

INSTRUCTIONS FOR APPLICATION OF PRE-WARRANT HEARING

APPLICANT, PLEASE READ CAREFULLY

The issuance of a criminal arrest 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 of Georgia require that probable cause for arrest be proven to the Court before an arrest warrant can be issued. Probable cause is a reasonable belief, based upon evidence presented in court, that the accused person is guilty of a crime.

1. Completed Pre-Warrant Applications **MUST BE PRESENTED IN PERSON** by the person requesting the application to the Magistrate Court of Murray County.
2. Pre-Warrant Applications **CANNOT BE MAILED, FAXED, OR EMAILED** to the Magistrate Court.
3. 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.
4. The \$20.00 application may be waived in cases involving domestic violence.
5. 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, or what the outcome of the case is.
6. If the applicant decides to withdraw the Pre-Warrant Application prior to the date of the scheduled hearing, court costs may be assessed, and that fee will be the responsibility of the applicant to pay.
7. The applicant must file a separate application for each person whose arrest is sought, even if the charge(s) being alleged are the same.
8. The crime(s) alleged in the application must have occurred in Murray County.
9. 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.
10. 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.
11. If a previous Pre-Warrant Application has been denied or dismissed, you may not apply again based on the same set of facts.

12. 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.
13. The Magistrate Judge cannot discuss the case or meet with the applicant prior to the application.
14. 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.
15. Employees of the Magistrate Court of Murray County, including Judges themselves, are prohibited by law from providing legal advice at any time during your contact with 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.
16. The Applicant in an arrest warrant application hearing is the prosecutor and has the burden of presenting evidence sufficient to establish probable cause for arrest. The judge is a neutral party in these proceedings and will make his/her decision based on the evidence presented.
17. If the judge issues an arrest warrant, the Applicant will have to sign the warrant as the prosecutor. By signing the warrant, the Applicant states that the information given to obtain the warrant is true and correct. If that information turns out to be untrue or incorrect, the Applicant may be charged with the crime of false swearing or perjury.
18. The person against whom the warrant is sought will have the right to cross examine any witness who testifies against him/her, to examine evidence presented by the Applicant, to introduce testimony and evidence on his behalf, and to remain silent if he/she so chooses.
19. Once the case has been “bound over” to the Superior Court for trial, additional matters in the case will be handled in the Superior Court of Murray County.

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

Applicant Signature

Date

MAGISTRATE COURT OF MURRAY COUNTY

APPLICATION FOR ISSUANCE OF CRIMINAL WARRANT

In order to apply for a criminal warrant, you must report your problem to the appropriate law enforcement agency and obtain an incident report before this application will be accepted for review. When you have completed this form, return the form to the Magistrate Court, and sign it under oath. A hearing on this application may be granted after the Judge evaluates and considers the application.

WARNING: False statements made on the application may subject you to criminal & civil liability.

FULL NAME

DAYTIME PHONE NUMBER

STREET ADDRESS

HOME PHONE NUMBER

CITY

STATE

ZIP

CELL NUMBER

I want a warrant for the arrest of the following person:

FULL NAME

AKA (ALIAS)

STREET ADDRESS

HOME PHONE NUMBER

CITY

STATE

ZIP

EMPLOYER PHONE

Description: Race _____ Sex _____ Age _____ Height _____ Date of Birth _____

SSN _____ Drivers License _____ Model _____ Tag _____

- Do you have any civil suits or legal actions of any kind pending with the person you are wanting arrested? Yes _____ No _____.
- Have any warrants or any civil suits or legal actions been taken out against you or a relative of yours involving this incident? Yes _____ No _____.
- Have you taken out a warrant against this person before today?
Yes _____ No _____.
- Did you file a report with Law Enforcement? Yes _____ No _____. If so, please provide the report case file number: _____.
- What is your relationship with the person you want arrested?

- Does the person you want arrested live with you now or has he/she ever lived with you? Yes _____ No _____
- What crime do you believe the person you want arrested committed?

- Address where the incident occurred: _____
STREET ADDRESS

CITY STATE ZIP

- When did it happen? (date and time) _____
- If property was taken, what was the value? _____
Was it returned? Yes _____ No _____
- Who witnessed the crime?

Name: _____

Address: _____

Phone: _____

COMPLAINT AFFIDAVIT

State briefly what happened, in your own words and why this person should be arrested.

[illegible]

By signing below, I acknowledge that I have read the court procedure information sheet for issuance of warrants and understand that I am bound by the procedures set forth in said information sheet.

WARNING: False statements made on this application may subject you to criminal and civil liability.

I do solemnly swear (or affirm) that all information contained in this application for a criminal arrest warrant is true and correct.

Applicant's Signature: _____

Sworn and subscribed before me this _____ day of _____, 20____

Clerk/ Deputy Clerk