

(DRAFT 11/4/04)

# HOW TO FILE A COMPLAINT IN THE MUNICIPAL COURT (Not for use with indictable matters)

## I. WHO SHOULD USE THIS PACKET?

If you wish to file a complaint against someone who you believe has committed an offense, this packet will show you how.

## II. WHAT CASES ARE HEARD IN MUNICIPAL COURT?

The types of complaints heard in the municipal courts include:

- violations of traffic laws, such as speeding;
- violations of municipal ordinances, such as dog barking; and
- violations of disorderly persons offenses, such as shoplifting merchandise under \$200.

Although more serious offenses may be filed in the municipal courts, those cases are heard in the Superior Court.

## III. HOW CAN COURT STAFF HELP YOU FILE A COMPLAINT?

To assist you, **court staff can**:

- provide you with the necessary court forms and assistance on how to fill out these forms, but cannot fill the forms out for you;
- explain and answer questions about how the court works, but cannot give you legal advice; and
- tell you what the requirements are to file a complaint, but cannot advise you what offense you should charge.

Court staff is **not** permitted to:

- tell you whether or not you should file a complaint;
- give you an opinion about what will happen if you file a complaint;
- talk to the judge for you about your case or let you talk to the judge outside of court;
- provide you with the defendant's name and address if you know only the defendant's license plate number; or
- provide you with specific information for the complaint.

## **IV. WHAT HAPPENS IF YOU FILE A COMPLAINT?**

As the person who files a complaint, you are the person who will be a witness for the State and will be required to appear in court to testify. You will receive a notice from the court giving you the court date and time.

Once you file a complaint, you cannot withdraw it. Only the municipal court judge can dismiss the case.

## **V. WHO IS THE MUNICIPAL PROSECUTOR?**

The municipal prosecutor is the attorney who handles the case for the State and presents evidence against the defendant. The defendant may represent him or herself or may be represented by either the municipal public defender or a private attorney.

## **VI. STEPS FOR COMPLETING THE COMPLAINT**

To help you complete the complaint, an example of a completed Special Form is attached and has been enlarged to show you what areas to complete. This example has been numbered to correspond to the following directions:

- (1) Enter the defendant's first name, middle initial and last name.
- (2) Enter the defendant's home street address, city, state, zip code and, if available, telephone number.
- (3) Complete sections 3(a) through 3(k), if the information is available.
- (4) Enter the name of the County where this complaint is being filed, if it is not pre-printed on the form.
- (5) Enter your full name (first name, middle initial and last name).
- (6) . Leave this area blank.
- (7) Enter your mailing address. NOTE: The municipal court needs your address to send you court notices.  
*If you do not want your address to appear on the complaint, you may leave this field blank but you are still required to provide your address to the court so that you may receive court notices.*
- (8) Enter the month, day, year and time that the offense occurred.
- (9) Enter the name of the municipality where the offense occurred, unless the municipality's name is printed on the complaint.
- (10) If the code is not printed on the complaint, ask the court administrator for this code
- (11) If not already printed, enter the name of the county where the offense occurred.
- (12) The space to describe what happened on the Special Form is limited. Therefore, the court has provided you with a Uniform Certification in Support of Probable Cause. Please complete the Certification unless you can describe what happened in the space provided on the complaint. Make sure to provide

enough detail so that the court can determine if an offense was committed and the defendant has committed it.

(13) Enter the number of the statute, regulation or ordinance of the offense. If you do not know this number, court staff may be able to provide you with statute books or other legal reference books. Also, statutes and regulations may be found in State, county or local law libraries. You may check with the municipal clerk's office for copies of local ordinances. *Remember, court staff is not permitted to tell you what offense to enter here.*

(14) Leave these boxes blank.

(15) Describe where the offense took place.

(16) In the next area, you must complete either the oath **or** the certification to support the truthfulness of your statements in the complaint. If you wish to take an oath, court staff will assist you with section 16. If you wish to certify the truthfulness of your statements, read the certification language, enter today's date on line 17 and sign your full name on line 18. Bring the completed form to the court staff for filing.

## **VII. WHAT HAPPENS AFTER YOU FILE A COMPLAINT?**

Once you file a complaint, the municipal court judge or other judicial officer must determine from the facts that an offense has been committed and that the person being accused committed the offense. If the determination is "yes" for both of these questions, the complaint and summons will be issued by the court and the case goes forward. You will be notified of the court date and time. If the determination is "no" to either question, the court will notify you that the case has been dismissed. In that event the court will take no further action.

## **VIII. QUESTIONS?**

Please direct any questions you may have about filing a complaint to municipal court staff.

**Please notify court of any disability accommodation needs.**

