

# 2025 ADMINISTRATIVE ORDER #5

## IN THE SUPERIOR COURT OF FAYETTE COUNTY STATE OF GEORGIA

### ORDER REGARDING STATUTORY BONDS PURSUANT TO O.C.G.A. § 17-6-1

Pursuant to O.C.G.A. § 17-6-1(a), the following offenses are bailable only before  
a judge of the superior court:

- (1) Treason (16-11-1);
- (2) Murder (16-5-1);
- (3) Rape (16-6-1);
- (4) Aggravated Sodomy (16-6-2(a)(2));
- (5) Armed Robbery (16-8-41);
- (5.1) Home Invasion in the 1<sup>st</sup> Degree (16-7-5(b));
- (6) Aircraft Hijacking (16-5-44) and Hijacking Motor Vehicle (1<sup>st</sup> Degree) (16-5-44.1);
- (7) Aggravated Child Molestation (16-6-4(c));
- (8) Aggravated Sexual Battery (16-6-22.2);
- (9) Manufacturing, distributing, delivering, dispensing, administering, or selling a Schedule I or Schedule II controlled substance (16-13-30(b))<sup>1</sup>
- (10) Trafficking (16-13-31; 16-13-31.1);
- (11) Any of the following offenses<sup>2</sup>:
  - a. Kidnapping (16-5-40);
  - b. Arson (16-7-60);
  - c. Aggravated Assault (16-5-21); or
  - d. Burglary in any degree (16-7-1);
- (12) Aggravated Stalking (16-5-91);
- (13) Trafficking a Person for Labor or Sexual Servitude (16-5-46); and
- (14) Violation of Street Gang Terrorism and Prevention Act (16-15-4).

GEORGIA, FAYETTE COUNTY  
FILED AND RECORDED THIS 9th DAY OF  
December 2024 AT 345 P.M.

[Signature] CLERK 88

A magistrate court may grant bond for any offense, including those that may be punishable by life imprisonment, provided that the offense is not one of those identified above.

<sup>1</sup> This does not include possession with intent to distribute. Magistrates are permitted to set bonds on warrants alleging possession with intent to distribute pursuant to O.C.G.A. § 16-13-30(b).

<sup>2</sup> Warrants for these offenses are only bailable before a superior court judge if the accused has previously been convicted of or is on probation/parole for (a) a statutory offense, as designated by O.C.G.A. § 17-6-1(a); or (b) kidnapping, arson, aggravated assault, or burglary in any degree.

At the first appearance hearing held pursuant to O.C.G.A. § 17-4-26, the magistrate court should inquire into its jurisdiction to hear bond for the offenses identified in the warrant, including a review of the defendant's criminal history. Judicial officers should normally have access to criminal history information, and have a duty to take note of that information to make an informed decision regarding their jurisdiction, the issuance or denial of bond, as well as the amount of bond and the placing of any restrictions upon its grant.

If the Magistrate determines that it has jurisdiction to consider a bond, then an order should be entered that either GRANTS or DENIES the bond for each warrant that the Magistrate has jurisdiction to consider. Where there is a denial of bond, the Order should specify the reason for the denial.<sup>3</sup> In no event shall bond be denied on a misdemeanor warrant.

Where the Magistrate determines that it does not have jurisdiction to consider a bond, then an order should be entered that REFERS only that warrant to the Superior Court to consider bond. The Magistrate shall notify the Chief Judge of the Superior Court by e-mail that the warrant is being referred due to lack of jurisdiction so that the Chief Judge can schedule a bond hearing before the assigned Superior Court Judge. If the warrant being referred is for aggravated assault, kidnapping, or arson, the Magistrate shall notate on the referral that the accused has a prior

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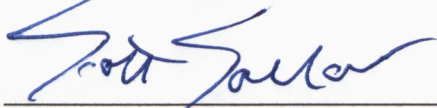
<sup>3</sup> O.C.G.A. § 17-6-1(e)(1) authorizes the release of an accused only if the Court finds that the person (1) poses no significant risk of fleeing from the jurisdiction of the court or failing to appear in court when required; (2) poses no significant threat or danger to any person, to the community, or to any property in the community; (3) poses no significant risk of committing any felony pending trial; and (4) poses no significant risk of intimidating witnesses or otherwise obstruction the administration of justice. Where bond is denied, the factor upon which the Magistrate has relied upon should be noted on the order.

conviction that confers jurisdiction upon the Superior Court. Where a warrant is referred for consideration by the Superior Court, the Magistrate shall still consider bonds on warrants that are within its jurisdiction.


Magistrates cannot consider bond in cases after conviction, therefore, no Magistrate shall grant an appeal bond nor grant a bond on a probation or parole warrant. However, if there is an arrest for a new offense that forms the basis of a violation of probation or parole, then the Magistrate shall consider bond on the warrant for the new charge.

This order shall be valid until revoked by the judges of Superior Court by written order at any time. This order supersedes from date of entry forward all prior orders issued by Superior Court granting Magistrate Court authority to consider, grant, or modify appearance bonds.

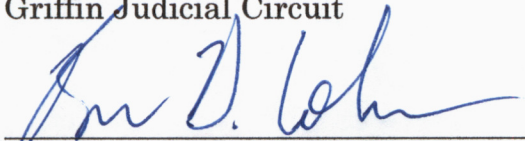
**SO ORDERED**, this the 24th day of October, 2024.



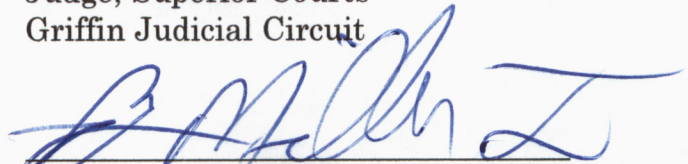
**SCOTT L. BALLARD**  
Chief Judge, Superior Courts  
Griffin Judicial Circuit



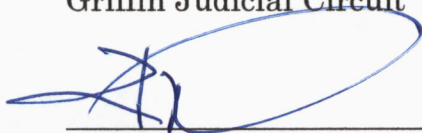
**W. FLETCHER SAMS**  
Judge, Superior Courts  
Griffin Judicial Circuit



**BENJAMIN D. COKER**  
Judge, Superior Courts  
Griffin Judicial Circuit



**BEN J. MILLER, JR.**  
Judge, Superior Court  
Griffin Judicial Circuit



**RHONDA B. KREUZIGER**  
Judge, Superior Courts  
Griffin Judicial Circuit