# Filing a Citizen Complaint in the Garland Municipal Court

# What is a citizen complaint?

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A citizen complaint is a request to the Court to begin a criminal prosecution against someone. The complaint must be made in writing; it must fully identify the person to be charged; and it must be made under oath. The complaint must also provide enough detailed information to show that an offense occurred, that this Court has jurisdiction over the offense, and that there is likely enough evidence to prove the offense beyond a reasonable doubt. One citizen complaint form must be completed for each individual offense you wish to be filed.

## What happens to the complaint after it is filed?

The complaint is assigned a tracking number by the Court clerks and is forwarded to the Prosecutor's office for review. Please note that the filing of a complaint does not automatically result in criminal charges being filed. A prosecution attorney will review the information provide on the complaint form and decide whether to file charges based upon the complaint.

## Why might a complaint be rejected?

There are several factors which are considered when complaints are reviewed. There must be sufficient information identifying the person complained against – including name, address, and date of birth, race, sex, and driver's license number – to guard against charging or arresting the wrong individual. The Court must also have jurisdiction over the offense; in other words, it must be a Class C misdemeanor which occurred in the City of Garland. Finally the prosecutor must also determine whether the offense can be proven in Court beyond a reasonable doubt based on the information provided. The prosecutor has complete discretion to decide whether or not to accept a complaint.

#### What happens if a complaint is accepted?

If a complaint is accepted, it is returned to the Court clerks for processing. A citation is issued to the person complained of (now called "the defendant"), and he or she is sent a summons requiring him or her to appear in Court to answer the charge. This Court handles only Class C misdemeanors – that is, crimes punishable by a fine only, not with confinement in jail or prison. Therefore, when the defendant appears, her or she may plead Guilty or No Contest to the charge and pay a set fine, and the matter is concluded. The defendant may also plead Not Guilty and be set for a pre-trial conference. Only if the defendant maintains a Not Guilty plea will the case be set for trial. If the State needs your testimony at the trial, you will be notified to appear and testify.

#### What can I do if my complaint is refused?

If a complaint is refused, it does not necessarily mean that the complaint was baseless; it simply means that it does not satisfy the strict requirements that the prosecutor has when choosing such cases to pursue. The decision not to initiate criminal charges based on the complaint should not affect any other rights you may have, and should not be viewed as a comment about the strength or weakness of any possible civil action based on the events alleged in the complaint. A private attorney can advise you about your rights. Should you wish to pursue any other action it is recommended that you consult a private attorney as soon as possible, as there may be time limits affecting your rights.

(Date & Time Stamp)		
	Complainant:	
	Signature	Date
	Subscribed and sworn to before me on this the day of	, 20
	Deputy Clerk of the Municipal Court of Record, Garland, Dallas	County, Texas

		FOR PROSECUTOR USE ONLY	- DO NOT WRITE IN THIS AREA	
Offense: FMFR Other:	DOC SAVABT	Then SAVABC	Insuff: Identifiers No jurisdiction: Other	REFUSED Insuff Information C't Request Insuff Evidence Pros. Discr'n