

OFFICE OF THE FULTON COUNTY DISTRICT ATTORNEY

Atlanta Judicial Circuit
136 Pryor Street, SW, 3rd Floor
Atlanta, Georgia 30303-3477

PAUL L. HOWARD, JR.
District Attorney



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9/21/2018

City of East Point
Mayor Deana Holiday Ingraham
2777 East Point Street
East Point, Georgia
30344

Dear Mayor Ingraham,

On August 15, 2018, we were asked by members of the East Point City Council to determine whether fellow Council Member, Joshua B. Butler, IV, committed a criminal offense by completing and signing a Notice of Candidacy and Affidavit on August 22, 2017, seeking election to the East Point City Council. Specifically, the allegation raised involved a federal criminal conviction accrued by Butler in 2000 and whether Butler's civil rights had been restored following this conviction. Based upon a common sense reading of the affidavit, if his civil rights were restored, Butler answered the application truthfully, but if his civil rights were not restored, then arguably Butler completed and signed falsely. A false swearing or signing would possibly subject Butler to criminal prosecution.

After careful consideration of this matter, my office has determined that we will not seek criminal action against Butler at this time for the following reasons:

(1). Whether Butler filed a truthful Notice of Candidacy and Affidavit presents a difficult question of fact and law; however, with respect to his ability to maintain his position on the East Point City Council, the falsity issue, we believe, is secondary to a more significant issue facing Butler.

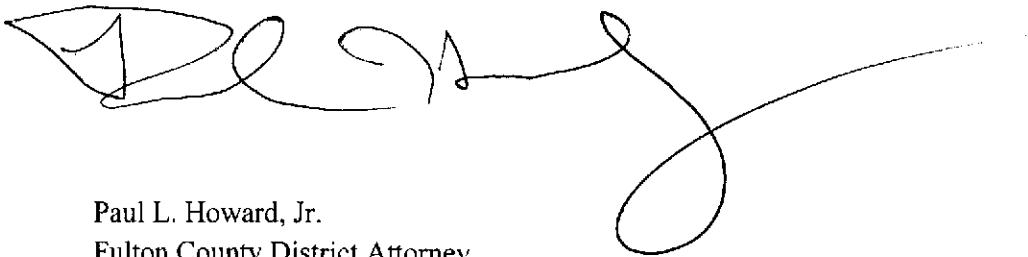
(2). Because Butler's civil rights were not restored following his 2000 conviction for the offenses of Computer Fraud, Conspiracy to Defraud the United States, and Aiding and Abetting Computer Fraud, pursuant to the Constitution of Georgia, **Ga. Const. Art. II § II, Para. III**, there is a significant remaining question of whether he is in fact eligible to hold elected office at this time. If he is not eligible to hold office, it is our opinion, the question of the false swearing is moot.

PH/ch

The process to determine whether Butler is eligible to hold office is not a criminal decision made by the District Attorney, but rather a civil question, which could be raised through a Civil Court petition process seeking a "*Writ of Quo Warranto.*" My suggestion is that your City's legal staff should be consulted to sort out the details of such process.

Thank you for your patience in this matter. We will be available to answer any questions related to this situation.

Yours Truly,

A handwritten signature in black ink, appearing to read "P. L. Howard, Jr.", with a long, sweeping horizontal line extending to the right.

Paul L. Howard, Jr.
Fulton County District Attorney

CC:

East Point City Attorney Brad Bowman

East Point Mayor Pro Tem Sharon Shropshire

East Point City Councilmember Joshua B. Butler, IV

East Point City Councilmember Nanette Saucier

Mr. Marvin Arrington Jr., Attorney for Mr. Butler

PH/ch