

# COUNTIES & THE LAW

This edition of *Counties & the Law* includes decisions of interest to county attorneys published in the Daily Report Opinions Weekly between May 21, 2016, and May 27, 2016.

We welcome your suggestions and opinions regarding Counties & the Law. Please contact Kelly Pridgen at [kpridgen@accg.org](mailto:kpridgen@accg.org) or Joe Scheuer at [jscheuer@accg.org](mailto:jscheuer@accg.org) with your comments.

## ***CRIMINAL MATTERS***

### ***Darling v. McLaughlin***

Supreme Court of Georgia  
May 26, 2016; S16A0071

After pleading guilty to felony murder, a defendant filed a petition for habeas relief challenging the voluntariness of his plea. The defendant's new counsel filed a motion to dismiss that petition without prejudice under O.C.G.A. 9-11-41(a)(2). The habeas court relied on O.C.G.A. 9-11-41(a)(1) and denied the motion. This was error because the habeas court failed to analyze whether voluntary dismissal might be available upon order of the court and upon such terms and conditions as the court might deem proper under O.C.G.A. 9-11-41(a)(2).

## ***IMMUNITY***

### ***Georgia Department of Labor v. RTT Associates, Inc.***

Supreme Court of Georgia  
May 27, 2016; S15G1780

A contract between a state agency and a vendor was terminated for noncompliance. Following expiration of that contract, the parties continued doing some work, however, neither their conduct nor any internal documents could have established a written contract. In the absence of a written contract, sovereign immunity was not waived by the state agency.