

IN THE SUPERIOR COURT OF WASHINGTON COUNTY  
STATE OF GEORGIA

  
Megan Cramer, Clerk  
Washington County, Georgia

Michael Howard  
Amy Howard,  
PETITIONERS

VS.

Stacey Johnson,  
RESPONDENT.

CIVIL ACTION No: SUCV202600064

MOTION TO STRIKE PURSUANT TO OCGA 9-11-11.1

### Introduction

Mr. Johnson has repeatedly criticized Amy Howard, who is running for office, and Michael Howard, the former Solicitor General of Washington County, who supports her campaign. The Howards want that to stop.

Conceding that this criticism is “not illegal,” these politicians nevertheless say they find it “strange and alarming.” They argue that there can be no legitimate purpose in filming Mrs. Howard’s campaign events, or in filming Mr. Howard in a convertible the day after an ethics investigation led him to resign.

But this conduct is not stalking. Informing the public about an election campaign is a legitimate purpose. And this petition fails to identify any reasonable source of fear. *See Gibson-Wright v. Smith*, 370 Ga. App. 860, 861 (2024) (public official could not claim reasonable fear of being filmed by constituent).

Because Mr. Johnson has a constitutional right to speak about the Howards, this petition must be dismissed under OCGA § 9-11-11.1. *See Weaver v. Millsaps*, 370 Ga. App. 513, 516 (2024); *Luo v. Volokh*, 102 Cal. App. 5<sup>th</sup> 1312, 1322 (2024) (affirming anti-SLAPP dismissal of restraining-order petition targeting protected speech).

## The Standard

Under OCGA § 9-11-11.1, the Court asks two questions:

- (1) whether the claim arises from an act in furtherance of the defendant's rights of speech or petition as defined by the statute; and
- (2) if so, whether the plaintiff has established a probability of prevailing on the claim.

Because Georgia modeled OCGA § 9-11-11.1 on California's anti-SLAPP statute, Georgia courts look to California decisions for guidance where appropriate. *Wilkes & McHugh, P.A. v. LTC Consulting, L.P.*, 306 Ga. 252, 258 (2019).

### **1. This Case Arises from Protected Activity Under OCGA 9-11-11.1(c)(3) and (c)(4).**

The Howards allege two sorts of conduct, which we address in turn. First, they allege that Mr. Johnson has posted about them on Facebook 33 times. Second, they allege that Mr. Johnson filmed them during a campaign event at Mr. Howard's office, and in the parking lot of a Walmart.

#### *A. Social Media Posts About Public Figures are Protected Activity*

Statements made in a public forum about a public official or a matter of public interest fall within the protections of OCGA § 9-11-11.1(c)(3). *See Weaver v. Millsaps*, 370 Ga. App. 513, 516 (2024). California courts interpreting materially identical language reach the same conclusion. *See Wong v. Jing*, 189 Cal. App. 4th 1354, 1366 (2010).

Mr. Howard is a public official. Mrs. Howard is running for office. Statements about public officials ordinarily concern matters of public interest. *See ACLU, Inc. v. Zeh*, 312 Ga. 647, 650 (2021).

In any event, Mr. Johnson's statements concern issues of public concern. As shown in Mr. Johnson's affidavit and the attached PACQC materials, Mr. Howard resigned in the face of an ethical inquiry. Mr. Johnson's posts address that conduct, the surrounding investigations, and Mr. and Mrs. Howards' candidacy for public office.

The petition's own exhibits confirm this. They show that Mr. Johnson posted about, among other things, the GBI investigation into Mr. Howard, his campaign activities, and alleged conflicts of interest and misuse of public resources. Those are paradigmatic matters of public concern. *See Lane Dermatology & Dermatologic Surgery, LLC v. Smith*, 360 Ga. App. 370, 378-79 (2021).

*B. Posting video of public officials running for office from public places is protected.*

Georgia's anti-SLAPP statute protects not only speech, but also "conduct in furtherance of the exercise of the constitutional right of petition or free speech in connection with a public issue or an issue of public concern." OCGA § 9-11-11.1(c)(4).

Because Georgia modeled its statute on California's, California decisions are instructive. California courts have repeatedly held that "prepublication or reproduction acts such as investigating, newsgathering, and conducting interviews constitute conduct that furthers the right of free speech and is protected activity." *San Diegans for Open Gov't v. San Diego State Univ. Research Found.*, 13 Cal. App. 5th 76, 101 (2017).

The petition alleges that Mr. Johnson recorded Mr. and Mrs. Howard from a public sidewalk outside Mr. Howard's law office during a campaign event and later posted that video on Facebook. That is journalism: gathering information on a person seeking public office and then publishing the results. Mr. Johnson's recording was therefore conduct in furtherance of his right of free speech within the meaning of OCGA § 9-11-11.1(c)(4).

Further, body-cam video, which we will present at the anti-SLAPP hearing, shows that the officer noted Mr. Johnson's conduct was completely legal. No law prohibits filming a campaign event from a public sidewalk, and the Howards identify none.

Similarly, Mr. Johnson's recording of Mr. Howard in another public place, a Walmart parking lot, was lawful newsgathering activity. No one has a reasonable expectation of privacy in a parking lot. And the filming took place the day after Mr. Howard resigned as Solicitor General after an ethical inquiry. How Mr. Howard responded to his ouster was a matter of public concern. This, too, is classically protected newsgathering activity under

OCGA § 9-11-11.1(c)(4).

**2. This Case Lacks Minimal Merit Because Mr. Howard was Not Placed in Reasonable Fear, Nor Was Mr. Johnson's Conduct Illegitimate.**

To prevail, Mr. and Mrs. Howard must establish a pattern of harassing and intimidating behavior which placed them in *reasonable* fear for their safety. *Murphy v. O'Keefe*, 348 Ga. App. 344, 346 (2019). Here, Mr. Howard called the police to complain about Mr. Johnson filming him, and law enforcement determined that Mr. Johnson was not doing anything unlawful. The Howards' fear was not reasonable. *See Gibson-Wright v. Smith*, 370 Ga. App. 860, 861 (2024).

*Gibson-Wright v. Smith* is remarkably similar. There, a city council member sought a TPO against a woman who repeatedly appeared and filmed him in public settings, including at his office, his car, and a public event. The trial court granted relief, but the Court of Appeals reversed, holding that such conduct did not place the official in reasonable fear.

In this case, similarly, Mr. Howard is suing because he does not want a constituent to film his car and his office. Mr. Howard repeatedly describes Mr. Johnson's conduct as "strange" and "alarming," and emphasizes the number of Facebook posts about him. But annoyance, embarrassment, and unwanted scrutiny are not stalking. Nor may a public official punish scrutiny by claiming that it scares him.

This petition also fails because OCGA 16-5-94 only forbids stalking behavior which has "no legitimate purpose." The First Amendment protects the right to gather and disseminate information about public officials, including those seeking elected office. That is a legitimate purpose as a matter of law. *See, e.g., Pilcher v. Stribling*, 282 Ga. 166, 168, 647 S.E.2d 8, 10 (2007) (fire chief taunting fireman during physical training served legitimate purpose); *Norman v. Doby*, 321 Ga. App. 126, 129 (2013) (father wanting to talk to children was legitimate purpose).

## **Conclusion**

Georgia passed OCGA 9-11-11.1 to ensure that the "valid exercise of the

constitutional rights of petition and freedom of speech should not be chilled through abuse of the judicial process.” This case is not about the Howards’ fear of being physically harmed. It is about their fear of scrutiny, and how that scrutiny has already soured the public on Michael Howard’s tenure as a public official.

That is not a fear that this court, or any court, should countenance. This petition should be dismissed.

RESPECTFULLY SUBMITTED THIS THE 15TH DAY OF APRIL 2026

*S:/Andrew Santos Fleischman*

Andrew Santos Fleischman  
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### **CERTIFICATE OF SERVICE**

I hereby certify that I have served a true and accurate copy of the foregoing pleading upon opposing counsel in this case by filing same in the Court’s electronic filing system which will generate notice of filing to each attorney of record.

RESPECTFULLY SUBMITTED, this 15th day of April, 2026.

*S:/Andrew Santos Fleischman*

Andrew Santos Fleischman  
State Bar No. 949071  
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**INVESTIGATIVE PANEL  
PROSECUTING ATTORNEYS QUALIFICATIONS COMMISSION  
STATE OF GEORGIA**

	)	
<b>In re: Inquiry Concerning</b>	)	<b>PAQC 2025DSG000050</b>
<b>Solicitor General Michael Howard</b>	)	<b>PAQC 2025DSG000051</b>
	)	<b>PAQC 2025DSG000064</b>

**REPORT OF DISPOSITION**

1.

This matter originated before the PROSECUTING ATTORNEYS QUALIFICATIONS COMMISSION (PAQC) Investigative Panel as the result of three complaints concerning Washington County Solicitor General Michael Howard (SG Howard). The first, 2025DSG000050, was submitted via the PAQCGA.gov website on June 24, 2025, and was submitted on behalf of SG Howard by SG Howard's attorney W. Matthew Wilson. This complaint stated that a sitting Judge and an attorney had publicly alleged wrongdoing by SG Howard and requested the PAQC to conduct an investigation in order to clear SG Howard of said wrongdoing. The second complaint, 2025DSG000051, was submitted via PAQCGA.gov website on June 25, 2025, by a separate complainant, and contained substantially the same allegations. The third complaint, 2025DSG000064, was submitted via PAQCGA.gov website on July 14, 2025,

2.

After the Complaints were initiated, the Director conducted a review of the allegations and determined that, if true, the allegations against SG Howard would constitute a basis for discipline.

3.

On July 15, 2025, SG Howard submitted his resignation as Solicitor General of Washington County, effective immediately, to Governor Brian Kemp. Exhibit A. Governor Kemp accepted said resignation that same day, July 15, 2025. Exhibit B. On July 16, 2025, SG Howard's attorney notified the PAQC of this resignation via email response to the PAQC email confirming the submission of 2025DSG000050.


4.

Given SG Howard's resignation during this investigation, the Investigative Panel and SG Howard have mutually agreed upon a satisfactory disposition of PAQC complaints No. 2025DSG000050, 2025DSG000051, and 2025DSG000064 pursuant to O.C.G.A. § 15-18-32(j)(1). SG Howard neither confirms nor denies the allegations, and he will not seek, request, or accept any position as district attorney or solicitor general in the future, as those offices are as defined by Chapter 18 of Title 15 of the Official Code of Georgia Annotated, all set forth in the attached Consent Agreement. Exhibit C.

5.

This Report of Disposition is submitted for filing in the public records of the Supreme Court of Georgia pursuant to O.C.G.A. § 15-18-32(j)(1), and same published on the PAQC public website.

Respectfully submitted this 18 day of Sept, 2025.



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Ian Heap, Director  
Prosecuting Attorneys Qualifications Commission  
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Savannah, GA 31410,  
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**Office of the Solicitor-General  
Washington County State Court**

**Michael S. Howard  
Solicitor-General**

**120 North Harris Street  
P.O. Box 5746  
Sandersville, GA 31082**

**Phone: (478) 552-2467  
Fax: (478) 552-8030**

July 15, 2025

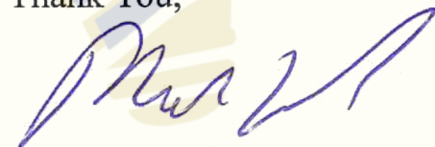
Honorable Brian P. Kemp  
206 Washington Street  
Suite 203, State Capitol  
Atlanta, GA 30334

RE: Resignation

Dear Governor Kemp,

Please accept this as my resignation from my position as Solicitor-General of Washington, County, effective immediately.

Thank You,



Michael Howard



STATE OF GEORGIA  
OFFICE OF THE GOVERNOR  
ATLANTA 30334-0090

Brian P. Kemp  
GOVERNOR

July 15, 2025

The Honorable Michael Howard  
Solicitor-General  
Washington County State Court  
120 North Harris Street  
P.O. Box 5746  
Sandersville, Georgia 31082

Dear Mr. Howard:

I am in receipt of your letter regarding your resignation as Solicitor-General of the State Court of Washington County. Your resignation is hereby accepted, effective immediately.

Sincerely,

Brian P. Kemp

BPK:rbw

cc: The Honorable Brad Raffensperger, Secretary of State  
The Honorable Russell Sheppard, Judge, Probate Court of Washington County

Exhibit B

**INVESTIGATIVE PANEL  
PROSECUTING ATTORNEYS QUALIFICATIONS COMMISSION  
STATE OF GEORGIA**

	)	
<b>In re: Inquiry Concerning</b>	)	<b>PAQC 2025DSG000050</b>
<b>Solicitor General Michael Howard</b>	)	<b>PAQC 2025DSG000051</b>
	)	<b>PAQC 2025DSG000064</b>
	)	

**CONSENT AGREEMENT**

This matter originated before the PROSECUTING ATTORNEYS QUALIFICATIONS COMMISSION (PAQC) Investigative Panel as the result of three complaints concerning Washington County Solicitor General Michael Howard (SG Howard).

The first, 2025DSG000050, was submitted via the PAQCGA.gov website on June 24, 2025, and was submitted on behalf of SG Howard by SG Howard’s attorney W. Matthew Wilson. This complaint stated that a sitting Judge and an attorney had publicly alleged wrongdoing by SG Howard and requested the PAQC to conduct an investigation in order to clear SG Howard of said wrongdoing. The allegations were willful misconduct in office, willful and persistent failure to carry out the duties of a Solicitor General pursuant to Code Section 15-18-66, and conduct prejudicial to the administration of justice which brings the office into disrepute.

The second complaint, 2025DSG000051, was submitted via PAQCGA.gov website on June 25, 2025, by a separate complainant. The allegations were willful and persistent failure to carry out the duties of a Solicitor General pursuant to Code Section 15-18-66, and conduct prejudicial to the administration of justice which brings the office into disrepute.

The third complaint, 2025DSG000064, was submitted via PAQCGA.gov website on July 14, 2025, alleging willful misconduct in office and conduct prejudicial to the administration of justice which brings the office into disrepute.

Pursuant to O.C.G.A. § 15-18-32(h)(2), (3), & (6), willful misconduct in office, willful and persistent failure to carry out the duties of a Solicitor General pursuant to Code Section 15-18-66, and conduct prejudicial to the administration of justice which brings the office into disrepute are each and all grounds for discipline of a solicitor-general or for his or her removal or involuntary retirement from office.

On July 15, 2025, SG Howard submitted his resignation as Solicitor General of Washington County, effective immediately, to Governor Brian Kemp. Governor Kemp accepted said resignation that same day, July 15, 2025. On July 16, 2025, SG Howard's attorney notified the PAQC of this resignation via email response to the PAQC email confirming the submission of 2025DSG000050.

All three of these complaints, 2025DSG000050, 2025DSG000051, and 2025DSG000064 contained factual allegations (in 2025DSG000050 it was SG Howard's report of others making these allegations, and there is substantial overlap with 2025DSG000051) which, if found to be true, would constitute grounds for discipline.


Pursuant to PAQC Rule 4.1(D)(1)(g) the PAQC Investigative Panel and SG Howard agree to resolve the above-referenced Complaint as set forth below:

1. SG Howard neither confirms nor denies the allegations
2. On July 15, 2025, SG Howard submitted his immediate resignation as Solicitor General of Washington County to Governor Brian Kemp notice of his resignation from his position as Solicitor General of Washington County to Governor Brian Kemp, which Governor Kemp accepted that same day.

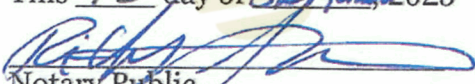
3. SG Howard agrees that he will not seek, request, or accept office as district attorney or solicitor general in the future, as those offices are as defined by Chapter 18 of Title 15 of the Official Code of Georgia Annotated.
4. In light of SG Howard's resignation while under investigation by the PAQC Investigative Panel; his agreement not to seek request, or accept any elected or appointed district attorney or solicitor general position, or status in the future; and in lieu of further investigation by the Investigative Panel, the Panel has determined that pursuant to O.C.G.A. § 15-18-32(j)(1) resolution of these three Complaints by Consent Agreement is a satisfactory disposition.
5. This Consent Agreement is effective immediately and carries forward permanently.
6. SG Howard understands that should he violate this Consent Agreement, the Investigative Panel and Director may seek to enforce or rescind the Agreement, proceed with further investigation, or file formal charges related to the three above- referenced Complaints, if appropriate.
7. After the signing of this Consent Agreement the Director will file the Agreement with the Supreme Court of Georgia, along with a Report of Disposition pursuant to O.C.G.A. § 15-18-32(j)(1), and publish same on the PAQC public website.
8. After the signing and filing of this Consent Agreement the three above- referenced Complaints will be resolved and completed.

9. SG Howard understands that with the exception of this Consent Agreement and the Report of Disposition, information related to the investigation of the three above-referenced Complaints will remain confidential unless an exception pursuant to O.C.G.A. § 15-18-32(k) and PAQC Rule 3.7(E).

Respectfully submitted this 18 day of Sept, 2025.

  
\_\_\_\_\_  
Ian Heap, Director  
Prosecuting Attorneys Qualifications Commission  
463 Johnny Mercer Blvd B-7, Box 318,  
Savannah, GA 31410  
GA Bar 342180  
ian.heap@PAQCGA.gov (912)874-1634

  
\_\_\_\_\_  
Mr. Michael Howard  
PO Box 5746  
120 North Harris Street  
Sandersville, GA 31082  
michaelhowardlaw@gmail.com (478) 552-2467

Sworn and subscribed before me  
This 15 day of September 2025  
  
\_\_\_\_\_  
Notary Public  
My Commission Expires  
10/21/2028



**IN THE SUPERIOR COURT OF WASHINGTON COUNTY  
STATE OF GEORGIA**

Michael Howard  
Amy Howard,  
PETITIONERS

CIVIL ACTION NO: SUCV202600064

VS.

Stacey Johnson,  
RESPONDENT.

I, Stacey Johnson, being duly sworn, state as follows:

1. I am a resident of Tennille, Washington County, Georgia.
2. I am familiar with the events described in this affidavit and make this statement based on my personal knowledge.
3. On or about March 19, 2026, I saw a Facebook post from Amy Howard announcing a public "meet and greet" event to be held on March 26, 2026, from 5:00 p.m. to 7:00 p.m. in Sandersville, Georgia.
4. The post invited members of the public to attend. Ms. Howard is a candidate for Washington County Chair of Commissioners.
5. I am familiar with Mr. Howard because he is the former Solicitor General of Washington County.
6. He was the subject of many news stories in my community because of allegations that he was wrongfully dismissing DUI cases.

7. He is also, to the best of my knowledge, the Solicitor in several other cities.
8. I filmed him in his convertible on September 19, 2025, and posted it publicly.
9. This was because Mr. Howard had just resigned as Solicitor General the day before due to allegations of misconduct.
10. I have, for approximately the past year, posted information online concerning matters of public interest in Washington County.
11. Based on Ms. Howard's public invitation and her statement that she would answer questions about pending or prior legal matters, I decided to attend the event.
12. On March 26, 2026, I went to 116 North Harris Street in Sandersville, Georgia, the location of the event.
13. I remained outside on the public sidewalk at all times. I did not enter the building and did not attempt to do so.
14. While standing on the public sidewalk, I recorded video of the event using my camera equipment.
15. Approximately one hour into the event, officers from the Sandersville Police Department arrived and spoke with me.
16. During that interaction, I explained that I was recording from a public location.

17. I have since procured the officer's body cam footage from that event and provided it to my attorney.

18. I certify that the body cam footage provided by my attorney is true and correct to the best of my knowledge.

19. At or about that time, Amy Howard came outside, spoke with me, and invited me inside, provided that I did not record. I declined.

20. I asked Ms. Howard questions related to matters of public interest. She declined to answer.

21. After speaking with me, the officers determined that I had not violated any law and did not instruct me to stop recording.

22. The officers left, and I continued recording from the public sidewalk for approximately 20 additional minutes before leaving.

23. On the evening of March 27, 2026, deputies from the Washington County Sheriff's Office served me with two ex parte temporary protective orders, one filed by Amy Howard and one filed by Michael Howard.

Under penalty of perjury, I declare that the foregoing is true and correct.

FURTHER AFFIANT SAYETH NAUGHT.

  
Stacey Johnson, Affiant

Sworn to and subscribed  
before me this 15th day of April, 2026.

*Shelia Evans*  
Notary Public



[www.TheGeorgiaVirtue.com](http://www.TheGeorgiaVirtue.com)