

Today's Date _____

Plano Municipal Court
Application for Complaint and Sworn Affidavit

Your Name _____
Home Address _____
City & State _____
Zip Code _____
Marital Status _____

Home Phone _____
Business Phone _____
Place of Employment _____
Driver's License _____
Age/Date of Birth _____

In what way are you acquainted with the defendant? _____

Name of Defendant _____
Home Address _____ Business Address _____
City and State _____ City and State _____
Zip Code _____ Zip Code _____
Home Phone _____ Business Phone _____
Defendant's Race/Sex _____ Driver's License Number _____
Defendant's Height/Weight _____ Age/Date of Birth _____

Physical Description (tattoos, scars, etc.) _____

Date of Offense _____ Time of Offense _____

Was Offense Reported to Plano Police Dept? _____ Offense Number if Known _____

Location where offense took place (Specify street name, address or block number and identify type of location, whether public street, parking lot, private residence, business, etc. Location MUST be within the incorporated limits of the City of Plano, Texas) _____

Witnesses to the offense (give name, address, zip code, telephone numbers) _____

City of Plano
Municipal Court
P.O. Box 860358
Plano Texas 75086-0358

GUIDELINES FOR CITIZEN'S COMPLAINT & SWORN AFFIDAVIT

The complainant should understand the following specific points:

1. The Plano 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 Plano Police Department. The court can only adjudicate criminal cases of this level; it has no authority to handle cases that 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. Your case will be accepted if the facts you provide meet the following tests.
 - A. The facts must contain all elements of a particular criminal offense as defined by law.
 - B. There must be sufficient admissible, credible evidence to find the offender guilty.
 - C. The violation committed must rise to the level of a crime appropriate for criminal prosecution according to principles of prosecutorial discretion and judicial economy.
 - D. Identity of the offender can be positively proven.
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 notify the Prosecutor's Office in advance of trial for a continuance on the case. Please be aware that the State will be granted only one reset. 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 would 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. 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. The contact person throughout the process will be Ms. Carol Jasien who is an Assistant to the Prosecutor but she cannot provide any legal advice to you. She may be contacted at 972/941-2058.

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 a 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 notify the defendant of outstanding charges once a complaint is filed. The Court may not issue arrest warrants if there are no positive identifiers of the defendant or if the notice provisions have not been fulfilled.

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 with the Court, only the Judge, on recommendation of the Prosecuting Attorney, can dismiss the case. If you wish to drop charges, you will be required to sign an affidavit of non-prosecution. Be advised that there is a possibility 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 contact the appropriate department to discuss the facts with them first, before you submit an Application for Complaint.

WARNING NOTICE: *Your sworn statement may be used against you as evidence. You may be charged with an offense, or you may be sued for malicious prosecution or other cause of action, if any of the following conditions apply:*

- *** *if your sworn statement contains a false report*
- *** *if your sworn statement constitutes retaliation for reports made against you*
- *** *if your sworn statement includes an admission of a criminal offense committed by you*