



**PROSECUTING ATTORNEYS QUALIFICATIONS  
COMMISSION**

**2024**

**ANNUAL REPORT**

[www.paqcga.gov](http://www.paqcga.gov)

# EXECUTIVE SUMMARY

Although the Prosecuting Attorneys Qualification Commission (hereinafter “PAQC” or “Commission”) was first authorized and funded in 2023, legal hurdles pushed our start date back to mid-2024, as explained in the History section of this report. We are now fully staffed. We are renting temporary office space and anticipate signing a lease for permanent office space soon. We have an active website: [www.PAQCGA.gov](http://www.PAQCGA.gov), through which anyone can file a complaint. We have caught up with all complaints filed prior to the website going live and are in the process of managing all complaints filed after that, as outlined in the statistics section. No matters have passed the stage of having the Investigative Panel authorize a formal investigation, so legally all information on individual cases is confidential, which is addressed in the confidentiality section of this report. This is the annual report for calendar year 2024, and we anticipate publishing a report in July 2025 to accurately reflect the first full year of operations.

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# COMMISSION'S PURPOSE AND FUNCTION

Pursuant to Constitution of the state of Georgia, Article VI, Section VIII, Paragraph II, any district attorney or solicitor-general may be disciplined, removed, or involuntarily retired as provided by general law. O.C.G.A. § 15-18-32<sup>1</sup> is the general law establishing the PAQC as the mechanism by which this is to be carried out.

The PAQC administers the discipline and incapacity system for prosecuting attorneys. The Commission has jurisdiction over every elected or appointed district attorney and solicitor-general regarding allegations of misconduct and allegations of incapacity.

# COMMISSION STRUCTURE AND COMPOSITION

The commission is made up of three distinct parts. There are two panels of commissioners, the Investigative Panel, and the Hearing Panel. All panel members are appointed and serve without pay. The third part is staff, who are hired as full-time employees.

The Investigative Panel is made up of five Commissioners and is responsible for the investigative, prosecutorial, and administrative functions of the commission, investigation of alleged conduct constituting grounds for discipline, the selection of an individual to serve as the director of the commission, and authorization of employment of such additional staff as the commission deems necessary to carry out the powers assigned to the commission.

The Hearing Panel is made up of three Commissioners and is responsible for adjudicating formal charges filed by the investigative panel, issuing disciplinary and incapacity orders, issuing formal advisory opinions, and issuing standards regarding grounds for discipline.

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<sup>1</sup> The website [www.PAQCGA.gov](http://www.PAQCGA.gov) contains links to the full statute and the PAQC's rules.

## **Randy McGinley, Chairman of the Investigative Panel**

*Appointed by Lt. Governor Burt Jones*



District Attorney Randy McGinley has been a prosecutor since graduating law school in 2011. Prior to law school, Randy graduated from Georgia Tech in 2004 and ran his own business before attending law school. Randy previously served Walton and Newton Counties as the Chief Assistant District Attorney under then DA Layla Zon. Randy has handled every type of criminal case throughout his career. He has tried everything from DUI to drug trafficking to numerous murders, including a 1988 cold case murder. Randy has also tried numerous crimes against children as well as high profile white collar racketeering cases. Randy lives in Walton County with his wife, Charly, and two daughters. He

is a member of the Loganville Rotary Club, the Newton County Bar Association, the Walton County Bar Association, and is a Board Member for A Child's Voice Child Advocacy Center. He works closely with law enforcement on daily basis and trains law enforcement and prosecutors locally and throughout Georgia.

## **Joey Cowart, Vice Chairman of the Investigative Panel**

*Appointed by Speaker of the House Jon Burns*



A graduate of Georgia Southern University and the Walter F. George School of Law at Mercer University, Mr. Cowart has been practicing law in Statesboro, Georgia for over 28 years. During that time, he served as the Solicitor General of Bulloch County for 16 years. In 2017, he returned to the private practice of law, and during that time he has focused his practice upon the defense of those accused of committing criminal offenses.

## **Judge John Ott, Commissioner, Investigative Panel**

*Appointed by Governor Brian Kemp*



Prior to his appointment, he served for five years as District Attorney of the Alcovy Judicial Circuit, a position to which he was elected in 1985. Ott first joined the office as an assistant district attorney after graduating from law school in 1981 and was quickly promoted to chief assistant district attorney the following year. He received a B.A. in English from the University of Georgia in 1976. Then, after obtaining his teaching certificate in English, Ott spent one year as a teacher in the Bibb County Public School System before completing a J.D. at Mercer University, Walter F. George School of Law in 1981.

He was an appointed representative of the Superior Court judges on the State Council for the Interstate Adult Offender Supervision and the County and Municipal Probation Advisory Council. Ott was also chair of the Personnel Committee for the Council of Superior Court Judges (chair) and served as an administrative judge for the Tenth Judicial District of Georgia and on the Executive Council of Superior Court Judges and the Judicial Council of Georgia.

He served on the Walton County Little League Board and was a Little League coach and a Newton County Recreation basketball and football coach.

Ott was born in Macon, Georgia, one of seven children. His father, Bill Ott, was editor of the Macon Telegraph newspaper. The family eventually relocated to Ohio after his father transferred to run the Akron Beacon Journal Newspaper. During their time there, Ott graduated from Woodridge High School in Peninsula, Ohio.

**Jason Saliba, Commissioner, Investigative Panel**

*Appointed by the Senate Committee on Assignments*



Jason Saliba served as a Deputy Chief Assistant District Attorney for Cobb County where he oversaw multiple divisions including narcotics and organized crime, grand jury, juvenile court, officer misconduct and officer use of force cases. He serves on the Smyrna Downtown Development Authority and is a member and past chair of the boards of LiveSafe Resources and Cobb Safety Village. Jason is an alumnus of Leadership Atlanta, Leadership Cobb, and the Honorary Commanders program. Jason focuses his volunteer work on public safety and children and has served as co-chair of the ABA Parole and Probation Committee, president of the Metropolitan Marietta Kiwanis Club, chair of the Cobb Youth Leadership program. He has also served

as a legal observer to the terrorism detainee proceedings in Guantanamo Bay. He is a graduate of Auburn University and the Emory University School of Law.

**Steve Scheer, Commissioner, Investigative Panel**

*Appointed by Speaker of the House Jon Burns*



Steven Scheer has practiced law in his hometown of Savannah, Georgia for over forty years. Mr. Scheer focuses on litigation, local government law, municipal law, plaintiff and defense civil litigation, personal injury law, wrongful death, criminal law, product liability, automobile, and trucking accidents. He currently serves as the Municipal Court Judge of Tybee and previously served as the City Attorney of Pooler. Mr. Scheer has an AV rating, is included in Martindale-Hubbell's Bar Register of Preeminent Lawyers and is a Georgia Super Lawyer.

## **Bobby Christine, Presiding Member of the Hearing Panel**

*Appointed by the Senate Committee on Assignments*



Bobby Christine serves as the first District Attorney of the Columbia Judicial Circuit. Prior to election Bobby served a term as the presidentially appointed U.S. Attorney for the Southern District of Georgia, and briefly as Acting U.S. Attorney for the Northern District. He is the only U.S. Attorney ever to lead two districts simultaneously. Immediately after law school Bobby was an Assistant District Attorney in the Augusta Judicial Circuit, followed by service as a Magistrate and Chief Magistrate for Columbia County while in private practice.

An Army reservist since age 17, Bobby is a Major General in the U.S. Army National Guard. With service at the Pentagon as Advisor to The Judge Advocate General and Assistant to the Director of the Army National Guard, he is the senior uniformed lawyer for the Army Guard across America and its territories.



## **Herb Cranford, Commissioner, Hearing Panel**

*Appointed by Governor Brian Kemp*



John Herbert “Herb” Cranford Jr. is the District Attorney for the Coweta Judicial Circuit, comprised of Carroll, Coweta, Heard, Meriwether and Troup Counties. Herb was born and raised in Coweta County and is a third-generation prosecutor—his father and grandfather both having previously served as Solicitor General of Coweta County. After graduating from Newnan High School, he obtained a Bachelor of Arts in Religion from the University of Georgia in 2008 and a Juris Doctor from Mercer University’s Walter F. George School of Law in 2012. During law school, Herb worked as a judicial clerk for the Hon. W. Homer Drake, Jr. of the United States

Bankruptcy Court for the Northern District of Georgia and then as an intern for the Coweta Circuit DA’s Office.

Upon graduating law school in 2012, Herb was hired as an Assistant District Attorney in the same office, working in Carroll County and Coweta County. In February 2018, Governor Nathan Deal appointed him as District Attorney to fill the remainder of his predecessor’s term. He has been elected twice in 2018 and 2020. During his career he has successfully prosecuted a variety of crimes, including rape, child molestation, and murder. He has received particular recognition for his focus on prosecuting criminal street gangs, including obtaining the first guilty verdict in a gang trial in the Coweta Judicial Circuit.

By appointment of the Supreme Court of Georgia, Herb has served on the State Bar’s Disciplinary Board since 2021. By election of his fellow Georgia District Attorneys, he currently serves as the Treasurer for the District Attorneys’ Association of Georgia and the Georgia representative to the National District Attorneys Association.

## **Judge Howard Z. Simms, Commissioner, Hearing Panel**

*Appointed by Speaker of the House Jon Burns*



The Honorable Howard Z. Simms is the Chief Judge for the Macon Judicial Circuit Superior Court in Georgia. He was elected to the bench in 2010. The Macon Judicial Circuit is comprised of Macon-Bibb, Crawford, and Peach Counties. Prior to his election, Simms worked for over nine years as the District Attorney for the Macon Judicial Circuit and was an assistant district attorney for twelve years before that. During his tenure there, he prosecuted all manner of felony cases and also spent time as a juvenile prosecutor before transitioning into general felonies and narcotics. Simms later became a gang and violent crimes prosecutor and also served as chief of the office's appellate division for over ten

years.

He received a bachelor's degree from Mercer University in 1984. Simms went on to complete a J.D. at Mercer University, Walter F. George School of Law in 1988.

He was admitted to practice in Georgia (1988), the Court of Appeals of Georgia, the Georgia Supreme Court, and the United States District Court for the Middle District of Georgia.

His memberships have included the Macon Bar Association, the State Bar of Georgia, the District Attorneys Association of Georgia (past president), and the William Augustus Bootle American Inn of Court.

## **In Memoriam**

### **Stacey Jackson, Former Presiding Member of the Hearing Panel**

*Appointed by the Senate Committee on Assignments*



Stacey Jackson, a distinguished former District Attorney for the Chattahoochee Circuit in Georgia, passed away in May 2024. His legacy as a dedicated public servant and skilled legal professional will continue to inspire generations to come. Born and raised in rural Harris County, Georgia, Jackson's upbringing instilled in him a strong work ethic and a deep respect for the law. Inspired by television shows like L.A. Law and Law & Order, he pursued a career in law, earning his undergraduate degree from Albany State University and his law degree from the University of Dayton.

Jackson's legal career was marked by his commitment to justice and his exceptional courtroom skills. As a prosecutor, he was known for his thorough preparation, sharp legal arguments, and unwavering dedication to protecting the community. His expertise and reputation led him to be selected as Presiding Member of the hearing committee for the newly formed Prosecuting Attorneys Qualifications Commission.

In addition to his professional accomplishments, Jackson was a beloved father and a respected member of the legal community. His passing has left a profound void— not least in the PAQC— and his memory will be cherished by all who knew him.

### **Ian Heap, Executive Director**



Ian earned bachelor's degrees in History and Political Science from the University of Rochester before moving to Georgia, where he received his Juris Doctor from Emory University's School of Law in 1994. He then worked as a prosecutor in the Eastern Judicial Circuit (Savannah) for over 20 years. While there, Ian prosecuted countless cases including serious violent crimes, career drug dealers, narcotics conspiracies, and wiretap cases. He has tried over 100 jury trials and has argued in front of Georgia appellate courts. Ian also previously served as a Special Assistant Attorney General, an Assistant District Attorney in the Ogeechee Judicial Circuit, and the Chief Assistant

District Attorney in the Brunswick Judicial Circuit. Ian has considerable experience teaching criminal justice and political science for over 15 years as an adjunct professor at both Saint Leo University and Armstrong State University.

### **Barbara Baucum, Executive Assistant**



Barbara Baucum is a seasoned office administrator with over 25 years of experience in various governmental roles. Prior to her current role as the Executive Assistant to the Prosecuting Attorneys Qualification Commission, she held positions as Human Resources Director for the Brunswick Judicial Circuit District Attorney's Office and Office Manager for the Eastern Judicial Circuit District Attorney's Office. Additionally, she has experience as an Executive Assistant of Human Resources for Chatham County. She retired from the United States Air Force as a Master Sergeant after serving as a Meteorologist for 20 years. Baucum's expertise extends to office management, financial

administration, supervision, and communication. Her strong organizational skills, combined with a disciplined approach, have contributed to a successful record of excellence and professionalism throughout her career.

## **Gregory Blackmon, Special Commission Investigator**



Greg has over 17 years of practical knowledge in a law enforcement setting, supported by an educational background and diverse experience. Prior to his role as the Prosecuting Attorneys Qualifications Commission Investigator, his work experience in law enforcement includes being a patrol officer and detective with the Albany Police Department for five years and over 13 years as an investigator for the Dougherty County. Greg's investigation experience also includes serving as Chief Investigator for the Federal Defender's Office of the Middle District of Georgia and with the Federal Defender's Office of the Northern District of Alabama for approximately 13 years. As Chief Investigator

with the Federal Defender's Office, he was recognized as the National Investigator of the Year. Greg was also an adjunct Criminal Justice instructor for South Georgia Technical College. Greg is a graduate of Columbus State University with a master's degree in public administration, Albany State University with a bachelor's degree in criminal justice, and Darton College with an associate's degree in criminal justice.

# HISTORY

In 2020, Democrat lawmakers introduced House bill 1214 to create a District Attorney Oversight Commission, but it did not pass. In 2023, Republican lawmakers introduced Senate bill 92 to create the Prosecuting Attorneys Qualifications Commission. SB 92 is in some portions identical to HB 1214, and in other ways different. Some of the major differences between the two are the makeup of the panels; adding Solicitors General to the Commission's jurisdiction; and defining what specific conduct would subject the prosecuting attorney to discipline or removal. SB 92 amended three existing statutes and created a fourth. Two statutes, O.C.G.A. §§ 15-18-6 and 15-18-66, (appendix 1 & 2 of this report) which define the duties and powers of District Attorneys and Solicitors General respectively, were amended to add the responsibility to review each individual case. The third statute amended, O.C.G.A. § 21-4-3, added failure to review each individual case a potential ground for recall. The entirely new statute, O.C.G.A. § 15-18-32,<sup>2</sup> created the PAQC. On May 5, 2023, Governor Brian Kemp signed Senate bill 92 into law.

O.C.G.A. § 15-18-32 called for the appointment of five Commissioners to compose the Investigative Panel and three commissioners to compose the Hearing Panel. One commissioner on each panel is by appointment of the Governor, two commissioners on the Investigative Panel and one commissioner on the Hearing Panel are by appointment of the Lieutenant Governor and the Senate Committee on Assignments, and two commissioners on the Investigative Panel and one commissioner on the Hearing Panel are by appointment of the Speaker of the House of Representatives. The Commissioners and their appointing entities are listed in the Commission Composition and Structure of this report.

O.C.G.A. § 15-18-32 required the Commission to have rules and regulations established no later than October 1, 2023, and per the statute the rules and regulations would only become effective upon having been reviewed and adopted by the Georgia Supreme Court. No complaint was to be filed before October 1, 2023, and no misconduct before May 5, 2023, was to be considered. O.C.G.A. § 15-18-32 also mandated the rules comport with due process. When the Commission met to create their proposed rules, the issue arose of whether considering conduct between a date when there were no rules in existence or in effect and a future date of the rules having been drafted and going into effect created a violation of due process. The Commissioners resolved this issue by voting not to consider any misconduct before the rules and regulations were approved.

Four District Attorneys filed suit<sup>3</sup> in the Superior Court of Fulton County challenging the legality of the Commission. In August 2023, the Plaintiffs asked the Judge for an injunction stopping the Commission from conducting investigations or hearings while

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<sup>2</sup> the entire text of O.C.G.A. 15-18-32 is available on the website [www.PAQCGA.gov](http://www.PAQCGA.gov)

<sup>3</sup> Superior Court of Fulton County case number 2023CV383558

the lawsuit was pending. The Court denied this motion, allowing the Commission to proceed.<sup>4</sup>

As per statute, the rules and regulations would only become effective upon having been reviewed and adopted by the Georgia Supreme Court, therefore, the Commission submitted proposed rules to the Court. In November 2023, rather than reviewing the proposed rules and either adopting or declining to adopt, the Georgia Supreme Court issued an opinion declining to review them. Because the rules were neither reviewed nor adopted, the Commission was unable to begin investigations or hearings.

The Georgia General Assembly subsequently passed legislation striking the language requiring the Supreme Court's review and adoption, which Governor Kemp signed into law in March 2024. The Commission voted to adopt the proposed rules, and they went into effect in April 2024, which also meant any conduct prior to March 31, 2024, would not be subject to review, in keeping with the Commission's mandate to comport with due process. The Commission also advertised for an Executive Director<sup>5</sup> to set up the organization and begin processing complaints.

In April 2024, three of the four Plaintiffs in the previous suit filed a new suit<sup>6</sup> and again requested injunctive relief to stop the Commission until the suit was decided. In July 2024, the Court again denied the injunction,<sup>7</sup> thus clearing the way for the Commission to begin work.

The Executive Director began work on August 1, 2024, followed by the Executive Assistant on September 1, 2024, and the Special Commission Investigator on November 1, 2024.

## ISSUES FACED BY THE NEW COMMISSION

The three largest logistical hurdles encountered are the Commission's hybrid executive judicial nature, attachment to the Prosecuting Attorneys' Council (PAC), and starting after the beginning of the fiscal year. This compounded the routine issues associated with creating an organization from scratch, such as securing office space, setting up technological infrastructure, and hiring staff.

### Executive v Judicial:

As the Georgia Supreme Court pointed out when declining to review the PAQC's rules, the PAQC performs an executive function while funded through the Judicial Branch. The Executive Branch has several bureaucracies to manage all issues and needs of their different entities. As the PAQC is funded through the Judicial Branch, the PAQC is not required to use these agencies/programs/offices, and in most cases cannot use them. That is not to say several executive branch agencies have not been helpful to one degree

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<sup>4</sup> The full decision is available on the PAQC website [www.PAQCGA.gov](http://www.PAQCGA.gov)

<sup>5</sup> O.C.G.A. § 5-18-6 references a "director" while the job posting, human resources classification, and job code are "executive director". The two terms can be used interchangeably.

<sup>6</sup> Superior Court of Fulton County case number 24CV004942

<sup>7</sup> Also available at [www.PAQCGA.gov](http://www.PAQCGA.gov)

or another. Most have gone out of their way to provide as much advice and support as they could. The considerable time and effort sorting out who does what and how the PAQC could accomplish similar outcomes was well spent. Moving the PAQC to the Executive Branch would require further legislation, and several factors weigh heavily against the PAQC becoming an Executive Branch entity. Within the Judicial Branch, the only two entities capable of assisting the PAQC are the PAC and the Administrative Office of the Courts (AOC).

#### Attachment to the PAC:

SB 92 only mentions the PAC once, stating the commission, with the assistance of the PAC, shall promulgate rules and standards. This would seem on the surface to establish the PAQC as a separate entity.

The PAQC received state appropriated funds from the Georgia General Assembly pursuant to HB 19 in the FY2024 appropriations bill through PAC's program budget. In FY2025, those funds were moved into a separate Prosecuting Attorneys Qualification Commission program budget within PAC's overall state appropriations.

The appropriations process is more than a pass through. There are reasons government organizations are attached to larger agencies. There must be separation of financial duties such as accounts payable, accounts receivable, purchasing, and HR for checks and balances, and this requires separate employees. It became clear that for FY2025 the PAQC with only one employee in August and two in September would need to rely on PAC for the administrative functions, or at least oversight. As discussed in the budget section of this report, the PAC requires a fee of 10% of PAQC's total appropriations. This rate is consistent with PAC's indirect cost rate established through CFR 200.414(f) that allows for a 10% de minimis rate. The PAC has elected to utilize and consistently apply the 10% de minimis rate for any Federal and non-Federal funding awards where PAC services are provided. Learning the intricacies of government structure controlling authorities, trying to find solutions, and trying to negotiate a lower rate took considerable time during which funds could not be spent.

There is a widespread perception of a conflict of interest in the PAC, the organization which exists to support prosecutors administer the budget and HR for the PAQC, the organization tasked with administers the discipline and incapacity system for prosecuting attorneys. Whether or not the conflict actually exists, the perception that PAC can "control" the budget, hiring, and firing for the PAQC can erode public confidence. Conversely, if the PAQC were to be attached to an entity in the Executive Branch some would inevitably perceive a conflict in the Executive Branch "controlling" the budget, hiring, and firing for the PAQC. Viable solutions are under consideration, but there are no "easy" answers.

#### Short Fiscal Year:

FY2025 began on July 1, 2024, and the Commission had no employees. The FY2025 amended budget and FY2026 proposed budget were due September 1, 2024. Despite an



official start date of August 1 for the Director and September 1 for the Executive Assistant (who is essential for budget preparation and planning) the PAQC met these deadlines, but there was frankly more prediction and estimation than we would have liked. The State of Georgia statutorily limits contracts to the current fiscal year, as there is no guarantee of any particular funding levels in future appropriation bills. Most contracts for services, licenses, and leases are multiyear by default. With the late start the PAQC had to negotiate contracts for ten, nine, or even eight months. Vendors may agree to a single year but getting a contract for less than twelve months is often difficult at best, and the negotiations are more time consuming. This can lead to additional costs or having to use a second or third choice. The PAQC looks forward to being able to contract for full 12-month terms in FY 2026 and to having more concrete projections for FY2027.

### Starting From Scratch, Office Space:

The office vacancy rate in Savannah was 1.5% in 2024,<sup>8</sup> a stark contrast to several other cities in Georgia ranging upward from 20%. Lasseter E. (2025). The Atlanta metropolitan area had a 26.8% office vacancy rate, according to CBRE, a national market researcher. This has made finding suitable office space difficult, and to this point we have been unable to find physically secure office space with available parking at a fiscally responsible rate from a landlord willing to limit a lease to the current fiscal year. Fortunately, O.C.G.A. § 15-18-32 allows us to hold meetings via videoconference. The commission has rented a PO Box to establish a permanent mailing address. PAQC reached out for help and are extremely grateful to the State Properties Commission for agreeing to take on our search and negotiations. With their help we anticipate finding a permanent office soon. In the meantime, we are making do with shared office space rented month to month. Although not ideal, it is allowing budget savings each month, which will help with other startup costs.

## HOW TO BRING A MATTER BEFORE THE COMMISSION

The PAQC operates pursuant to Official Code of Georgia (O.C.G.A.) § 15-18-32, which sets out the grounds for discipline or removal, some limitations, and the requirements for a complaint. This is all laid out on the website: [www.PAQCGA.gov](http://www.PAQCGA.gov), where there is a complaint form that can be filled out online. The form guides the complainant through

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<sup>8</sup> Lasseter Evan. (2025, January 13) “Office Exodus: Since 2023 Savannah’s office space has dwindled, what will 2025 bring?” *Savannah Morning News*.

<https://www.savannahnow.com/story/news/local/2025/01/13/savannahs-office-market-was-historically-tight-in-2024-as-hotels-boom/77520580007/>

the requirements. Receiving complaints through the website ensures accountability. Both the Complainant and the Commission will have documentation that the complaint was submitted, the date it was submitted, and what additional documentation was provided.

O.C.G.A. § 15-18-32 states:

In any complaint filed with the commission alleging a violation of subsection (h) of this Code section and requesting an investigation of an elected or appointed district attorney or solicitor-general, the complainant shall be required to file with the commission a sworn affidavit detailing the personal knowledge of the facts supporting the complaint, including any interest the complainant may have in the outcome of the case. The complainant may attach documents to support the complaint.

The Commission is not designed to pick prosecuting attorneys and then investigate them to see if there is any reason they can be removed. The Commission is designed to respond to complaints. Individuals who have knowledge of a district attorney or solicitor general doing something prohibited, not doing something required, or being incapable of performing their duty because of a medical or psychological condition, can submit that information to the Commission in the form of a complaint. Prosecuting attorneys are required to review every individual case for which probable cause for prosecution exists and make a prosecutorial decision available under the law based on the facts and circumstances of each individual case. Accordingly, the Commission must review each complaint to determine if a basis for discipline or removal exists and then move forward based on the facts and circumstances of each case.

By statute, the complaint must include a sworn affidavit. This is a verification by the Complainant that the facts alleged in the complaint are true. This both creates a good faith basis for the Commission to investigate claims while offering some protection to non-culpable prosecuting attorneys from being investigated for fabricated allegations and rumors. Failure to include an affidavit was the principal reason most complaints submitted prior to the website going online were legally insufficient. To address this, the site will not accept a complaint that does not have a .pdf attached in the affidavit section. There is a form for the affidavit on the site which can be printed, taken to a notary public or other official authorized to administer oaths, sworn and signed in front of them, and then scanned and uploaded to the website. There are instructions on the website on how to scan a document with a smartphone using a free app. In one unique case, the PAQC investigator traveled to the Complainant to assist in notarizing the affidavit.



DIAGRAM  
COLOR/SHAPE KEY

DISMISS

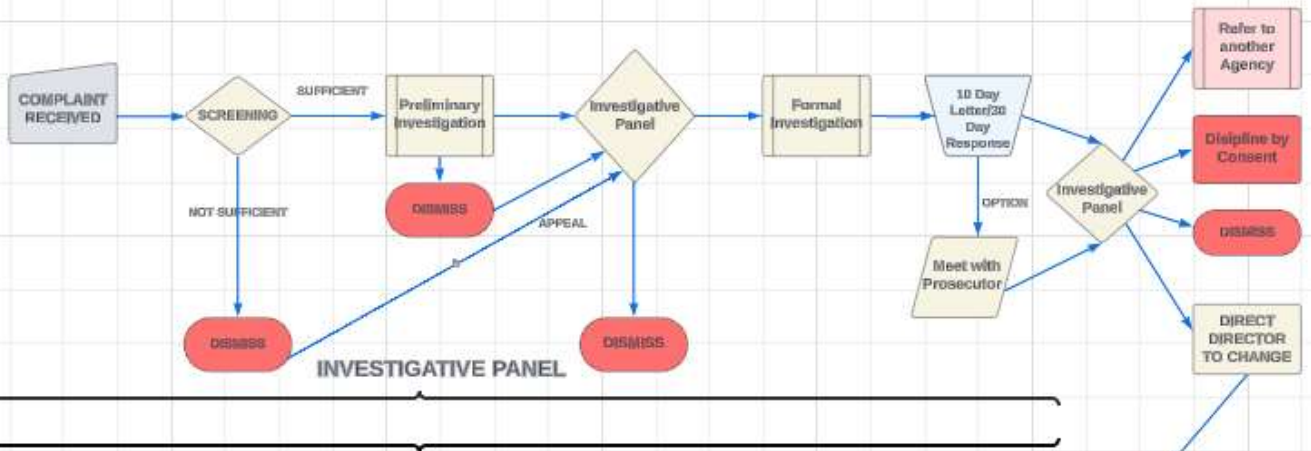
ACTION

HEARING  
FUNCTION

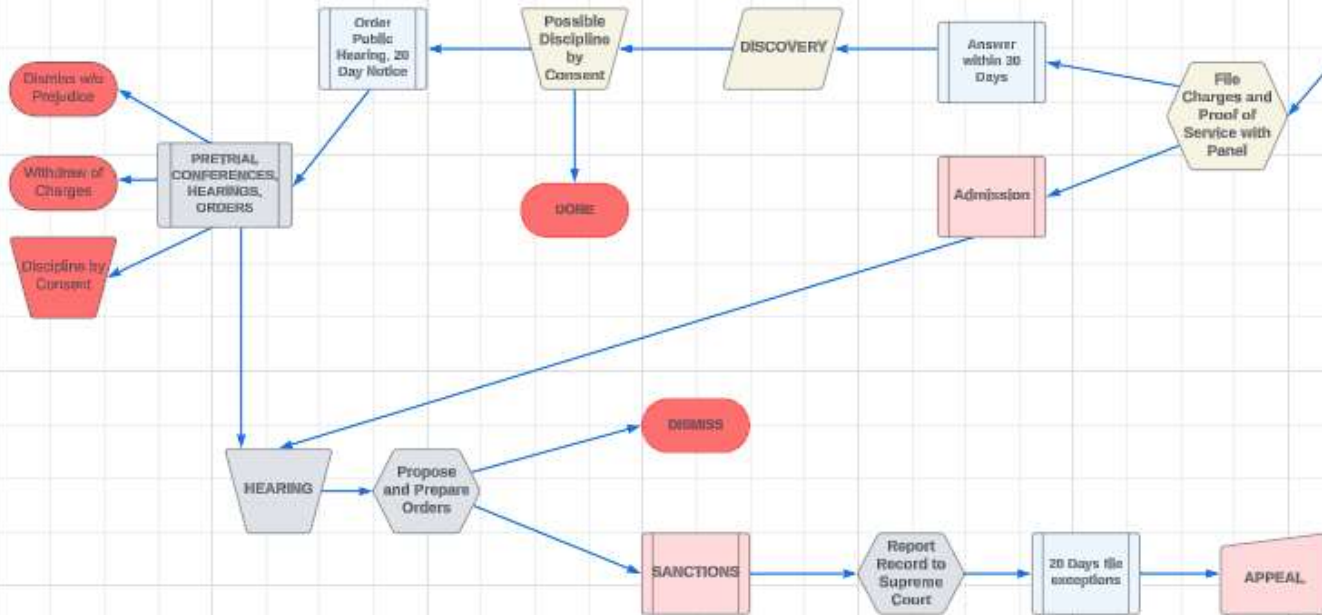
STATUTE  
DATE

CONF  
ACTION

COMPLAINANT NOTIFIED  
AFTER DISMISSALS



HEARING PANEL



To view image larger, use  
the QR Code



# CONFIDENTIALITY

When a complaint is filed the existence and contents are known only to the Complainant and to the PAQC staff (Director, Executive Assistant, Investigator). After screening and preliminary investigation, the complaint and results of the preliminary investigation are available to the five commissioners on the Investigative Panel. If the complaint is dismissed, the Complainant is notified. No one else is made aware of the complaint's content, the identity of the Complainant, or the prosecuting attorney who was the subject of the complaint. The total number of complaints filed and the disposition of each is public record and contained in an annual report such as this one (see statistics section). All this is mandated per O.C.G.A. § 15-18-32. If the PAQC becomes aware the Complainant has waived the confidentiality by publicly revealing they have filed a specific complaint, the prosecuting attorney will be notified of the complaint, contents, and disposition.

If the Investigative Panel votes to authorize a formal investigation, the Director will inform the prosecuting attorney who is the subject of the complaint that a complaint has been filed, the substance of the complaint, and the identity of the complainant, unless the Investigative Panel finds good cause to withhold the name. The subject of the complaint may respond and may request a meeting with the Investigative Panel. Despite the subject of the complaint being informed, the matter is still not public, although the subject of the complaint may choose to waive this confidentiality. If the subject of the complaint investigative panel agrees to a satisfactory disposition of a disciplinary matter other than by a private admonition or deferred discipline agreement, a report of such disposition shall be publicly filed in the Supreme Court.

If the complaint has not been disposed of by agreement or dismissal and the Investigative Panel directs that formal charges regarding discipline are filed with the Hearing Panel all pleadings and information shall be subject to disclosure to the public, and all hearings and proceedings shall be open and available to the public, except to the extent that such pleadings and information or hearings and proceedings could be properly sealed or closed under Chapter 14 or Article 4 of Chapter 18 of Title 50 or by a court as provided by law. All matters involving incapacity are confidential, as incapacity involves medical conditions subject to other confidentiality concerns such as HIIPA.

The rationale for the confidentiality is laid out in the PAQC's rules.<sup>9</sup>

[1] In the initial stages of the disciplinary case, confidentiality is necessary to protect a prosecuting attorney's reputation from unfounded charges and to protect witnesses from possible recriminations while a claim is being investigated.

[2] Disclosing the existence of complaints that were considered and dismissed is unfair to the prosecuting attorney and undermines the work of the Commission. It is unfair to allow any adverse inferences to be drawn from the mere existence of a complaint when it was not substantial enough to state a possible ground for discipline. The Commission will have greater credibility if it does not release information about dismissed complaints

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<sup>9</sup> The website [www.PAQCga.gov](http://www.PAQCga.gov) contains a links to the full rules of the PAQC's.

under any circumstances. If the prosecuting attorney wishes to have such information disclosed, he or she may release the information.

[3] Once the formal charges have been filed and served upon the prosecuting attorney, the policy emphasis shifts from confidentiality to the public's right to know. The integrity of the criminal justice system is better protected by an open public hearing than by a closed hearing. It is no longer possible to protect the identity of the witnesses because their identity must be disclosed through the discovery to which the respondent is entitled.

## THE POWER AND RESPONSIBILITY OF PROSECUTORIAL DISCRETION

Prosecutorial discretion is the ability and responsibility of prosecutors to make judgement calls when exercising their duties.

The law is full of balancing tests which must be applied at various stages by different professionals. Legal decisions can often come down to one or two specific facts, and decision makers must resolve what they believe the facts are, factoring in degrees of certainty and credibility. Whenever a law states "may" it indicates permissible discretion. Prosecutors are expected to exercise discretion, and voters presumably consider how they would expect an elected prosecutor to exercise their discretion (among other things) when voting.

The United States Supreme Court recognizes the existence of prosecutorial discretion, that it has limits, and that it is difficult to review.

In our criminal justice system, the Government retains "broad discretion" as to whom to prosecute. "[S]o long as the prosecutor has probable cause to believe that the accused committed an offense defined by statute, the decision whether or not to prosecute, and what charge to file or bring before a grand jury, generally rests entirely in his discretion. "This broad discretion rests largely on the recognition that the decision to prosecute is particularly ill-suited to judicial review. Such factors as the strength of the case, the prosecution's general deterrence value, the Government's enforcement priorities, and the case's relationship to the Government's overall enforcement plan are not readily susceptible to the kind of analysis the courts are competent to undertake. Judicial supervision in this area, moreover, entails systemic costs of particular concern. Examining the basis of a prosecution delays the criminal proceeding, threatens to chill law enforcement by subjecting the prosecutor's motives and decision making to outside inquiry, and may undermine prosecutorial effectiveness by revealing the Government's enforcement policy. All these are substantial concerns that make the courts properly hesitant to examine the decision whether to prosecute.

As we have noted in a slightly different context, however, although prosecutorial discretion is broad, it is not "unfettered." Selectivity in the

enforcement of criminal laws is . . . subject to constitutional constraints." In particular, the decision to prosecute may not be "deliberately based upon an unjustifiable standard such as race, religion, or other arbitrary classification," including the exercise of protected statutory and constitutional rights.<sup>10</sup>

The Commission does not intend to remove prosecutorial discretion. The intent is to assure that prosecutorial discretion is in fact used in each case, and that the exercising discretion falls within clearly established constraints.

The requirement (as opposed to prohibition) to exercise prosecutorial discretion is established by making willful and persistent failure to perform the statutory duties of a district attorney or solicitor general a basis for discipline. The statutes defining those duties (see Appendix 1 and 2) include the duty to review every individual case for which probable cause for prosecution exists and to make a prosecutorial decision available under the law based on the facts and circumstances of each individual case under oath of duty<sup>11</sup> as provided in Code Section 15-18-2;

The clearly defined constraints are established by the Commission's lack of jurisdiction over any charging decision, plea offer, opposition to or grant of a continuance, placement of a case on a trial calendar, or recommendation regarding bond unless the district attorney or solicitor-general made or knowingly authorized the decision based on:

- (A) Undue bias or prejudice against the accused or in favor of persons with interests adverse to the accused;
- (B) An undisclosed financial interest in the outcome of the prosecution;
- (C) An undisclosed conflict of interest;
- (D) Factors that are completely unrelated to the duties of prosecution; or
- (E) A stated policy, written or otherwise, which demonstrates that the district attorney or solicitor-general categorically refuses to prosecute any offense or offenses of which he or she is required by law to prosecute.

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<sup>10</sup> *Wayte v. United States*, 470 U.S. 598 (1985)

<sup>11</sup> "I do swear that I will faithfully and impartially and without fear, favor, or affection discharge my duties as district attorney and will take only my lawful compensation. So help me God."

# GROUNDINGS FOR DISCIPLINE OR REMOVAL

Pursuant to O.C.G.A. § 15-18-32 the following are the statutory grounds for discipline of a district attorney or solicitor-general or for his or her removal or involuntary retirement from office:

- (1) Mental or physical incapacity interfering with the performance of his or her duties which is, or is likely to become, permanent;
- (2) Willful misconduct in office;
- (3) With respect to district attorneys, willful and persistent failure to carry out duties pursuant to Code Section 15-18-6<sup>12</sup>;
- (4) With respect to solicitors-general, willful, and persistent failure to carry out duties pursuant to Code Section 15-18-66<sup>13</sup>;
- (5) Conviction of a crime involving moral turpitude;
- (6) Conduct prejudicial to the administration of justice which brings the office into disrepute; or
- (7) Knowingly authorizing or permitting an assistant district attorney or assistant solicitor-general to commit any act constituting grounds for removal under paragraphs (1) through (6) of this subsection.

## CONFLICTS

It is important that the commissioners understand Georgia criminal law and procedure. It is also important that the commissioners are both fair and impartial and perceived so by the public. The Commissioners are all selected from the legal community of Georgia, and almost all have past and or present involvement in prosecution in Georgia. The chances of one or more commissioners having either a conflict of interests or the appearance of a conflict of interests is not insignificant and was considered during the drafting of both the statute and the rules. A commissioner may recuse themselves (voluntarily step away from participation), or a party to the action may make a motion to have them recused. Potential grounds for recusal include practicing in the same county or circuit as the DA or SG involved, anything covered by Georgia law, and for the Investigative the Georgia Rules of Professional Conduct for lawyers, and for the Hearing Panel the Georgia Code of Judicial Conduct. The remaining commissioners then select a stand in commissioner if needed for a quorum or if the absence would result in a tie. The Director is also subject to recusal, and O.C.G.A § 15-18-32 allows for a conflict attorney to be selected by the Investigative Panel to handle those matters. In that the current Director served in three circuits it is anticipated that in the event a complaint arises in any of these circuits he will voluntarily recuse himself.

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<sup>12</sup> See Appendix A

<sup>13</sup> See Appendix B



# STATISTICS

**Table A: Complaint Summary**

	2023	2024
COMPLAINTS FILED	7	36
COMPLAINTS DISMISSED AFTER DIRECTOR REVIEW	7	23
COMPLAINTS PENDING REVIEW BY DIRECTOR	0	12
COMPLAINTS WARRANTING PRELIMINARY INVESTIGATION	0	10

**Table B: Reason for Complaint Dismissal after Director Review**

	2023	2024
COMPLAINTS SUBMITTED BEFORE ALLOWANCE DATE 4/1/24	7	8
COMPLAINTS NOT INCLUDING AFFIDAVIT	7	22
COMPLAINTS DO NOT MEET STATUTORY REQUIREMENTS FOR TYPE OF COMPLAINT SUBMITTED (1-7 in Table D)	2	6

**Table C: Complaints Prior to/After Website Launch Nov 6, 2024**

Prior To Launch	After Launch
30	10

**Table D: Type of Complaint Submitted**

	2023	2024
1. Mental or physical incapacity interfering with the performance of his or her duties which is or likely to become permanent	0	0
2. Willful misconduct in office	2	12
3. With respect to district attorneys, willful and persistent failure to carry out duties pursuant with Code Section 15-18-6	3	13
4. With respect to solicitors-general, willful, and persistent failure to carry out duties pursuant with Code Section 15-18-6	0	2
5. Conviction of a crime involving moral turpitude	0	0
6. Conduct prejudicial to the administration of justice which brings the office into disrepute	1	7
7. Knowingly authorizing or permitting an ADA of ASG to commit any act constituting grounds for removal of 1-6	1	1
8. Not Applicable (does not meet statutory requirements)	2	6

Notes: Some complainants selected more than one factor.

**Table E: Sources of Complaints**

	2023	2024
EMAIL SENT TO PANEL MEMBER	30	0
MAIL SUBMISSION	0	0
WEBSITE SUBMISSION	0	13

## BUDGET

In 2023 the legislature created the PAQC in SB 92. In that same session the legislature appropriated \$1,125,000 for the PAQC for the 2024 fiscal year (FY2024), which in Georgia runs from July 2023 through June 2024. This number was derived from a previous budget of the Judicial Qualifications Commission (JQC), upon which the PAQC is structurally based. The funds were placed in the general budget of the Prosecuting Attorneys Council (PAC) for the PAC to administer, as the newly created PAQC had no employees or administrative infrastructure. Some of these funds were spent on travel reimbursements for the PAQC Commissioners for meetings, but limitations on beginning investigations and hearings (see history section of this report) resulted in no salary or infrastructure spending. The initial appropriations were adjusted downward from \$1,125,000 to \$281,250 in the supplemental budget process in early calendar year 2024. The PAC spent \$8,475 on reimbursements for PAQC travel, lodging, and per diem, \$109,532 on general PAC operations, and returned \$163,242 to the State Treasury unspent pursuant to zero-based budgeting.

Creating an accurate and useful budget for FY2025 was challenging, as many costs were speculative (only one of the three salaries was established, and rent was a variable and remains so), and the caseload for the new commission could not be predicted. Under the guidance of the Investigative Panel and with considerable and appreciated assistance from PAC fiscal, the PAQC's Executive Assistant has created a work in progress budget which is painstakingly documented, updated, and reviewed monthly. The PAQC has remained within budget each month and is on track for the rest of FY2025. The Director and Executive Assistant met with our Senate Principal Program Analyst in October and our House Budget and Policy Analyst in December. In both cases we reviewed the FY2025 and proposed FY2026 budget and any other supplemental materials.

For FY2025, the legislature appropriated \$1,125,000 and again placed it in the budget of the PAC, who created a separate budget section (called a program) to keep the funds separate. Amended budget requests and a proposed FY2026 budget were due September 1, 2024. The Director came on board in August 2024, and the Executive Assistant came on board in September 2024 and managed to meet that deadline. No additional funds were requested to amend the FY2025 budget. The FY2025 and FY2026 budgets differ primarily in startup costs present in the FY2025 budget (furniture, computers, etc.) that will be significantly less in FY2026 which will partially offset the additional salary costs from hiring an additional investigator in FY2026. The FY2026 proposed budget does contain a request for an additional \$80,000 to cover the

difference between the \$32,000 that the JQC (the PAQC's appropriations were based on the JQC's) pays the Administrative Office of the Courts for administrative support and the \$112,500 (10% of appropriations) that the PAC charges the PAQC for administrative support.

### FY24 Budget

(Managed entirely by PAC)

FY24 BUDGET TOTALS	
8475	TRAVEL
109532	PAC OPERATIONS
843750	STATE APPROPRIATION REDUCTION
163243	RETURNED TO STATE TREASURY
<b>\$ 1,125,000.00</b>	<b>TOTAL</b>

### FY25 Budget

**State Allocation: \$1,125,000.00**

BUDGET TOTALS		%
557252	PERSONNEL	49.53
43446	TRAVEL	3.86
38116	EQUIPMENT	3.39
81543	AUTOMOBILES	7.25
2500	CATERED MEALS	0.22
1500	UNIFORMS	0.13
3560	EQUIPMENT RENTAL	0.32
10200	GENERAL SUPPLIES	0.92
29660	CONTRACTS	2.64
118760	PROFESSIONAL SERVICES	10.56
9200	REPAIRS AND MAINTENANCE	0.82
12222	DUES AND FEES	1.08
112500	PAC Admin fee (10% de minimus)	10
2100	OTHER PURCHASED SERVICES	0.19
34438	FURNITURE AND FIXTURES	3.06
3510	BOOKS AND PERIODICALS	0.3
1690	PRINTING AND PUBLICATION	0.15
61152	BUILDING AND LAND RENTAL	5.43
1651	EDUCATION AND TRAINING	0.15
<b>\$ 1,125,000.00</b>	<b>TOTAL</b>	<b>100</b>

## FY26 Proposed Budget

**Proposed State Allocation: \$1,205,000.00**

FY26 BUDGET TOTALS		%
719,851	PERSONNEL	59.70
32553	TRAVEL	2.70
6500	EQUIPMENT	0.50
37543	AUTOMOBILES	3.14
2800	CATERED MEALS	0.23
4080	UNIFORMS	0.33
3560	EQUIPMENT RENTAL	0.40
8400	GENERAL SUPPLIES	0.70
27672	CONTRACTS	2.30
131207	PROFESSIONAL SERVICES	10.80
14800	REPAIRS AND MAINTENANCE	1.23
14522	DUES AND FEES	1.22
120500	PAC Admin Fee (10% de minimus)	10.00
1298	OTHER PURCHASED SERVICES	0.11
6790	FURNITURE AND FIXTURES	0.56
620	BOOKS AND PERIODICALS	0.05
2930	PRINTING AND PUBLICATION	0.24
66698	BUILDING AND LAND RENTAL	5.55
2676	EDUCATION AND TRAINING	0.24
<b>\$ 1,205,000.00</b>	<b>TOTAL</b>	<b>100%</b>

# EDUCATING PROSECUTORS, THE BAR, AND THE PUBLIC

Since beginning work on August 1, 2024, the Director delivered three presentations on the Prosecuting Attorneys Qualifications Commission:

1. October 17, District Attorney Association of Georgia and Georgia Association of Solicitors General joint winter meeting in Young Harris, GA
2. October 30, Dougherty County Bar Association, Albany, GA
3. December 11, Prosecuting Attorney's Council, New District Attorney and Solicitor General Orientation, Peachtree City, GA

When the Commission launched the website [www.PAQCGA.gov](http://www.PAQCGA.gov), we sent a press release to fifty-one entities, plus the distribution list of every county's legal organ. The announcement was reported by one outlet, 11alive.com. The PAQC is in the process of having other Georgia government websites provide links to the PAQC website.

The PAQC rules require the preparation and widespread distribution of an annual report.

## RECOMMENDATIONS

The general public should be made aware of the PAQC's operational status, what is and is not within the PAQC's jurisdiction, and how to contact the PAQC. Public awareness could be greatly increased by publishing the website on both government and non-government legal association websites.

The PAQC will be collaborating with legislators to attempt to resolve some issues and will conduct a full commission vote on revising the PAQC rules to address other issues.

Issues that the PAQC will be addressing at the upcoming legislative session will include confidentiality, search warrant and subpoena authority, physical safety, recruitment of future directors, appeals process, clarifying date limitations, and attachment to the PAC.

- 1) Confidentiality.

When the Director spoke at the joint winter meeting of the District Attorneys' Association of Georgia and Georgia Association of Solicitors General the attendees had questions and expressed concerns about the details of confidentiality in the initial stages of the process. The current law keeps a prosecuting attorney from ever finding out if a complaint is filed against them unless and until the Investigative Panel authorized a formal investigation. The prosecuting attorneys' concerns included but were not limited to due process, potential one-sided media disclosure, and physical safety. Several had first hand accounts of people resorting to violence over convicting a loved one, and would like to know of persons who were upset enough to file a complaint. Ideally, they would like to receive a full copy of the complaint as soon as it is filed and a copy of any documentation of dismissal, and at a bare minimum would like to receive notice that a complaint was filed against them and dismissed as they do with complaints to the State

Bar, and. Any change in statutory confidentiality will have to be addressed in the legislature.

2) Statutory authority for search warrants.

Although most attention is focused on the disciplinary system, the PAQC is mandated to investigate district attorneys and solicitors general in both disciplinary and incapacity matters. Incapacity involves medical or psychological issues that render a prosecutor unable to perform their duties for a prolonged period. Incapacity investigations will necessarily involve medical records. Prior to December 2023 medical records could be obtained via an ex-parte order signed by a judge of superior court. In *Gates v State*, 896 S.E.2d 536 (Ga. 2023) the Georgia Supreme Court ruled in that an ex-parte order from superior court was insufficient to obtain medical records, and that a search warrant is required. This effectively bars the PAQC from obtaining medical records except those turned over voluntarily by the prosecutor. Georgia courts cannot issue a search warrant to the PAQC for medical records. In the federal systems judges have the “all writs act” but in Georgia courts are constrained to exercise only enumerated powers. O.C.G.A § 17-5-21 grants authority to issue search warrants. Per O.C.G.A § 17-5-21 search warrants can only be issued upon showing that a crime has been committed, can only be applied for by a law enforcement officer charged with enforcing criminal laws, and that only statutorily specified things can be searched for, (items used for crime, kidnapped persons, stolen property, contraband items, or evidence of a crime). Incapacity is not a crime, the PAQC is not investigating crimes, and the search warrant would not reveal any of the items authorized to be searched for. To allow the PAQC (and potentially the JQC) to obtain medical records for incapacity cases the legislature would have to confer statutory authority.

3) Provide for the physical security of the commission, hearings, witnesses, prosecuting attorneys, and complainants;

Administering a disciplinary system can be dangerous. As already mentioned in the reference to the clarification of confidentiality elected prosecutors are concerned for their physical safety in relation to a percentage of complainants potentially expressing dissatisfaction with threats, intimidation, and violence. Tensions and emotions run high, and whichever way a decision goes, one side and their supporters will be displeased. People not directly involved may protest, and not all will do so in the constitutionally protected peaceful manner. The PAQC meetings are permitted to be held virtually, but hearings are required to be in person and open to the public. The statewide jurisdiction of the PAQC and the varied residences of the commissioners results in hearings being held in various buildings across the state. The JQC had safety issues which required breaking their lease and moving to a secure location, a building with state troopers controlling access. As previously outlined in regard to search warrants the PAQC is not a law enforcement agency, its investigators are not sworn to uphold the criminal laws, and therefore do not have the power of arrest. As the PAQC does not fall under any of the exceptions to concealed firearms limitations, the panel members Director, and investigators, cannot be armed in certain buildings where hearings may be held. In 2021 HB 479 repealed citizen arrest, but allows restaurants, weight inspectors, and retail establishment owners to detain offenders until the police arrive, and also affirms the right of use of force in defense or self of others. Exempting

the non POST certified members of the PAQC from the concealed firearm limitations and granting POST certified investigators the limited power of arrest for crimes committed in their presence against witnesses, complainants, panel members, or the general public in attendance at hearings would both allow for self defense and provide the alternative of arrest to using force in defense of self or others.

- 4) Allow Director of the PAQC to participate in the judicial retirement system;

The Director is hired by the investigative Panel. The current director was hired from a pool of five applicants, none of whom had experience as an elected prosecuting attorney or judge. Ideally the pool of candidates for filling the position would include some with that type of experience. Allowing participation in the JRS will help attract those candidates as they will be able to continue earning creditable years towards retirement, towards vesting if they have only served one or two terms. While the current retirement benefits of the position are certainly attractive to candidates who are or were assistant district attorneys, assistant solicitors general, law clerks, staff attorneys, and others currently in the ERS, allowing participation in the JRS will also make it attractive to the type of candidate best suited for the task.

- 5) Amend and clarify the appeals process for commission matters;

Currently O.C.G.A. § 15-18-32 has some appeals going to the Superior Court of Fulton County and others going to the Superior Court of the county or circuit where the prosecuting attorney serves. PAQC would like the appellate court standardized, a standard of review provided, and designation of the Supreme Court of Georgia the next level of review.

- 6) Change the date of conduct review to coincide with the date the rules actually took effect;

As explored in the history section of this report the statute limits review of conduct prior to May 5, 2023, however because due process requires rules to be in place before they can be enforced and the rules not coming into place before April 2024, the PAQC is requesting the statute be amended to reflect the PAQC's actual jurisdiction.

- 7) Address the potential conflict of interests, administrative support, and appropriations issues presented by the Prosecuting Attorneys Qualification Commission (PAQC) being attached to the Prosecuting Attorney's Council's (PAC);

As discussed in the issues section of this report, there is at least a perceived conflict of interest with the PAQC's attachment to the PAC. That same section admits there are no "easy answers." The PAC should either be attached to another entity or permitted to handle their own administrative and HR functions with external oversight.

# APPENDIX 1

## O.C.G.A. § 15-18-6 (2023) Duties of district attorney

The duties of the district attorneys within their respective circuits are:

- (1) To attend each session of the superior courts unless excused by the judge thereof and to remain until the business of the state is disposed of;
- (2) To attend on the grand juries, advise them in relation to matters of law, and swear and examine witnesses before them;
- (3) To administer the oaths the laws require to the grand and trial jurors and to the bailiffs or other officers of the court and otherwise to aid the presiding judge in organizing the courts as he may require;
- (4) To review every individual case for which probable cause for prosecution exists and to make a prosecutorial decision available under the law based on the facts and circumstances of each individual case under oath of duty as provided in Code Section 15-18-2;
- (5) To draw up all indictments or presentments, when requested by the grand jury, and to prosecute all indictable offenses;
- (6) To prosecute civil actions to enforce any civil penalty set forth in Code Section 40-6-163 and to prosecute or defend any other civil action in the prosecution or defense of which the state is interested, unless otherwise specially provided for;
- (7) To attend before the appellate courts when any criminal case emanating from their respective circuits is tried, to argue the same, and to perform any other duty therein which the interest of the state may require;
- (8) To advise law enforcement officers concerning the sufficiency of evidence, warrants, and similar matters relating to the investigation and prosecution of criminal offenses;
- (9) To collect all money due the state in the hands of any escheators and to pay it over to the educational fund, if necessary, compelling payment by rule or order of court or other legal means;
- (10) To collect all claims of the state which they may be ordered to collect by the state revenue commissioner and to remit the same within 30 days after collection; and on October 1 of every year to report to the state revenue commissioner the condition of the claims in their hands in favor of the state, particularly specifying:
  - (A) The amounts collected and paid, from what sources received and for what purposes, and to whom paid;
  - (B) What claims are unpaid and why;
  - (C) What judgments have been obtained, when, and in what court; and



(D) What actions are instituted, in what courts, and their present progress and future prospects;

(11) To ensure disposition information is submitted in accordance with subsection (g) of Code Section 35-3-36 when a final disposition decision is made by a district attorney;

(12) To assist victims and witnesses of crimes through the complexities of the criminal justice system and ensure that the victims of crimes are apprised of the rights afforded them under the law; and

(13) To perform such other duties as are or may be required by law or which necessarily appertain to their office.

# APPENDIX 2

## § 15-18-66 (2023) Duties; authority (of Solicitors-General of State Courts)

(a) The duties of the solicitors-general within their respective counties are:

(1) To attend each session of the state court when criminal cases are to be heard unless excused by the judge thereof and to remain until the business of the state is disposed of;

(2) To administer the oaths required by law to the bailiffs or other officers of the court and otherwise to aid the presiding judge in organizing the court as may be necessary;

(3) To file accusations on such criminal cases deemed prosecutable and, subject to paragraph (10) of subsection (b) of this Code section, to prosecute all accused offenses;

(4) To ensure disposition information is submitted in accordance with subsection (g) of Code Section 35-3-36 when a final disposition decision is made by a solicitor-general;

(5) To attend before the appellate courts when any criminal case in which the solicitor-general represents the state is heard, to argue the same, and to perform any other duty therein which the interest of the state may require; and

(6) To perform such other duties as are or may be required by law or which necessarily appertain to their office.

(b) The authority of the solicitors-general shall include but is not limited to the following:

(1) To review every individual case for which probable cause for prosecution exists, and make a prosecutorial decision available under the law based on the facts and circumstances of each individual case under oath of duty as provided in Code Section 15-18-2, and, if necessary, investigate all criminal cases which may be prosecuted in state court;

(2) When authorized by law, to represent the interests of the state in all courts of inquiry within the county in any matter wherein misdemeanor offenses are heard;

(3) When authorized by the local governing authority, to be the prosecuting attorney of any municipal court, recorder's court, or probate court;

(4) To prosecute civil actions to enforce any civil penalty set forth in Code Section 40-6-163 and when authorized by law to prosecute or defend any civil action in the state court in the prosecution or defense of which the state is interested, unless otherwise specially provided for;

(5) To reduce to judgment any fine, forfeiture, or restitution imposed by the state court as part of a sentence in a criminal case or forfeiture of a recognizance which is not paid in accordance with the order of the court. The solicitor-general may institute such civil or criminal action in the courts of this state or of the United States or any of the several states, to enforce said judgment against the property of the defendant;

(6) To prosecute on behalf of the state any criminal action which is removed from the state court to a United States district court pursuant to Chapter 89 of Title 28 of the United States Code. The expenses incurred by the solicitor-general as actual costs in the prosecution of any such case shall be paid by the county;

(7) To represent the state or any officer or agent of the county in a superior court in any habeas corpus action arising out of any criminal proceeding in the state court, except in those cases in which the commissioner of public safety is named as a party;

(8) At the request of any district attorney or solicitor-general, to prosecute or assist in the prosecution of any criminal or civil action and when acting in such capacity a solicitor-general shall have the same authority and power as the requesting prosecutor;

(9) To request and utilize the assistance of any solicitor-general, assistant solicitor-general, district attorney, assistant district attorney, or other attorney employed by an agency of this state or its political subdivisions or authorities in the prosecution of any criminal or civil action;

(10) To enter a nolle prosequi on any accusation, citation, or summons filed and pending or on any indictment pending in the state court as provided by law. No accusation, citation, or summons shall be considered filed unless such filing has been done with the consent, direction, or approval of the solicitor-general. Further, no notice of arraignment shall be given prior to such filing without the solicitor-general's consent, direction, or approval. Prior to the filing of an accusation, citation, or summons, the solicitor-general shall have the same authority and discretion as district attorneys over criminal cases within their jurisdiction;

(11) To request the magistrate to schedule within a reasonable time a preliminary probable cause hearing in any pending misdemeanor case prior to the filing of an accusation and to represent the interests of the state at such hearing; and

(12) To exercise such authority as may be permitted by law or which necessarily appertains to their office.

(c) The provisions of this Code section shall not be deemed to restrict, limit, or diminish any authority or power granted to a solicitor-general by local Act.

