



Frequently Asked Questions

1. What are the Courtroom Rules?

- All courtrooms in Georgia are open to the public at all times that court is in session. This means that anyone who is interested in attending court sessions is invited to attend.

But, courtrooms are not places for entertainment or spectacles. Courtrooms are places of serious business.

For that reason, all courts have rules to prevent distractions.

Each court has different rules, but good manners are appreciated everywhere.

Some general guidelines for all municipal courts include:

- So that everyone can hear what's going on, cell phones, pagers, beepers, watches with alarms, and anything that makes noise should be completely turned off—not even on silent or vibrate.
- No weapons of any kind are permitted. That way, everyone is safer.
- No food, beverages, or tobacco products are allowed. This prevents spills and distracting odors.
- Proper attire is appreciated, and in many courts, is required. Check your local court's rules for what to wear. No court can have rules prohibiting religious dress, so no court can turn you away if you are wearing religious headgear or dress.
- All animals, except service animals, should be left at home. No court can prohibit you from bringing a properly trained, designated service animal to assist you in court.
- Promptness is important, so make sure you get to court either early or on time. Avoid being late, as penalties, including contempt, may be imposed if you are late.
- Generally, you should avoid talking in the courtroom unless it is necessary to complete court business. If you do need to talk, make sure your conversation is quiet and does not disrupt the proceedings.
- It is polite to stand when you speak to the judge, and you should always ask to approach the bench.

2. Can I change my court date?

To change a court date, you must contact your local court. All requests to change a court date should be made at least 5 days prior to your court date.

3. What happens if I miss my court date and do not pay my fine?

If you miss your court date, a bench warrant may be issued for your arrest, and you could be arrested. If you are charged with a traffic case and miss your court date, not only could you be arrested, but your privilege to drive in the State of Georgia could also be suspended.



4. How do I obtain an attorney if I cannot afford one?

Everyone charged with a crime or criminal case has the right to have an attorney appointed if he or she cannot afford an attorney. Before an attorney can be appointed, the court must determine if you qualify for an appointed attorney by having you complete a financial assessment and affidavit. Each court's financial assessment process is different, so contact your local court to get the necessary paperwork and to complete the process.

No matter what the process is in your local jurisdiction, the judge is the person who ultimately must make the decision if you qualify for an appointed attorney. Once the judge has reviewed all of the necessary paperwork and determined that you qualify for an appointed attorney, he or she will tell you who the attorney is going to be, and that person will represent you.

5. What is an arraignment?

Your arraignment is the day where you come into court to decide what you want to do in your case. This decision is called pleading, or making a plea before the court. There are three main plea options you have:

1. Not guilty—Pleading not guilty is saying that you would like to have a trial in your case. If you are charged with a State misdemeanor, misdemeanor traffic violation, or motor vehicle violation, you have a right to a trial in front of a judge or judge and jury. If you choose to have a jury trial, your case will be transferred either to a State or Superior Court. If you are charged with a State petty offense or a local ordinance violation, you have a right to a trial in front of a judge.
2. Guilty—Pleading guilty is saying that you admit to the violation(s) that have been alleged against you. Depending on what you are charged with, if you plead guilty to a traffic offense, points may be assessed on your Georgia license, or your privilege to drive in Georgia may be suspended as a result of your plea.
3. Nolo Contendere (No Contest)—Pleading nolo contendere (no contest) is saying that you do not admit to the violation, but you do not want to fight or contest the violation. A nolo plea may have certain benefits to you. In a traffic case, it may prevent points from being placed on your Georgia driver's license or it may prevent the suspension of your privilege to drive in Georgia.

You determine what type of plea you will enter. If you have an attorney, he or she will help you understand how your plea may affect your rights or privileges under the law.

If you are charged with more than one offense, you will determine what type of plea you will enter to each charge.

Many of your rights and privileges may be affected by the type of plea you make, and making sense of it all can be complicated. An attorney can help you understand not only the law, but also how it applies to



what happened in your case. Everyone who appears for arraignment has a right to an attorney, and everyone who cannot afford an attorney has a right to have one appointed if it can be shown that the person cannot afford an attorney.

6. I want to contest my citation. What do I do?

If you want to contest your traffic citation, simply appear in court on the date shown on the citation and plead NOT GUILTY to request a trial. If you plead not guilty, the court may hold the trial on that day, or the court may set the trial for another day.

7. What happens at a trial?

At the trial, the State or local government must prove the case against you. You do not have any duty to prove anything in a criminal trial. In criminal cases, the State or local government bears the burden of proof beyond a reasonable doubt, and must present evidence to show beyond a reasonable doubt that you committed a crime before you can be convicted.

At trial, to meet this burden, the government will present evidence, either through witnesses who come in to court to testify about what they know about the case or through other evidence, which could include photographs, audio, video, documents, or physical evidence.

At trial, you have a right—but absolutely NO duty or requirement—to present your own witnesses and evidence. Before you make a choice about presenting witnesses or evidence, the court will advise you about how presenting evidence may affect your rights, and then will ask you if you want to present evidence.

At trial, you also have a right—but absolutely NO duty or requirement—to testify and tell your side of what happened. Before you make a choice about testifying, the court will advise you about how testifying may affect your rights, and then will ask you if you want to testify.

If you do not present evidence or do not testify, the court cannot hold that against you when it makes a decision about whether you committed the offense.

8. What does my signature on the citation mean?

Your signature on the bottom of the citation is not an admission of guilt. It means that you know that you received a copy of the citation and that you will either pay the fine or appear in court on the date indicated.

9. What options do I have regarding my ticket?

You may pay the fine prior to your court date for any charge not listed as a mandatory appearance. If you choose not to appear in court, payment must be received by the date and time you are supposed to appear in court on your court date.



If you choose to plead Nolo or Not Guilty, you will have to come to court on your scheduled court date.

10. I am under 21 years of age, how does the Georgia Teenage Driver's Responsibility Act affect me?

If you are under 21 years of age and convicted of any one offense for which 4 or more points are assessed, your privilege to drive in Georgia will be suspended for a minimum of 6 months. No work permits are available. If you are under eighteen (18) years of age and accumulate 4 points in a 12-month period, your privilege to drive in Georgia will be suspended for a minimum of 6 months.

Common 4-point violations include:

- Speeding 24 miles per hour or more over the posted speed limit
- Improper passing on a hill or curve
- Unlawful passing of a school bus
- Aggressive driving

For additional information: visit the Department of Driver Services Website at www.dds.ga.gov.com

11. Will a NOLO affect my insurance?

Courts do not report any violation to your insurance company. Your insurance company has the right to review your driving record and can see that you were issued a citation. If your insurance company reviews your driving history, and sees any traffic violations on it, including any violations to which you entered a nolo plea, the company will decide how the violation(s) affects your policy, and your rates could increase. Courts are not involved with this process at all.

12. Where do I get a subpoena?

The Clerk of Court issues subpoenas.

13. How am I served a subpoena?

A subpoena may be served by a sheriff, by his deputy, or by another person not less than 18 years of age. Subpoenas may also be served by registered or certified mail or statutory overnight delivery, and the return receipt constitutes proof of service.

14. How do I clear a drivers' license suspension for failure to appear in court?

You will first have to pay your fine at the court clerk's office. The Judge sets the fine as cash only. Once the fine has been paid, you will receive a new court date and time. You will also obtain, from the court clerk's office and submit to the Department of Driver Services, a release from (DPS912) to clear your license. Paying the fine DOES NOT CLEAR YOUR DRIVER'S LICENSE with the Department of Driver Services. Contact the Department of Driver Services for reinstatement information. Their website is below. Phone number is: 678-413-8400 DDS website- www.dds.ga.gov

15. Who do I contact to reinstate my driver's license?

[License Reinstatement General Information](#)



16. Where do I go to obtain a license?

[Getting & Renewing a Driver's License](#)