

CITY OF DESOTO APPLICATION FOR CITIZEN'S COMPLAINT

These specific points should be understood by the complainant:

1. The DeSoto Municipal Court has jurisdiction to adjudicate class C misdemeanor cases only (punishable by fine only). Any offense more serious than a class C misdemeanor must be reported to the DeSoto Police Department. The Court can only adjudicate criminal cases of this level; it has no authority to handle cases which are civil in nature. Once a case is filed, the complainant/victim becomes a state's witness. Although your participation is mandatory, you will have no authority over the course of the proceedings.
2. The Application for Complaint must be signed by the Complainant and will be reviewed by the Prosecuting Attorney. If he/she determines that an offense may have occurred and there is some likelihood of prevailing at trial, the complainant must appear at the Court Clerk's office to swear out a formal complaint. The prosecutor has the right to reject any case for filing. If the offense occurred more than one month before the Application is filed, it may be rejected.
3. Understand your obligations. You will be required to appear before the Court to testify if the defendant enters a plea of Not Guilty. You will be subpoenaed to appear. You must not violate the terms of the subpoena; this may constitute contempt of court. You must provide the Court with a correct residence address and telephone number so that you can be contacted and must update this information if it changes. Trial settings are scheduled on the Court's docket schedule, not at your convenience. If it is not possible for you to appear at the trial date and time, you must appear in court in advance of trial and fill out a Request for Continuance form. You will not receive any reimbursement for travel expenses, lost time from work, etc.
4. Understand the Court's limitations. Since the burden of proof is on the State and requires proof of each element of the offense beyond a reasonable doubt, you should not expect that the defendant will be convicted. Your role is only that of a witness, not a plaintiff. The Court cannot prevent problems of an ongoing nature; the Court can only assess a fine as punishment if the defendant is convicted.
5. Understand the Prosecutor's function. The Prosecuting Attorney does not have investigators at his/her disposal and does not office at the Court on a full time basis. He/she is not available to discuss this case with you on a regular basis. In most cases, you will discuss the facts with the prosecutor on the day of the trial. It is the prosecutor's duty to see that justice is done, not to seek a conviction. He/she has the responsibility to bring the case to trial or to request that the case be dismissed where appropriate. You will have no opportunity to interrogate witnesses

6. Understand the process. If a primary witness fails to appear at trial, there is a strong likelihood that the case will be dismissed. However, the court cannot convict a person of crime if he/she fails to appear. Therefore, you may be required to appear in court several times on the same case. The court will issue a summons to a defendant once a complaint is filed. The court will not issue arrest warrants.

There is no appeal if the defendant is acquitted. If the Court enters a conviction, the defendant has a right to appeal the case to a county court; if so, you should expect to serve as a witness at the county level. The defendant has the option to file a complaint against you if you have engaged in some conduct which violates the law.

7. Once a complaint is filed, only the Judge, on recommendation of the Prosecuting Attorney, can dismiss. If you wish to drop charges, you will be required to appear in court and sign an affidavit of non-prosecution. Be advised that there is a likelihood that the case will not be dismissed.
8. Many offenses are more properly filed by an appropriate city department. A much stronger case is presented when it arises from a review or investigation conducted by those charged with law or code enforcement. Therefore, it is essential that you first contact the appropriate department to discuss the facts with them first, before you submit an Application.

I have received the above information and I have read it and understand it.

(Signature)

(Type/Print Name of Complainant)

Address:

Telephone Number:

COMPLAINT APPLICATION
(Print Legibly)

Complainant (Person Filing) Full Name: _____

Address / City / Zip: _____

Daytime Phone: _____ Pager / Cell Phone: _____

Defendant (Person Charged) Full Name: _____

Address / City / Zip: _____

Sex: Male / Female Race: _____ Date of Birth: _____

Date of Offense: _____ Time: _____ A.M. / P.M.

Report to Police? Yes / No Officer / Service / Report No.: _____

Location of Offense: _____

Offense Charged: _____

Brief Statement of Offense: (EXAMPLE: Simple Assault: Jane pulled my hair with her hand.)

Witness Name: _____

Address / City / Zip: _____

Daytime Phone: _____ Pager / Cell Phone: _____

Witness Name: _____

Address / City / Zip: _____

Daytime Contact Phone: _____ Pager / Cell Phone: _____

***The Prosecutor may contact you to discuss your case. Please indicate which number we should call.**

Complainant's Signature: _____ Date: _____ Clerk: _____

Prosecutor / Court Staff Use Only:

Is Complaint to be filed? Yes / No

Comments: _____

Prosecutor's Signature: _____ Date: _____