

TO: CITIZEN COMPLAINANT WISHING TO FILE A COMPLAINT AGAINST ANOTHER CITIZEN

THESE SPECIFIC POINTS ARE UNDERSTOOD BY THE UNDERSIGNED:

- 1) The citizen must, in good faith, make a full, fair, and honest disclosure of all facts and circumstances known to him/her at the time this application for complaint is filed. The facts, as presented, must be in the form of an affidavit and provided under oath. Said affidavit will form the basis of any further investigation and the charging instrument.
- 2) The citizen-complainant must be sworn and sign both the application for complaint and the complaint (when prepared by the city prosecutor).
- 3) The citizen-complainant must be willing to appear in Court to testify against the defendant if the charges are contested (i.e., the accused pleads not guilty).
- 4) The prosecutor reserves the right to review the submitted application and has complete discretion in determining whether the matter has sufficient merit to be filed as a formal complaint and docketed in the municipal court. The prosecutor reserves the right to subpoena the presence of the citizen-complainant and enforce the subpoena by ordering a police officer to bring the citizen-complainant to Court.
- 5) The defendant may file a counter-complaint if the citizen-complainant has also been involved in some illegal activity. Please be advised that any statement made at this time or in the future to a police officer, prosecutor, or other city investigative personnel may be used against you should the counter-complaint go forward to trial. Please be advised that, when speaking to the prosecutor, the prosecutor represents the State of Texas and no attorney-client relationship is established by any communications with regard to the application for the complaint or any matters related thereto.
- 6) Once this complaint is accepted by the prosecutor and filed with the court, only the judge, upon recommendation of the prosecutor, has the authority to dismiss a complaint.

Citizen-Complainant Signature

Date

Editor's Note: A citizen's complaint is unrelated to criminal procedure in that it cannot act as a charging document. Rather, it is an allegation of misconduct by a person (typically a resident) against another person (typically either a public official or city employee). **A prosecutor reviews and approves a citizen's complaint before moving forward with more formal charges.** Rather than being a part of the judicial process, the citizen's complaint is generally considered a part of maintaining public relations and the confidence of local citizens. See Ryan Kellus Turner, *Complaints, Complaints, Complaints: Don't Let the Language of the Law Confuse You*, THE RECORDER (July 2004).

APPLICATION FOR COMPLAINT

DATE: _____

COMPLAINANT'S NAME: _____

ADDRESS: _____

CITY, STATE, ZIP: _____

PHONE (HOME): _____ WORK: _____

NAME OF DEFENDANT: _____

ADDRESS: _____

CITY, STATE, ZIP: _____

PHONE (HOME): _____ WORK: _____

PLACE OF EMPLOYMENT: _____

DESCRIPTION OF DEFENDANT

RACE: _____ SEX: _____ DATE OF BIRTH: _____

WEIGHT: _____ BODY STYLE: _____ AGE: _____

VEHICLE INFORMATION (IF APPLICABLE)

MODEL: _____ MAKE: _____ YEAR: _____

COLOR: _____ BUILD: _____ SPECIAL FEATURES: _____

LICENSE PLATE: _____ STATE OF REGISTRATION: _____

DATE OF OFFENSE: _____ TIME OF OFFENSE: _____

LOCATION OF OFFENSE:

TYPE OF PREMISES:

WHAT IS YOUR COMPLAINT? (Describe with as much detail as possible – use as many pages as necessary to fully, fairly, and honestly relate all material facts and circumstances.)

LIST OF WITNESSES (Use additional pages if necessary.)

NAME: _____

ADDRESS: _____

CITY, STATE, ZIP: _____

PHONE (HOME): _____ WORK: _____

NAME: _____

ADDRESS: _____

CITY, STATE, ZIP: _____

PHONE (HOME): _____ WORK: _____

NAME: _____

ADDRESS: _____

CITY, STATE, ZIP: _____

PHONE (HOME): _____ WORK: _____

I swear that the statements made herein are within my personal knowledge and are true and correct.

Citizen Complainant's Signature

Date

Court Clerk's Signature

Filing Date

DO NOT WRITE BELOW THIS LINE

REVIEWED BY: _____ **(City Prosecutor)**

RECOMMENDATION: _____