

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

**BARRED BUSINESS
FOUNDATION,**

Petitioner,

v.

FANI T. WILLIS, in her official capacity as
Fulton County District Attorney,

Respondent.

**CIVIL ACTION FILE NO.
24cv003278**

NOTICE OF VOLUNTARY DISMISSAL

Pursuant to O.C.G.A. 9-11-41(a)(1)(a) and Ga. R. Super. Ct. 4.10, Petitioner Barred Business Foundation respectfully requests this Honorable Court dismiss the above captioned case without prejudice due to an out-of-court settlement agreement, in which Respondent Fani T. Willis, in her official capacity as Fulton County District Attorney, agrees to henceforth comply with her mandatory public duty under Uniform Superior Court Rule 26.3.

This 28th day of June, 2024.

Respectfully submitted,

/s/ Julian Clark
Julian Clark
American Civil Liberties Union
Foundation
Criminal Law Reform Project
125 Broad Street, 17th Floor
New York, New York 10004
(929) 969-4365
jclark@aclu.org

Attorney for Petitioner

OFFICE OF THE FULTON COUNTY DISTRICT ATTORNEY
ATLANTA JUDICIAL CIRCUIT
136 PRYOR STREET SW, 3RD FLOOR
ATLANTA, GEORGIA 30303

Fani T. Willis
District Attorney



TELEPHONE 404-612-4639

May 31, 2024

Chief Judge Ural Glanville
Justice Center Tower
185 Central Ave, S.W.
Atlanta, GA 30303
Courtroom: 8F

The Honorable Chief Judge Glanville,

Uniformed Superior Court Rule 26.3 requires that the State notify the circuit's Chief Judge when an unindicted accused charged with a criminal felony is in custody over forty-five (45) days.

The State is aware that Fulton County Government compiles and maintains a list of names of those criminally accused – defendants jailed on misdemeanors (both accused and unaccused) and felonies (indicted or unindicted)– that you, the Chief Judge, and other criminal justice partners, have access. It is the State's position that this process, adopted by criminal justice partners nearly a decade ago, satisfies Superior Court Rule 26.3, providing notice of the names required by Uniformed Superior Court Rule 26.3.

Notwithstanding Fulton County's current notification process, the State agrees to send directly to you, the Chief Judge of the Atlanta Judicial Circuit, a list of unindicted accused charged with a criminal felony in custody.

To ensure that this list is meaningful, distinct from the list already generated and provided and compliant with Superior Court Rule 26.3, the state proposes the following:

1. On Fridays, the State will provide, via email, a list of names of those criminally accused with a felony charge in custody in the Fulton County jail for over forty (40) days. This list will be distinctively different from the current list adopted by Fulton County Government in two (2) main ways:
 - a. The State's list will list those defendants in custody for forty (40) days – not forty-five. Since the list will be sent every Friday, any person who reaches 45 days in custody unindicted between Friday and the subsequent Friday will be highlighted in **bold**.
 - b. As you are aware, Fulton County Government's list is "charge" base; if a defendant is in custody on an indicted felony but picks up an additional felony

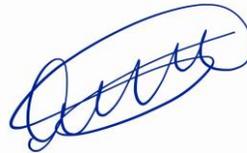
charge that remains unindicted – that defendant is on the Fulton County Government’s list. The State’s list will be “defendant” based – if the defendant is held in the Fulton County jail on *only* an unindicted felony charge, the name of the defendant will be included.

2. While adherence to Uniformed Superior Court Rules is important, the State’s continued compliance to O.C.G.A § 17-7-170 is paramount.

With the differences of the Fulton County Government’s list in mind, the State attaches a list, as of May 22, of all unindicted accused charged with a felony held in Fulton County’s custody for at least forty (40) days – please see the attached.

Thank you in advance for your weekly acceptance of this list pursuant to Uniformed Superior Court Rule 26.3. Should you like to discuss the list, or the process adopted to distinguish this list from the notifications in which you receive, I will make myself available to discuss.

Respectfully submitted,



Andrea Alabi
Legal Counsel
Office of the District Attorney
Atlanta Judicial Circuit
Bar No. 117044