

# **INSTRUCTIONS FOR APPLICATION OF PRE – WARRANT HEARING**

## **APPLICANT PLEASE READ CAREFULLY**

Georgia State Law (O.C.G.A. § 17-4-40) sets forth the procedure for the Court to follow when someone, other than a Law Enforcement Officer applies for the arrest of another person. The law requires the Court to schedule a hearing based upon the application for a criminal warrant and notify the person whose arrest is sought of the forthcoming scheduled hearing. This is conducted prior to the issuance of any criminal warrant by the Magistrate Judge. These instructions are in addition to any and all instructions contained on the Pre-Warrant Application.

1. Completed Pre-Warrant Applications **MUST BE PRESENTED IN PERSON** by the person requesting the application to the Magistrate Court of Worth County.
2. Pre-Warrant Applications **CANNOT BE MAILED, FAXED OR EMAILED** to the Magistrate Court.
3. Completed Pre-Warrant Applications can be filed with the Magistrate Court of Worth County during the days and times listed: Monday through Friday 8:30am – 5:00pm (excluding weekends, and all Worth County observed holidays) 201 North Main Street, Room 21, Sylvester, Georgia 31791.
4. A \$20.00 application fee is required at the time of the application and prior to the Magistrate Court sending notice(s) and scheduling a hearing. This fee is to be paid by cash, cashier's check or money order. **NO CHECKS** will be accepted.
5. The \$20.00 application may be waived in cases involving domestic violence, stalking or other crimes at the discretion of the Magistrate Judge.
6. This application fee is **NON-REFUNDABLE** regardless of after filing the application the applicant decides not to pursue the matter, fails to appear at the scheduled hearing date/time, or the what the outcome of the case is.
7. If the applicant decides to withdraw the Pre-Warrant Application prior to the date of the scheduled hearing, court costs in the amount of \$53.50 will be assessed and that fee will be the responsibility of the applicant to pay.
8. The applicant must file a separate application for each person whose arrest is sought, even if the charge(s) being alleged are the same.
9. The crime(s) alleged in the application must have occurred in Worth County.
10. If you have been charged with a crime by a law enforcement agency relating to this incident, you cannot apply for a Pre-Warrant Application against the victim in that case.
11. If the person you are seeking to have arrested has already been charged criminally by a law enforcement agency relating to this incident, you may not seek a Pre-Warrant Application against that person.
12. If a previous Pre-Warrant Application has been denied or dismissed, you may not apply again based on the same set of facts.
13. A case under criminal investigation involving the alleged crime(s) and/or person you are seeking to arrest will not be granted a Pre-Warrant Application.
14. The Magistrate Judge cannot discuss the case or meet with the applicant prior to the application.
15. This application can only result in the arrest and detention of another person, if evidence is sufficient to establish a criminal warrant to issue. It will not cause property or children to be returned to you and will not result in the awarding of monetary damages.
16. Employees of the Magistrate Court of Worth County, including Judges themselves, are prohibited by law from providing legal advice at any time during your contact with the Court. If you have questions about your legal rights, legal remedies available to you, or what legal documents to file, you must contact an attorney.

I have (read) or (had read to me by someone else) and understand the above information relating to the Pre-Warrant Application.

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Applicant

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Date