

Criminal Actions in Magistrate Court

We take your application for a warrant seriously. YOU MUST ALSO. It is your duty to know and understand your rights and obligations. Here are some, but by no means all.

No one has an absolute right to swear out a warrant. You must show probable cause that a crime was committed and that the person you accuse is the person who committed the crime. Your application may be denied for many reasons. Among them are, lack of evidence, lack of credibility, because no crime took place or because your application is frivolous.

The Court may also take other action. **Most private warrants will start with an application hearing where we notify all parties and have a hearing on the evidence.** We may also refer you to an Investigator for assistance in the prosecution of your case.

1. There is a \$20.00 application fee you must pay even if no warrant is issued. (real economic hardship will not stop anyone from swearing out a legitimate warrant.)
2. **If you swear out a warrant, you may dismiss it with the approval of the Court and payment of cost incurred. (Minimum cost on a misdemeanor case is \$70.50 and on a felony case is \$138.00)** A crime is the State's case and you are only a witness.
3. The purpose of a warrant is not to collect a debt or to make someone do something or stop them from doing something that is not a crime. A warrant puts a person on notice that he or she is charged with a crime. He or she cannot be punished unless they are found guilty after a trial.
4. **THE COURT IS NOW USING A SYSTEM OF WARRANT TRACKING. THAT MEANS WE KEEP UP WITH PEOPLE WHO ABANDON THEIR CASES AND CHARGE THEM ALL THE COSTS THEY HAVE CAUSED TO BE INCURRED. A DEFENDANT CAN NEVER PAY COST UNTIL AFTER A TRIAL AND CONVICTION. SO THE PERSON SWEARING OUT THE WARRANT WILL BE HELD RESPONSIBLE FOR ALL COSTS IF HE OR SHE ABANDONS PROSECUTION. THE COURT CAN ENTER A JUDGMENT AGAINST YOU AND ENFORCE IT BY CONTEMPT CHARGES, ADDITIONAL COST, JAIL AND MORE.**
5. If you change your address you should notify the prosecutor of your new address. If you cannot be located or fail to cooperate in any way, cost will be assessed against you.
6. If you falsely report a crime or if you give false or misleading information to the Court you may be arrested and charged with the crime of **FALSE REPORT OF A CRIME OCGA 16-10-26** or **FALSE SWEARING OCGA 16-10-71.**
7. **CHARGES INVOLVING FAMILY VIOLENCE WILL ONLY BE DISMISSED WITH THE CONSENT OF ALL PARTIES AND AT THE REQUEST OF THE STATES PROSECUTOR.**
8. The person you swear out a warrant against may be able to sue you if they are found not guilty at trial or for other malicious abuse of the criminal process.

I have read the above or had it read and explained to me.

This _____ day of _____, 20_____.

AFFIANT