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**MEDIA CONTACT**  
Miriam Krinsky  
[krinskym@krinsky.la](mailto:krinskym@krinsky.la)  
818-416-5218

## **Nearly 60 Current & Former Criminal Justice Leaders Call On GA Supreme Court to Protect Prosecutorial Discretion and the Will of Georgia Voters**

*Allowing a lower court's unprecedented ruling against DA Deborah Gonzalez to stand would undermine local control and erode well-settled prosecutorial independence*

Today, a group of 57 current and former elected prosecutors and former U.S. Attorneys and Department of Justice officials filed an [amicus brief](#) urging the Georgia Supreme Court to uphold the well-established autonomy and discretion of duly elected Western Judicial Circuit District Attorney Deborah Gonzalez. The signatories call for the dismissal of a case that could give the judiciary the power to oversee decision-making vested in the elected DA. Allowing the case to proceed would infringe on prosecutorial independence and endanger the ability of voters to have a say in their local justice system, eroding community trust and thereby undermining public safety.

The case at hand, *Miller v. Gonzalez*, involves a single private citizen who asked the lower court to determine that DA Gonzalez was “not performing the duties of her office” and to micromanage how her office exercises discretion and uses limited resources to keep the community safe and healthy. The Superior Court denied DA Gonzalez’s motion to dismiss the case, despite the fact that the petitioner brought the suit simply because he opposed DA Gonzalez’s evidence-backed decision to focus her office’s time and efforts on violent crime instead of low-level offenses like marijuana possession or truancy. But as the signatories to the brief note, “no prosecutor has the ability and resources to prosecute *every* case and *every* violation of the law,” and “this suit is simply an attempt by a single individual to harness the authority of the court system to prevent DA Gonzalez from making policy decisions with which he does not agree.”

“The people elected DA Gonzalez because of her unwavering commitment to a new vision of public safety and justice. It is deeply troubling that a court would entertain a case that could override the will of thousands of voters to appease the complaints of a single unelected individual,” said **Miriam Krinsky, Executive Director of [Fair and Just Prosecution](#)** and a former federal prosecutor. “District attorneys are uniquely vested with the power to make decisions about which issues and cases to prioritize. For the judiciary to insert itself in the

discretionary decisions of a prosecutor's office sets a dangerous precedent that threatens the essential building blocks upon which our legal system is built.”

The signatories also emphasize that the court's ruling erodes the integrity of the electoral system and the rights of Georgians to have a say in their local justice system: “Local residents and voters choose the leader that best reflects and furthers their vision for the justice system in *their* community. If District Attorneys fail to adhere to promises made, or if the public decides it disapproves of them, they will inevitably be voted out of office.... This suit by a single dissatisfied voter asked the court system to step in and force an outcome that is more appropriately pursued through the democratic process.”

“The independence of locally elected prosecutors has been well-settled since the founding of our country, and the courts protected their discretion even as some district attorneys pursued overly punitive policies that damaged communities instead of making them safer. Now, when we have reform-minded leaders chosen by the voters to bring about change, the discretion that judges have respected for decades must continue to be safeguarded,” said **Ramsey County, Minn. Attorney John Choi**, a signatory to the brief.

“Communities around the country are demanding new approaches to public safety, and they are electing prosecutors who share their vision of justice. If the judiciary can effectively nullify voters' preferences by blocking a duly elected official's discretionary choices, people are less likely to trust in democracy, the rule of law and government institutions – making it harder to keep our communities safe,” noted **Shay Bilchik**, one of the nearly 60 *amici* and a former DOJ Associate Deputy Attorney General and former administrator of the DOJ Office of Juvenile Justice and Delinquency Prevention.

“The lower court's decision will create the potential for serious disruptions in our state,” said **former DeKalb County, Ga. District Attorney J. Tom Morgan**, another signatory on the brief. “It is essential that the Georgia Supreme Court reverse the lower court's order, affirm DA Gonzalez's discretion and defend the right to local governance and separation of powers.”

Local counsel for *amici* includes former Macon Judicial Circuit District Attorney **David Cooke** of Gautreaux Law Firm.

Read the brief [here](#); see below for a list of *amici*.

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*Fair and Just Prosecution is a national network of elected prosecutors working towards common-sense, compassionate criminal justice reforms. To learn more about FJP's work, visit our [website](#) and follow us on [Facebook](#), [Twitter](#), [LinkedIn](#), and [Threads](#).*

**List of Amici**

**Roy L. Austin, Jr.**

Former Deputy Assistant Attorney General, Civil Rights Division, U.S. Department of Justice  
Former Deputy Assistant to President Obama for the Office of Urban Affairs, Justice, and Opportunity (White House Domestic Policy Council)

**Donald Ayer**

Former Deputy Attorney General, U.S. Department of Justice  
Former U.S. Attorney, Eastern District of California

**Diana Becton**

District Attorney, Contra Costa County, California

**Wesley Bell**

Prosecuting Attorney, St. Louis County, Missouri

**Buta Biberaj**

Commonwealth's Attorney, Loudoun County, Virginia

**Shay Bilchik**

Former Associate Deputy Attorney General, U.S. Department of Justice  
Former Administrator, Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice

**Chesa Boudin**

Former District Attorney, City and County of San Francisco, California

**Aisha Braveboy**

State's Attorney, Prince George's County, Maryland

**John Choi**

County Attorney, Ramsey County (St. Paul), Minnesota

**Dave Clegg**

District Attorney, Ulster County, New York

**Laura Conover**

County Attorney, Pima County (Tucson), Arizona

**Kara Davis**

District Attorney, Gilliam County, Oregon

**Satana Deberry**

District Attorney, Durham County, North Carolina

**Parisa Dehghani-Tafti**

Commonwealth's Attorney, Arlington County and the City of Falls Church, Virginia

**Steve Descano**

Commonwealth's Attorney, Fairfax County, Virginia

**Michael Dougherty**

District Attorney, 20th Judicial District (Boulder), Colorado

**Mark Dupree**

District Attorney, Wyandotte County (Kansas City), Kansas

**Matt Ellis**

District Attorney, Wasco County, Oregon

**Ramin Fatehi**

Commonwealth's Attorney, City of Norfolk, Virginia

**Lisa Foster**

Former Director, Office for Access to Justice, U.S. Department of Justice

**Kimberly M. Foxx**

State's Attorney, Cook County (Chicago), Illinois

**Gil Garcetti**

Former District Attorney, Los Angeles County, California

**Stan Garnett**

Former District Attorney, 20th Judicial District (Boulder), Colorado

**George Gascón**

District Attorney, Los Angeles County, California

Former District Attorney, City and County of San Francisco, California

**Sarah F. George**

State's Attorney, Chittenden County (Burlington), Vermont

**Eric Gonzalez**

District Attorney, Kings County (Brooklyn), New York

**Scott Harshbarger**

Former Attorney General, Massachusetts

Former District Attorney, Middlesex County, Massachusetts

**Jim Hingeley**

Commonwealth's Attorney, Albemarle County, Virginia

**Elizabeth K. Humphries**

Commonwealth's Attorney, City of Fredericksburg, Virginia

**Natasha Irving**

District Attorney, 6th Prosecutorial District, Maine

**Kathleen Jennings**

Attorney General, Delaware

**Justin F. Kollar**

Former Prosecuting Attorney, County of Kaua'i, Hawaii

**Lawrence S. Krasner**

District Attorney, Philadelphia, Pennsylvania

**Scott Lassar**

Former U.S. Attorney, Northern District of Illinois

**Rebecca Like**

Prosecuting Attorney, County of Kaua'i, Hawaii

**Robert L. Listenbee**

Former Administrator, Office of Juvenile Justice and Delinquency Prevention (OJJDP), U.S. Department of Justice

**Karen Loeffler**

Former U.S. Attorney, District of Alaska

**Leesa Manion**

Prosecuting Attorney, King County (Seattle), Washington

**Brian S. Mason**

District Attorney, 17th Judicial District, Colorado

**Beth McCann**

District Attorney, 2nd Judicial District (Denver), Colorado

**Ryan Mears**

Prosecuting Attorney, Marion County (Indianapolis), Indiana

**J. Tom Morgan**

Former District Attorney, DeKalb County, Georgia

**Mary Moriarty**

County Attorney, Hennepin County (Minneapolis), Minnesota

**Steve Mulroy**  
District Attorney, Shelby County (Memphis), Tennessee

**Jerome O'Neill**  
Former U.S. Attorney, District of Vermont

**Joseph Platania**  
Commonwealth's Attorney, City of Charlottesville, Virginia

**Ira Reiner**  
Former District Attorney, Los Angeles County, California  
Former City Attorney, Los Angeles, California

**Mimi Rocah**  
District Attorney, Westchester County, New York

**Jacqueline Sartoris**  
District Attorney, Cumberland County (Portland), Maine

**Daniel T. Satterberg**  
Former Prosecuting Attorney, King County (Seattle), Washington

**Eli Savit**  
Prosecuting Attorney, Washtenaw County (Ann Arbor), Michigan

**Mike Schmidt**  
District Attorney, Multnomah County (Portland), Oregon

**Carol Siemon**  
Former Prosecuting Attorney, Ingham County (Lansing), Michigan

**Eric Sparr**  
District Attorney, Winnebago County, Wisconsin

**Matthew Van Houten**  
District Attorney, Tompkins County, New York

**Cyrus R. Vance**  
Former District Attorney, New York County (Manhattan), New York

**William Wilmoth**  
Former U.S. Attorney, Northern District of West Virginia