

IN THE SUPERIOR COURT OF FULTON COUNTY

STATE OF GEORGIA

STATE OF GEORGIA,)	
)	INDICTMENT NO. 22SC183572
v.)	
)	
JEFFERY WILLIAMS,)	JUDGE WHITAKER
Defendant.)	

MR. WILLIAMS' RESPONSE TO STATE'S MOTION TO REVOKE PROBATION

COMES NOW, Jeffery Williams, by and through undersigned counsel, and hereby files this Response to State's Motion to Revoke Probation in the above-referenced case. In support of this Response, Mr. Williams shows as follows:

1.

On or about April 2, 2025 at 7:48 P.M., the State filed a Motion to Revoke Mr. Williams' Probation.

2.

The prosecution must place, in writing, pursuant to the Due Process Clause of the United States Constitution as well as the Georgia Constitution, the specific act or acts that Mr. Williams supposedly committed to violate his probationary sentence. As shown below, the prosecution's Motion to Revoke Mr. Williams' Probation fails, on its face, to allege any conduct by Mr. Williams that would rise to a violation of the probationary sentence. Taken in the light most favorable to the prosecution's allegations in the Motion to Revoke Probation, this Honorable Court could not find as a matter of fact and/or law that Mr. Williams violated any term of his sentence. See Miller v. State, 374 Ga. App. 360(4), ___ S.E.2d ___ (2025)(the Honorable Court of Appeals of Georgia reversed the Trial Court's determination that Mr. Miller violated his probation since there was no

evidence to support these findings). The State’s Motion to Revoke Probation must allege conduct which if proven by a preponderance of the evidence shows that Mr. Williams violated a term of his probation in the specific manner charged in the Motion to Revoke Probation. See Moten v. State, 372 Ga. App. 82, 903 S.E.2d 777 (2024). As discussed below, taken in the light most favorable to the prosecution’s assertions, Mr. Williams did not violate any term of probation and thus, the State’s Motion to Revoke Probation must be dismissed at this time, with prejudice.

3.

The material allegations in the State’s Motion to Revoke Probation are as follows:

- (i) At a preliminary hearing in an unrelated case, the Magistrate Court Ordered that no witness be shown on television while testifying and a “known blogger deliberately violated” that Court’s Order by posting on social media a photograph of Investigator Viverito. This allegation has nothing to do with Mr. Williams. First, even the “known blogger” did not violate the Magistrate Court’s Order as asserted in the State’s Motion to Revoke Mr. Williams’ Probation because there was no image shown of Investigator Viverito while testifying in this unrelated proceeding. This allegation cannot support the revocation of Mr. Williams’ probation;
- (ii) Mr. Williams “. . . amplified [this blogger’s] act by reposting the image with the caption: Marissa Viverito is the biggest liar in the DA’s Office.” First, there is no suggestion that Mr. Williams knew of the Magistrate Court’s Order not to show Investigator Viverito on television while testifying.¹ Second, the allegation asserts that Mr. Williams’ reposted an image and wrote a caption. This allegation does not

¹ A person cannot violate an Order unless they have knowledge of the Order itself.

violate the Magistrate Court's Order or Mr. Williams' conditions of probation.²

Third, there is no violation of Mr. Williams' probation by reposting an image on social media and opining that Investigator Viverito is untruthful;

- (iii) the prosecution asserts that Mr. Williams' repost went "viral" and unknown persons commented on same which included supposed threats to Investigator Viverito, her family as well as the District Attorney. Mr. Williams, undersigned counsel and all moral persons do not condone threatening another without justification. However, these comments on social media by unknown persons cannot be attributed to Mr. Williams in order to support a violation of his probationary sentence;
- (iv) the State's Motion to Revoke Mr. Williams' probation then lists "direct threats" in attached Exhibits. Again, this allegation did not allege any act attributed to Mr. Williams to support a violation of the probationary sentence;
- (v) the prosecution speciously alleges that Mr. Williams is conducting a "calculated campaign of intimidation, harassment and misinformation designed to undermine the legal process. . ." and other baseless assertions. These conclusions do not support a Motion to Revoke Mr. Williams' probationary sentence; and
- (vi) the remainder of the State's Motion to Revoke Probation is argument without any substance to allege an illegal or unlawful act conducted by Mr. Williams.

4.

A revocation of Mr. Williams' probation involves the loss of liberty which is a serious deprivation. See Greathouse v. State, 373 Ga. App. 769(1), 909 S.E.2d 461 (2024). Therefore, Mr.

² Additionally, if a hearing is needed, there will be no competent evidence that Mr. Williams was the person to repost any image or write any caption as alleged in the State's Motion to Revoke Probation.

Williams is entitled to Due Process of law. See Meadows v. Settles, 274 Ga. 858(3), 561 S.E.2d 105 (2002). This Honorable Court may not revoke any part of Mr. Williams' probation unless Mr. Williams admits the violation(s) as alleged in the State's April 2, 2025, Motion to Revoke Probation or unless the evidence produced at the revocation hearing establishes by a preponderance of the evidence the violation(s) alleged. See O.C.G.A. § 42-8-34.1(b). In the case at bar, in the light most favorable to the prosecution's Motion to Revoke Probation, Mr. Williams can admit to all of the allegations alleged and still not have violated any term of his probationary sentence. Thus, the State's Motion to Revoke Probation is deficient. Therefore, Mr. Williams asks this Honorable Court to deny the State's Motion to Revoke Probation without a hearing. If a hearing is needed, Mr. Williams will be prepared.

WHEREFORE, Mr. Williams respectfully requests this Honorable Court to Order that the Motion to Revoke Probation be denied.

This 3rd day of April, 2025.

Respectfully submitted,

/s/ BRIAN STEEL

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CERTIFICATE OF SERVICE

This is to certify that I have this day served a copy of the within and foregoing **MR. WILLIAMS' RESPONSE TO STATE'S MOTION TO REVOKE PROBATION** via electronic filing as well as via e-mail to the following:

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This 3rd day of April, 2025.

Respectfully submitted,

/s/ Brian Steel _____

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