

IN THE MAGISTRATE COURT OF CAMDEN COUNTY STATE OF GEORGIA

INSTRUCTIONS FOR APPLICATION FOR PRE-WARRANT HEARING

The issuance of a criminal warrant is a serious matter. The Court does not take lightly the arrest and incarceration of an individual. The Constitutions of both the United States and Georgia require that the Court have probable cause that the accused committed a crime in order to issue an arrest warrant.

Arrest warrants are not issued to "teach someone a lesson" or to "keep someone away from me." Arrest warrants are issued because someone has committed a criminal act that justifies arrest and incarceration.

After you complete the attached form and before you give testimony, the clerk will collect a \$20.00 fee to file your application. This fee is state-mandated. There is no additional fee if a warrant is issued. There is no refund if a warrant is not issued. No fees are charged in connection with hearings on family violence offenses or child abandonment cases.

Please write legibly. List all information required on the form, to the best of your ability. As the warrant applicant, you have a duty under O.C.G.A. 17-4-40 to provide the court with accurate address information. If you do not have accurate address information for the accused, please stop right now. A valid work or home address for the accused is critical to begin the criminal justice process.

The applicant in a warrant application hearing is the prosecutor and has the burden of presenting evidence sufficient to establish probable cause. Sufficient evidence may include, but is not necessarily limited to, sworn testimony by persons who witnessed the alleged criminal act; physical evidence; photographs; receipts; canceled checks; bill of sale, or other documentary evidence that is directly related to the alleged crime.

Both parties have the right to bring and present voluntary witnesses to the court who can be sworn and testify under oath as to their involvement and/or knowledge of the matter before the court. Other witnesses who may have evidence to present may be subpoenaed by either party. The names and physical addresses of persons to be subpoenaed must be provided to the clerk once a hearing date and time has been scheduled. Each subpoena costs \$1.00 to issue and an additional \$10.00 if the subpoena is to be served upon the witness by a law enforcement officer.

Under Georgia law, judges are required to set many civilian arrest warrant applications for a hearing when both you and the accused will have an opportunity to be heard in open court. If this is appropriate in your case, you and the accused will receive a hearing notice in the mail. This is why correct address information is so vital. The presiding judge is a neutral party in these proceedings and will make his or her determination based on the evidence presented.

If the judge issues a warrant, the applicant will have to sign the warrant as the prosecutor. By signing the warrant, the applicant is stating that the information given to obtain the warrant is true and correct. If that information turns out not to be true and correct, then the applicant may be charged with false swearing or perjury.

If a criminal arrest warrant is issued by the judge in your case, the warrant will be served by the Camden County Sheriff's Department. It is your responsibility to notify the Warrants Division, 912-510-5112, immediately if you have new information concerning a new address or the whereabouts of the accused. Hundreds of arrest warrants go unserved each year because of poor or inadequate address information concerning the accused.

IMPORTANT:

An arrest warrant applicant can dismiss a warrant application request at no cost prior to the issuance of an arrest warrant by filing a written dismissal with the clerk.

If an arrest warrant is issued, but BEFORE the arrest is made: If an arrest warrant is issued, and you wish to recall the warrant **BEFORE** it is served, you must appear in person before the court and pay a court cost of \$50.00 for a misdemeanor offense and \$100.00 for a felony offense.

After an arrest has been made: The District Attorney has the sole discretion to determine whether or not to “drop charges” after an arrest has been made. Victims do not have the legal authority or ability to “drop charges” once formal arrest procedures have begun.

**IN THE MAGISTRATE COURT OF CAMDEN COUNTY
STATE OF GEORGIA**

APPLICATION FOR PRE-WARRANT HEARING

APPLICANT INFORMATION

CASE NUMBER: _____

Name

Home Phone Number

Street Address

Work Phone Number

City, State, Zip Code

Cell Phone Number

Place of employment

Job Title

I AM SEEKING A WARRANT FOR THE ARREST OF THE FOLLOWING PERSON

Name

Home Phone Number

Street Address

Work Phone Number

City, State, Zip Code

Cell Phone Number

Place of employment

Job Title

Race: _____ Sex: _____ Age: _____ Height: _____ Weight: _____

Date of birth: _____ SS#: _____

This person drives a: _____
(Make, Model, Year, Color, Tag Number)

How do you know this person? _____

Have you ever applied for a warrant against this person before?

YES NO

Has this person ever taken out a warrant against you before?

YES NO

Did you file a police report regarding the incident?

YES NO

Note: If you did file a police report, please attach a copy of the report with your application.

Do you have any visible physical injuries?

YES NO

Was personal property stolen?

YES NO

If yes, what is the value of the property? _____

Do you have any legal actions of any kind pending with the person you want arrested?

YES NO

If yes, where was the case filed? _____

Were there any witnesses to the crime?

YES NO

WITNESS INFORMATION

Name

Home Phone Number

Street Address

Work Phone Number

City, State, Zip Code

Cell Phone Number

Place of employment

Job Title

Name

Home Phone Number

Street Address

Work Phone Number

City, State, Zip Code

Cell Phone Number

Place of employment

Job Title

I DO SOLEMNLY SWEAR/AFFIRM THAT ALL OF THE ABOVE CONTAINED INFORMATION FOR A CRIMINAL WARRANT AGAINST THE NAMED PERSON IS TRUE AND CORRECT.

Sworn to and subscribed before me this _____ day of _____, _____

Affiant

Magistrate / Clerk / Deputy Clerk / Notary Public