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GWINNETT JUDICIAL CIRCUIT
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PATSY AUSTIN-GATSON
District Attorney

JOHN MELVIN
Chief Assistant

To: Glenn Stephens, County Manager
From: John Melvin
Date: 17 March 2026
Re: Solicitor's Statutory Noncompliance in Handling of Pretrial Diversion Funds

Mr. Stephens,

I write regarding the Solicitor-General's Office press release dated March 5, 2026, announcing the continued expansion of the pretrial diversion program and describing a practice whereby certain traffic or wildlife citations may be resolved through donations to nonprofit organizations, including the *Gwinnett Coalition* and the *Georgia Wildlife Federation*. This program directing defendants to make donations to private nonprofit organizations as a condition for resolving pending citations is not authorized under Georgia law and is inconsistent with the statutory framework governing diversion programs and criminal monetary penalties.

The District Attorney's Office has previously communicated with Solicitor Bristol concerning the issues related to the Solicitor-General's Office handling of pretrial diversion ("PTD") funds. In addition to statutory non-compliance, these practices are resulting in financial loss to Gwinnett County *and* the improper handling of state-directed funds.

The governing statute, O.C.G.A. § 15-18-80(f), provides in relevant part:

The prosecuting attorney shall be authorized to assess from each offender who enters the program a fee not to exceed \$1,000.00 for the administration of the program... ***Any fee collected under this subsection shall be collected by the clerk of court and made payable to the general fund of the political subdivision in which the case is being prosecuted;*** provided, however, that the clerk of court shall deduct amounts due pursuant to subsection (a.1) of Code Section 47-17-60 and shall remit such amounts to the secretary-treasurer of the Peace Officers' Annuity and Benefit Fund..." (emphasis added)

Additionally, O.C.G.A. § 47-17-60(a.1) requires that specified amounts be collected and remitted to the Director of the Board of Commissioners of the Peace Officers' Annuity and Benefit Fund.

Based on our review, these statutory requirements are not being followed. Specifically:

- PTD administrative fees are not being collected through the Clerk of Court as required by statute;
- Funds that are required by law to be paid into the general fund of Gwinnett County are not being properly transmitted, resulting in a direct financial loss to the County; and

- Required deductions and remittances under § 47-17-60 are not being collected and forwarded to the appropriate state authority.

As noted, the District Attorney and I have made good-faith efforts to address these issues directly with the Solicitor-General's Office and to provide an opportunity to bring these practices into compliance. Those efforts included offering assistance in restructuring the process to conform to statutory requirements. Unfortunately, those efforts have been unsuccessful, and the current practices continue.

Given that the Solicitor-General is a statutorily created county-elected official, and not a constitutional officer, I believe the most appropriate next step is for the County Attorney's Office to formally address this issue and request immediate compliance with the governing statutes. Prompt intervention at that level may allow this matter to be resolved efficiently and without the need for further action.

However, I do want to be clear that the issues identified above involve the misapplication of public funds and noncompliance with express statutory directives. If the conduct continues without correction, my office will be forced to take appropriate action to ensure compliance with Georgia law and address the misapplication of these funds.

Our goal is to resolve this matter promptly, correctly, and professionally. We stand ready to assist in any way necessary to ensure full statutory compliance.

Respectfully,

A handwritten signature in blue ink, appearing to read "John Melvin". The signature is fluid and cursive, with a large initial "J" and "M".

John Melvin

Chief Assistant District Attorney
Gwinnett Judicial Circuit