

IN THE MAGISTRATE COURT OF FULTON COUNTY
IN THE SUPERIOR COURT OF FULTON COUNTY
SUPERIOR COURT BENCH WARRANT CALENDAR

STATE OF GEORGIA)
V.) **INDICTMENT NUMBER: 23SC188947**
HARRISON WILLIAMS PRESCOTT FLOYD,)
DEFENDANT.)

On August 25, 2023, two indicted cases were presented on the Bench Warrant calendar before the First Appearance hearing calendar. It has never been this Court's practice or procedure to handle indicted cases that are assigned to a Superior Court Judge.

In fact, pursuant to O.C.G.A. §17-4-26, "Every law enforcement officer arresting under a warrant shall exercise reasonable diligence in bringing the person arrested before the judicial officer authorized to examine, commit, or receive bail and in any event to present the person arrested before a committing judicial officer within 72 hours after arrest. The accused shall be notified as to when and where the commitment hearing is to be held. An arrested person who is not notified before the hearing of the time and place of the commitment hearing shall be released." As noted herein, the First Appearance hearing is specifically for those cases that are entitled to a commitment hearing.

The two parties who were indicted and placed on the warrant calendar on August 25, 2023, were indicted and not entitled to a commitment hearing. The sole purpose of the first appearance hearing is to notify the defendant of his charges and the date and time of his hearing. No such commitment or preliminary hearing is anticipated or required on indicted cases.

Specific attention is to be given to the term authorized to examine, commit, or receive bail. Pursuant to the Order Delegating Setting of Bail 2023-EX000630 the authority to set bail is "NOT delegated for any cause, regardless of the charges involved, that has been indicted and assigned to the docket of a superior court judge." Therefore, this court could not set bail.

Likewise, because these cases were indicted and there is no authorization for a magistrate to commit said defendant to the jail, it is the Court's position that Magistrate Judges have not been delegated nor do they have the authority to examine, commit or receive bail on said cases.

The above case is to be returned to the assigned Superior Court Judge for plea and arraignment or designated next steps within his or her calendar management delegation.

So Ordered, this 25th day of August, 2023.



Rashida A. Oliver
Magistrate Judge, Magistrate Court of Fulton County