to her, a claim that was patently false. It is more concerning yet that one year later in explaining why she had not reviewed DNA evidence before making a charging decision, she would again blame the police. These are a continued demonstration of her lack of competence, her lack of candor, and indefensible decision-making on her part that is plainly prejudicial to the administration of justice in Laramie County. She is a persistent and ongoing threat to public safety in Cheyenne.

#### Rules Violated By Manlove

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

1. Rule 1.1 (duty of competence) by, among other things,
  - a. failing to comply with the Court Order in the Law case to produce material to defense counsel, and failing to collect and review all available evidence in the case, and
  - b. failing to examine all relevant evidence in the McGrew case before making a charging decision.
2. Rule 1.3 (duty of diligence) by, among other things,
  - a. failing to timely comply with the discovery order in the Law case and failing to collect and review all available evidence in the case in a timely manner, and
  - b. failing to examine all relevant evidence in the McGrew case before making a charging decision, and failing to collect and review all available evidence in the case.
3. Rule 3.1(a) (meritorious claims and contentions) by asserting a reason for declining to

prosecute the McGrew case that had no basis in fact or law.

4. Rule 3.3(a) (duty of candor to the tribunal) and duty to follow rules of the tribunal) by misrepresenting the reason for her failure to comply with court ordered discovery in the Law case.
5. Rule 3.4(c) (duty to abide by the rules of the tribunal) by failing to provide discovery in the Law case.
6. Rule 8.1(a) (material false statements in a disciplinary proceeding) by misrepresenting to the State Bar the reason for her failure to review Wyoming State Crime Lab results in the McGrew case.
7. 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.

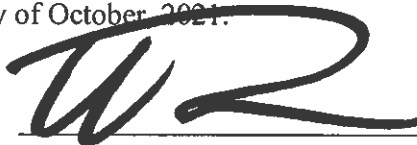
NOTICE IS HEREBY GIVEN that the Wyoming State Bar intends to seek recovery from Respondent for all current and future costs of the disciplinary proceeding and investigation



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.

Respectfully submitted this 18th day of October, 2021.



W.W. Reeves  
Special Bar Counsel

#### CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing was served upon Respondent this 18th day of October 2021, by email and certified U.S. Mail and correctly addressed as follows:

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