

D. Robert Busbee

From: D. Robert Busbee
Sent: Friday, October 17, 2025 2:12 PM
To: Noel Brown; Jimmy McDuffie; Norman Royal; Robert Oglesby
Cc: Jillian Gibson
Subject: October 14, 2025 Meeting

Good Afternoon Gentlemen,

I thought it would be a good idea to document our meeting, as well as any subsequent updates. We can also use this thread to provide further updates.

One update we have regards Abandonment (O.C.G.A. § 17-5-54). I believe your forms have a signature line for me to approve. I'm not sure where that comes from. 17-5-54 does not require my participation. It contemplates participation only by yourselves and the superior court judges. Ms. Gibson confirmed this with a colleague knowledgeable about this issue. I also reviewed relevant cases. Your agencies will proceed under an application in your names. You can remove my signature line from the form.

That said, the road you guys are getting ready to walk down is perilous, and I recommend extreme caution. If my office has looked at your case and declined to participate, that should probably be viewed as a flashing red warning light.

Here are the notes we have from the meeting and the updates so far:

- Trafficking cases being dismissed or reduced.
 - Sheriffs expressed concern about trafficking cases being reduced prior to indictment or as part of negotiated pleas.
 - Sheriffs agreed to send over case names for review by DA and CADA.
 - DA and CADA agreed to look at cases to see if any shouldn't have been reduced, but decision to reduce is solely within the discretion of DA's Office
 - Sheriff Brown asked if decision should be with Grand Jury.
 - Answer: Both Grand Jury has to find probable cause and DA's Office has to agree to prosecute (prosecutorial discretion).
 - Concern over lack of communication when cases are reduced/pled out i.e. [REDACTED] - reduced to PWID
- Jenkins is still having issues with transporting defendants only to have nothing happen in court.
 - DA has already discussed with ADAs.
 - Judges may be better able to address, as defense attorneys are often the cause.
- Asset Forfeitures Broadly
 - Sheriffs posed question: If someone is pulled over with a large amount of cash, and they claim it doesn't belong to them, can it be forfeited?
 - Answer: No. There must be evidence of a criminal enterprise. DA is requiring felony charges.
 - Smith v. State 319 Ga. 352 (2024) - must be able to allege elements of crime sufficient to survive demurrer

- Follow up: Can we take it as abandoned property?
 - Answer: Possibly. CADA will research “Abandonment” issue to confirm and see if there are any limits on amounts.
 - Abandonment statute 17-5-54
 - DA’s Office advises caution.
 - If they say property is theirs or refuse to answer, the property cannot be seized unless grounds for forfeiture exist.
 - If they say property is theirs or refuse to answer, and are threatened or coerced, then claim it’s not theirs, property cannot be seized unless grounds for forfeiture exist.
 - PAC advises document efforts to contact individual
- Multiple sheriffs posed question: If we catch someone with a large amount of money but cannot prove any illegal activity, does have be returned?
 - Answer: Yes. You must give it back.
 - Sheriff McDuffie: If we catch someone with a \$1million, do we have to give it back?
 - Yes.
- In case where BCSO sought to seize money from suspected drug mule traveling between Georgia and Florida, evidence was lacking for felony charges (subject had large amount of money, but only a small amount of marijuana in ashtray), DA asked about further investigation.
 - SO confirmed information had not been shared with DEA or GBI.
- Screven County was having an issue with an old asset forfeiture case that is just awaiting a final order.
 - DA agreed to review - denial letter sent 10/16/25 and JB discussed w/ Petrea
 - For two smaller counties, the funds from the few forfeitures they do mean a lot.
 - JG advised SP and CC to use best judgment w/ Screven forfeitures - can be flexible on amount
- Regarding \$2,500 minimum
 - DA indicated his office is severely underfunded, and as a result, understaffed.
 - DA’s priority is criminal prosecution. Everything else, including asset forfeiture, is secondary.
 - DA will remove limit once office is properly funded and thus, properly staffed.
 - DA indicated he had met with 6 of 7 commissioners for Bulloch County (largest county and unofficially sets circuit budget for other three counties)
 - All 6 commissioners, including Timmy Rushing indicated funding needed to be increased.
 - Sheriffs proposed approaching commissions on DA’s Office behalf to seek an increase through amendment.
 - Perhaps hearing from law enforcement partners would prompt commissions to see dire need.
 - Sheriffs requested DA provide Sheriffs with information about fiscal need to take to commissions

-DRB

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