

**IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA**

STONE MOUNTAIN JUDICIAL CIRCUIT
DISTRICT ATTORNEY SHERRY BOSTON,
et al.

Plaintiffs,

v.

STATE OF GEORGIA,

Defendant.

Case No. 2023-cv-383555

NOTICE OF VOLUNTARY DISMISSAL

Pursuant to O.C.G.A. § 9-11-41(a)(1), the Plaintiffs to the above-captioned actions state as follows:

1. In 2023, the General Assembly passed, and Governor Kemp signed into law, Senate Bill 92 (“SB 92”), which established the Prosecuting Attorneys Qualifications Commission (“PAQC”).
2. Pursuant to SB 92, the PAQC has “the power to discipline, remove, and cause involuntary retirement of appointed or elected district attorneys” O.C.G.A. § 15-18-32(a).
3. The General Assembly obligated the PAQC “with the assistance of the Prosecuting Attorneys’ Council of the State of Georgia” to “promulgate standards of conduct and rules for the commission’s governance.” O.C.G.A. § 15-18-32(g).
4. SB 92 provides “that such standards and rules shall be effective only upon review and adoption by the Supreme Court.” O.C.G.A. § 15-18-32(g).

5. On or about September 30, 2023, the PAQC sent its draft standards and rules to the Georgia Supreme Court for its review and adoption.

6. On November 22, 2023, the Georgia Supreme Court issued an order in Matter No. S24U0190 relating to the PAQC. The Georgia Supreme Court “decline[d] to take any action on the draft standards of conduct and rules.” *In re: Prosecuting Attorneys Qualifications Commission Rules and Code of Conduct*, Order at 2. The Court explained “we have grave doubts that it would be within our power to take action on the draft standards and rules, and the statute imposes no affirmative duty that would require us to decide conclusively whether such a duty is constitutionally permissible.” *Id.*

7. Because the PAQC is without standards and rules that have been reviewed and adopted by the Georgia Supreme Court, the PAQC is not able to take any action to “discipline, remove, and cause involuntary retirement of appointed or elected district attorneys” O.C.G.A. § 15-18-32(a).

8. The PAQC will not be able to take any such action unless and until the General Assembly amends SB 92.

9. Accordingly, because there is no further relief to obtain against Defendants relating to SB 92, Plaintiffs are dismissing their claims in this litigation without prejudice.

10. By this notice, Plaintiffs do not waive their rights to reinstitute litigation should the PAQC take any subsequent action without Legislative authorization or if the General Assembly amends SB 92.

Respectfully submitted,

/s/ David N. Dreyer

David N. Dreyer
Georgia Bar No. 141322
Quinton G. Washington
Georgia Bar No. 159067
WASHINGTON DREYER &
ASSOCIATES, LLC
david@washingtondreyer.com
quinton@washingtondreyer.com
270 Peachtree St. NW, Suite 1040
Atlanta, GA 30306
(404) 437-6641

/s/ Joshua A. Rosenthal

Joshua A. Rosenthal*
Jonathan B. Miller*
PUBLIC RIGHTS PROJECT
490 43rd Street, Unit #115
Oakland, CA 94609
josh@publicrightsproject.org
jon@publicrightsproject.org

*Admitted pro hac vice

/s/ Bruce P. Brown

Bruce P. Brown
BRUCE P. BROWN LAW LLC
Georgia Bar No. 064460
bbrown@brucepbrownlaw.com
1123 Zonolite Road, Suite 6
Atlanta, GA 30306
(404) 386-6856

Counsel for Plaintiffs

Dated: December 8, 2023

CERTIFICATE OF SERVICE

I hereby certify that I have this date filed a true and complete copy of the foregoing Notice of Voluntary Dismissal with the court's e-filing system and electronically served a copy of the same on the below-identified counsel:

Charles Boring (cboring@robbinsfirm.com)
Anna Edmondson (aedmondson@robbinsfirm.com)
Carey Miller (cmiller@robbinsfirm.com)
Josh Belinfante (jbelinfante@robbinsfirm.com)
Javier Pico-Pratts (javier.picopratts@robbinsfirm.com)

Filed on this 8th day of December, 2023.

/s/ David N. Dreyer _____
David N. Dreyer
Georgia Bar No. 141322