

Weather | Traffic | Free email updates  
Subscribe to the newspapers

**SoMdNews**  
Southern Maryland Newspapers Online

**Independent | The Enterprise | The Recorder | Sports | Business | Weekend | Opinions | JOBS | CARS | REAL ESTATE**

Obituaries Community Classifieds Advertising Special Publications Contact Us



## Mattingly comes out swinging to bid for state's attorney post Fritz, seeking a fourth term, hits challenger back

Wednesday, Feb. 4, 2009

By **JOHN WHARTON**

Staff writer

John Mattingly, a St. Mary's lawyer who says he will seek election next year as the county's top prosecutor, accused the incumbent's administration this week of dropping cases in exchange for donations to "pet projects."

Mattingly said State's Attorney Richard Fritz (R) also mishandled a recent rape trial ending with the teenage defendant's acquittal, and that too many members of his staff with too little to do leave work too early in the afternoon.

Fritz, saying he plans to seek a fourth term, criticized Mattingly as having little experience in criminal trial work and making unwarranted criticism of a longstanding practice that lets first-time nonviolent offenders avoid a criminal record through contributions to nonprofit groups and community service.

Mattingly, a 39-year-old Leonardtown area resident, said he plans to file as a Democratic candidate for the state's attorney's office, and has filed the paperwork for a campaign committee. "When you're facing a three-term incumbent, you have to get your ducks in a row, quickly and early," he said Monday at his law office across from the courthouse.

After clerking for a judge, Mattingly's law career began with handling cases paneled out by the public defender's office. Among the defendants he represented were two charged with attempted murder and a man acquitted of cocaine charges. Mattingly said he represented a client in a 2003 assault trial in Charles County, before focusing on civil litigation in state and federal courts that last fall let him take part in arguing a case before the U.S. Supreme Court.

Mattingly said that a state's attorney needs to be both a good administrator and good prosecutor, setting a good example for assistants and putting the right ones on each case.

"There are a lot of things that need fixing over there," Mattingly said. "Criminal charges are being bought and sold for donations to pet projects. If you make a donation to [the Juvenile Diabetes Research Fund], certain cases go away, ... traffic [and] misdemeanors. That's the only [designated charity] that I know of. The one [prosecutor] that I definitely know that does it is Danny White."

White said that the office's long policy of allowing first-time offenders to avoid convictions by donating their time through community service or money through donations helps a wide range of nonprofit groups, including churches and Project Graduation, which provides safe parties for graduating high school seniors. "I have never told a person to make a donation to one place or another. They can bring their own [idea of a recipient], and often have," White said in response to Mattingly's complaint. "You should ask him if any members of his family have benefited from that program. They have."

Mattingly said a check of the parking lot outside the courthouse shows that by 3 p.m., all but one prosecutor often have left work for the day. "Either there are too many attorneys," he said, "or there are cases that need to be tried that aren't being tried." He said cases need to be pursued to the fullest extent, with the "maximum prosecution" allowed by law.

Mattingly said the transfer of the rape case from assistant prosecutor Joseph Stalalonis to assistant prosecutor Julie White, just before its trial, and its shift to Daniel White during the trial revealed "a failure [in] trial lawyering and administration."

He added, "It's a failure of supervision. You need to send an attorney in there who can do it, from the beginning. They threw an inexperienced attorney to the wolves."

Fritz, 62, said Tuesday at his office, "If John Mattingly wants to be state's attorney, he should probably handle more than two criminal [trials] in this court in his entire career. When he begins practicing law, he can come in and suggest to us how to run this office. If he's going to practice law, he ought to put his name on his [office] door. I look forward to a spirited campaign."

Kevin McDevitt, a former prosecutor whose private practice includes representing the defendant in the rape case, declined to comment this week on whether he also would be a candidate in the state's attorney's race.

jwharton@somdnews.com



Copyright © Southern Maryland Newspapers - ALL RIGHTS RESERVED. Privacy Statement

**Maryland Independent** | 7 Industrial Park Drive, Waldorf, MD 20602 | 301-764-2800 - **The Enterprise** | P.O. Box 700, Lexington Park, MD 20653 | 301-862-2111  
**The Calvert Recorder** | P.O. Box 485, Prince Frederick, MD 20678 | 301-855-1029/410-535-1214 - **The Enquirer Gazette** | 7 Industrial Park Drive, Waldorf, MD 20602 | 301-764-2800