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A "Critical" Question of State Law: Georgia's Ambiguous Treatment of Initial Appearance Hearings and the Implications of Bail Reform

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The Sixth Amendment of the U.S. Constitution guarantees criminal defendants the right to counsel at critical stages of a proceeding. While the U.S. Supreme Court has not addressed whether initial bail hearings are critical stages of a proceeding, several states have elected to provide greater protection for criminal defendants by holding that bail hearings are critical stages. However, Georgia has avoided this question, as Georgia has held that initial appearance hearings, in which questions of bail are often decided, are "not often" critical stages of a proceeding. Logically, it follows that initial appearance hearings must sometimes be critical stages of a proceeding. This Note argues that initial appearance hearings, insofar as they encompass questions of bail, should be considered critical stages. In so doing, this Note examines Georgia's history of providing greater protection to criminal defendants than the federal government and the implications of bail reform.