

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 Peach County.
2. Completed Pre-Warrant Applications can be filed with the Magistrate Court of Peach County during the days and times listed: Monday through Friday 8:00am – 5:00pm (excluding weekends, and all Peach County observed holidays) 700 Spruce Street, Wing A, Fort Valley, GA.
3. A \$22.00 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 check or money order. NO CASH will be accepted.
4. 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.
5. The applicant must file a separate application for each person whose arrest is sought, even if the charge(s) being alleged are the same.
6. The crime(s) alleged in the application must have occurred in Peach County.
7. 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.
8. 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 PreWarrant Application against that person.
9. If a previous Pre-Warrant Application has been denied or dismissed, you may not apply again based on the same set of facts.
10. 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.
11. The Magistrate Judge cannot discuss the case or meet with the applicant prior to the application.
12. 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.
13. Employees of the Magistrate Court of Peach 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.

_____ Applicant

Date

IN THE MAGISTRATE COURT OF PEACH COUNTY, STATE OF GEORGIA
APPLICATION FOR PRE – WARRANT HEARING

Application fee: \$22.00

INFORMATION ABOUT APPLICANT

Applicant Name _____

(Area Code) Home Phone Number

Address _____

(Area Code) Work Phone Number (ext#)

City, State, Zip Code _____

(Area Code) Cell Phone Number (if applicable)

Place of Employment (job title) _____

PLEASE READ CAREFULLY:

1. There **MUST** be a crime alleged pursuant to a violation of the Laws of the State of Georgia before a hearing will be scheduled by the Magistrate Court.
2. Application for a **MISDEMEANOR** warrant **MUST** be accompanied by a police report obtained by you before a hearing will be scheduled by the Magistrate Court.
3. Application for a **FELONY** warrant **MUST** be investigated by the appropriate Law Enforcement jurisdiction before submission of this application to the Magistrate Court.
4. A **FULL ADDRESS MUST** be provided on the person you are making a complaint against before submission of this application to the Magistrate Court.
5. All information **MUST** be detailed and true and correct to the best of your knowledge.

I AM MAKING A COMPLAINT AGAINST THIS PERSON:

Name _____

(Area Code) Home Phone Number

Address _____

(Area Code) Work Phone Number (ext#)

City, State, Zip Code _____

(Area Code) Cell Phone Number (if applicable)

Place of Employment (job title) _____

Other address

Work address (street, city, state, zip code) _____

This person lives in _____ County.

This person drives a: _____
(Make, Model, Year, Color, Tag#, any identifiable marks, dents, logos, etc)

RACE: _____ SEX: _____ AGE: _____ HEIGHT: _____ WEIGHT: _____ DATE OF BIRTH: _____ SS#: _____

HAIR COLOR: _____ BEARD: ☐ MOUSTACHE: ☐ GOATEE: ☐ NO FACIAL HAIR: ☐ SCARS/MARKS/TATTOOS: _____

How do you know this person?: _____

DESCRIBE IN DETAIL WHAT THIS PERSON DID: _____

_____ (attach additional information if needed)

Date/Time of Incident: _____/_____/20____: _____ AM or PM Location of Incident: _____

Have you ever applied for a warrant against this person before? ☐ YES ☐ NO
Have you ever applied for a warrant against anyone else before? ☐ YES ☐ NO

Has this person ever taken out a warrant against your before? ☐ YES ☐ NO
Have you ever asked for a warrant to be dismissed before? ☐ YES ☐ NO

Name _____

Name

Address _____

Address

Contact numbers (home, work, cell phone numbers) _____

Contact numbers (home, work, cell phone numbers)

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

Affiant signature

Date

Sworn to and subscribed before me this

_____ day of _____, 20_____.

Public/Attesting Official

Notary

Visible injuries: _____

Offense: _____
Offense: _____
Offense: _____

OCGA: _____
OCGA: _____
OCGA: _____

