

Responsibilities and Terms of the Magistrate Court

FIRST APPEARANCE HEARINGS

After a warrant less arrest, the arresting officer has the responsibility to bring the arrestee before a Magistrate within 48 hours of the arrest, 72 hours for a person arrested with a warrant. At this time, the person is advised of their rights, their bond, and what they are charged with. If the person cannot afford to hire a lawyer, a form is given to the person for a court appointed lawyer. The person is also advised that while in custody, they have a right to a preliminary hearing.

PRELIMINARY HEARINGS

While a person is in custody or under bond conditions, they have a right to a preliminary hearing. A preliminary hearing is where witnesses for the state is subpoenaed to testify. If there is enough probable cause, the case will be bound over to the Grand Jury for indictment or to the Superior Court for trial. If there is not enough probable cause, the case will be dismissed or reduced to a lesser charge.

SMALL CLAIMS

A person can file a civil claim in the Magistrate's Office if the amount of the claim does not exceed \$15,000. This can be done with or without an attorney. You have to file the claim in the county that the person lives in. Filing fees differ in every county. Once the person is served, they have (30) days to answer to the claim. If they do not answer after (45) days, a Default Judgment could be entered. If the court finds in your favor, the filing fee is awarded back to you.

DEPOSIT ACCOUNT FRAUD "BAD CHECKS"

Procedures for obtaining a warrant from the Magistrate's Office for Deposit Account Fraud.

1. The check has to be for present consideration "Goods or Services."
2. The check had to have been deposited within 30 days of receipt.
3. A (10) day letter had to have been sent within 90 days of receipt of check.
This has to be done by certified mail.
4. A warrant cannot be issued for stop payment on a check.

After a person gets the green card back from the post office, allow 10 full days from when the person signed for the 10-day letter. If the person has not paid after the tenth day, bring the green card along with the check to the Catoosa County Magistrate's Office and a warrant will be issued.

PRE-WARRANT HEARINGS

A Pre-Warrant Hearing is where the presiding judge wants to hear from other witnesses or from the person that the warrant has been applied for. The person that the warrant has applied for has the same constitutional rights afforded to them by the Miranda Decision. That is, they have the right to remain silent, they have the right to have an attorney present to represent them, and anything they say could be used against them later in a court of law.

ZONING, STORM WATER, AND HEALTH DEPARTMENT VIOLATIONS

Citations for these violations are issued by the Catoosa County Zoning Administration and

Catoosa County Storm Water Management and the Catoosa County Health Department, as applicable. When the court receives these citations, they are scheduled for the court's next arraignment calendar. At arraignment, an alleged violator may enter a plea. All Guilty Pleas are dealt with immediately and Not Guilty Pleas are set for trial.

RABIES CONTROL COURT

The Rabies Control Officer issues all citations concerning lease law to the animal owner. Once a citation is issued, the person is scheduled to come to court. Most Rabies Control Citations can be taken care of before court, but more serious offenses must come to court.

TAG ORDINANCE

This ordinance requires any person living within Catoosa County to have their vehicles registered within 30 days of residency. These citations are issued by the Catoosa County Sheriff's Department. Court is held monthly. At arraignment, if a guilty plea is entered, the case may be disposed of immediately. Not guilty pleas are set for trial.

MOBILE HOME STICKER VIOLATIONS

The Tax Commissioner issues these citations. A citation is issued when a person does not have a current mobile home sticker. An arraignment date is scheduled for the person to come to court.

CRIMINAL WARRANTS

All Criminal Warrants are issued thru the Magistrate's Office. After a warrant is issued, it is sent to the Sheriff's Department for service. Once a person is arrested and makes bond, they are set a court date for arraignment to come back to the Superior Court. The District Attorney is responsible for prosecution of all criminal matters.

DISPOSSESSORY WARRANTS

Dispossessory Warrants are commonly known as an Eviction Notice. If someone is past due on paying their rent, the Landlord must make a demand for the premises. After demand is made, the Landlord can take out an eviction notice. When the persons is served, they have seven days to answer to the summons or seven days to move. If an answer is given, a hearing will be set before a Magistrate Judge. If there is no answer after the seven days, a set out order can be signed.

SETTING OF BONDS

The Magistrate sets the majority of the bonds. The bonds that a Magistrate cannot set are:

1. Murder
2. Treason
3. Rape
4. Aggravated Sodomy
5. Armed Robbery
6. Aircraft and Motor Vehicle Hijacking
7. Aggravated Child Molestation
8. Schedule I Narcotic
9. Schedule II Narcotic Manufacturing, Distributing, Delivering, Dispensing,

- Administering, or Selling
10. Trafficking Cocaine or Marijuana
 11. Kidnapping
 12. Arson
 13. Aggravated Assault 2nd Offense
 14. Burglary 2nd Offense
 15. Aggravated Stalking

BOND CONDITIONS

Before a person can make bond on a charge involving family violence, the Magistrate must do bond conditions. The Magistrate advising the person they must not make unwanted contact for the purpose of harassment or intimidation fills out a form. The person must refrain from any physical altercation with the person whom the alleged crime was committed against. If the person violates these conditions, bond may be revoked and they are not entitled to a second bond after such revocation.

SEARCH WARRANTS

Only a certified Georgia police officer can obtain a search warrant thru the Magistrate's Office. Things that are commonly searched are residences, vehicles, and persons.

MAGISTRATE ON CALL

After the normal business hours, weekends, and holidays, a Magistrate is on call. A Magistrate can be reached on an emergency basis thru the Sheriff's Department.

ABANDONED MOTOR VEHICLES

To file an abandoned motor vehicle complaint is complicated. A sample of forms needed to complete this process can be obtained at the Magistrate's Office.

GARNISHMENTS AND FI FA's

When 30 days has occurred after a judgment is given, a garnishment can be filed. The garnishment can be filed against wages, bank account, or a safe deposit box. When a FI FA is issued the plaintiff can take it to the sheriff for service. The sheriff will go to the defendant's residence and seize property to satisfy the FI FA. The property that is seized will be sold at a public auction and the monies from the sale will be given to the plaintiff.

WEDDINGS

A person wishing to get married has to obtain a marriage license from the Probate Court. Once the license is issued, the couple can come to the Magistrate and the Magistrate will perform the ceremony during regular business hours. However, if the couple wants a ceremony after the regular business hours of the court, arrangements can be made by the judge performing the ceremony.

WRIT OF POSSESSION

To file a Writ of Possession, a written contract must have been made between the plaintiff and defendant. Once the defendant is served, they have seven days to answer to the writ. If answer

is given, a hearing will be set. If no answer, then an automatic Writ of Possession is signed 14 days after the defendant is served.