



For the Record

By

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State Court Performs Vital Judicial Role

The State Court of Liberty County was established on August 9, 1916. Once called “county court” and later the “city court” of Hinesville, the state court has limited civil and criminal jurisdiction but exclusive jurisdiction over misdemeanor criminal offenses occurring in any geographic area of the county where a municipal court does not exist (such as in Hinesville, Midway and Walthourville, all which have their own municipal courts). A misdemeanor is a crime for which, upon conviction, the defendant can be incarcerated up to twelve months and, generally, fined in the amount of \$1,000 or less. Some misdemeanor fines now require by law a greater mandatory fine amount. Because municipal courts cannot conduct criminal jury trials, criminal cases of those courts can be—and often are—transferred to state court when the defendant requests a jury trial for deciding his or her guilt or innocence.

State court also has jurisdiction over a varying array of civil cases, excluding those over which superior court has exclusive jurisdiction, including domestic relations issues (specifically divorce, child custody, child support, legitimation of a child, and alimony), title to land, disputes over property boundaries, and other matters which, by law, another court has specific jurisdiction (such as superior court’s approval of bonds for government entities, magistrate court’s jurisdiction over local county ordinance violations, or juvenile court’s exclusive jurisdiction over cases involving children in need of services or criminal offenses committed by a person under 18 years of age).

State court has the greatest caseload of any court having countywide jurisdiction. In 2014, the state court disposed of 228 civil cases, including torts, landlord and tenant, and various other types of cases and 10,043 misdemeanor criminal cases. (A tort is a civil wrong that unfairly causes someone else to suffer loss or harm and results in legal liability for the person who commits the tortious act. For example, a person who caused a motor-vehicle accident can be sued for damages, medical expenses, and other losses as the result of his or her actions or inactions).

Of the total number of criminal cases disposed in state court, 170 were serious traffic offenses (such as DUI, driving under the influence), 224 were unrelated to traffic violations (such as simple assault, simple battery, and shoplifting) and 9,649 were traffic-related offenses (such as speeding, defective equipment, etc.). The number of total cases filed in the court in 2014 was approximately 12% greater than the number filed in the previous year. The number of new tort cases filed in state court in 2014 was almost 10 times greater than the number filed in superior court.

Recently, a state court jury trial for a civil malpractice case set a record as the longest trial held in any court within the county throughout Liberty County’s 226-year history. The trial lasted ten days.

Criminal cases in state court are disposed of with or without a jury. By law, a defendant has the right to a jury trial in any case in which, if he or she is convicted, he or she may be incarcerated or required any other sentence. However, a defendant may waive such right and opt instead for the judge to make a determination as to guilt or innocence after hearing all evidence. The defendant or his attorney

can conduct negotiations with the solicitor-general for the purpose of forging a “plea bargain”—meaning that, in exchange for pleading guilty to the charges against the defendant, the solicitor-general agrees to recommend to the court for any or all specific criminal charges a lesser period of imprisonment, probation, and/or fine. The judge must concur with all terms of the negotiated plea agreement.

Defendants have a constitutional and statutory right to legal counsel. Those who cannot afford an attorney are provided legal representation at no cost through the local indigent defense program. The county contracts with the Georgia Public Defender Council’s Atlantic Judicial Circuit office for legal services. The program is paid for by taxpayers of the county. Brandon Clark is director of the program.

Until 2008, the judge of Liberty County’s state court served on a part-time basis. Judge Leon M. Braun, Jr., who was first elected in 1993 when J. Noel Osteen retired in 1992 from 21 years of service, became the court’s first full-time judge in 2008.

Jeffery N. Osteen (former Judge Osteen’s son) serves as the elected part-time solicitor-general of the court, whose chief duty is to prosecute criminal cases. He is a member of the Jones, Osteen, and Jones law firm in Hinesville.

F. Barry Wilkes, the elected clerk of the Superior Court of Liberty County, serves as clerk and administrator of the state court as a means for saving tax dollars, reducing duplication of services, and providing citizens of the county a one-door court system. Two employees of the clerk’s office are assigned to state court. Deputy clerk Katina Sapp is responsible for the criminal division, and Joann Downs for the civil division. Wilkes also serves clerk and administrator of the county’s juvenile and magistrate courts.

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