

OBTAINING A WARRANT FOR AN ARREST  
MAGISTRATE COURT OF MITCHELL COUNTY

**PRIOR TO SEEING THE JUDGE:  
YOU MUST HAVE AN INCIDENT REPORT**

A CRIME MUST BE REPORTED TO THE LAW ENFORCEMENT AGENCY THAT HAS JURISDICTION OVER WHERE THE CRIME WAS COMMITTED.

**A WARRANT APPLICATION MUST BE FILLED OUT!**  
MOST INCIDENT REPORTS DO NOT HAVE ALL THE DETAILS, CORRECT TIMES AND DATES, PROPER SPELLING OF NAMES AND CORRECT ADDRESSES.

We take the issuance of an arrest warrant seriously, as you must also. You must show with reasonable certainty that a crime was committed and beyond a reasonable doubt that the person you are accusing is the person that committed the crime. Your application maybe denied because there is not enough evidence, lack of credibility, because no crime has actually taken place or because your application is frivolous. **A warrant application hearing** may be necessary. All parties will be notified and a hearing held on the evidence. You may also be referred to an investigator for further investigation.

- There is a \$20.00 warrant application fee even if the warrant is not issued. There will be **NO CHARGE FOR FAMILY OR DOMESTIC VIOLENCE WARRANTS.** (Real economic hardship will not stop anyone from swearing out a legitimate warrant.)
- If you swear out a warrant, you **CANNOT DROP IT.** Once a warrant is issued and signed it is automatically a crime against the State; you are only a witness.
- A warrant can never be used to punish anyone. A warrant puts a person on notice that they have been charged with a crime. He or She cannot-be punished unless they are found guilty after trail.
- If you try to use a warrant to make someone do something or stop someone from doing something that is not a crime, you can be arrested and charged with **COMPOUNDING A CRIME (OCGA 16-10-90).**
- Using a warrant to collect a debt is also a crime under OCGA 16-10-90
- You must provide the court with the person's physical address. The Sheriffs' Departments personnel can refuse to pick up a warrant without a complete address.
- 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) AND/OR FALSE SWEARING 916-10-71).**
- The person you swear out a warrant against may be able to sue you if he or she is found out guilty at trail due to malicious abuse of the criminal process.
- **THE COURT IS USING A SYSTEM OF WARRANT TRACKING. WE KEEP UP WITH PEOPLE WHO ABANDON THEIR CASES AND CHARGE THEM ALL THE COST THEY HAVE CAUSED. A DEFENDANT CAN NEVER PAY COST UNTIL AFTER A TRAIL AND CONVICTION. THE PERSON SWEARING OUT THE WARRANT WILL BE HELD RESPONSIBLE FOR ALL COSTS.**



