

# Pre-Warrant

An individual who believes he or she has been a victim of a crime, and the police have not taken an arrest warrant for the accused, may file a complaint requesting a warrant for the arrest of another person. Georgia law (OCGA Section 17-4-40) provides, a citizen who wishes for another person to be arrested must file a warrant application.

The person applying for the warrant is the “Applicant” and the person you wish to have arrested is the “Respondent.” The Applicant is the prosecutor on the case and is solely responsible for ensuring the application is complete and accurate. The applicant seeking the warrant has the customary rights of presentation of evidence and examination of witnesses. The respondent may cross-examine the person or persons applying for the warrant and any other witnesses testifying in support of the application hearing. The applicant may also bring witnesses and present evidence and the cross-examination of witnesses to the issues of probable cause. At the warrant application hearing, the judge will decide whether this is enough evidence to make an arrest. If the judge finds that probable cause exists, the warrant may be issued at the hearing.

**Please remember the Judge may issue a warrant for anyone if there is probable cause to believe they have committed a crime. This includes the Applicant, Respondent, Witnesses, and other persons, who may or may not have participated in the hearing**

These are forms that are generally accepted by most Magistrate Courts and can be found at <https://georgiamagistratecouncil.com>. Please note that there may be forms required that are not on this site. If you have any questions about what you need to file in our court, please contact our office.

## PRE-WARRANT APPLICATION

### Applicable Forms

Pre-Warrant Application Instructions 120.34 KB

Pre-Warrant Application 74.25 KB