



FORNEY MUNICIPAL COURT OF RECORD NO. 1

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GUIDELINES FOR CITIZEN'S COMPLAINT AND SWORN AFFIDAVIT

These specific points are understood by the Complainant:

1. **Municipal Court Jurisdiction.** The Forney Municipal Court has jurisdiction to adjudicate class C misdemeanor cases only – that is, offenses that occurred in the City of Forney and that are punishable by a fine only, not with confinement in jail or prison. Any offense more serious than a class C misdemeanor must be reported to the Forney Police Department. The Court can only adjudicate criminal cases of this level; it has no authority to handle cases that are civil, that is, non-criminal, in nature.
2. **What is a Citizen's Complaint?** A citizen's complaint is a request by a citizen to begin a criminal prosecution against someone. 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 an Application for Complaint is filed. The facts, as presented, must be in the form of a written affidavit and provided under oath. The affidavit will form the basis of any further investigation and the charging instrument.
3. **Application for Citizen's Complaint and the Sworn Affidavit.** The Application for Citizen's Complaint and the Sworn Affidavit 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 Prosecutor will accept and approve the complaint for filing with the Court. The Prosecutor, however, 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. Please note that the filing of a complaint does not automatically result in criminal charges being filed.
4. **Your Obligations.** Once a case is filed, you become a state's witness. 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, and you must not violate the terms of the subpoena; doing so 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. Although your participation is mandatory, you will have no authority over the course of the proceedings. Trial settings are scheduled on the Court's docket schedule, not at your convenience.
5. **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.

6. **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. The Prosecutor is not available to discuss this case with you on a regular basis and, in most cases, you will discuss the facts with the Prosecutor only on the day of the trial. It is the Prosecutor's duty to see that justice is done, not to seek a conviction. It is the responsibility of the Prosecutor to bring the case to trial or to request that the case be dismissed where appropriate. You will have no opportunity to interrogate witnesses.
7. **The Prosecutor's Role.** The Prosecutor is not your attorney and does not represent you. You are advised that when you speak with the Prosecutor, the Prosecutor represents the State of Texas and no attorney-client relationship is established by any communications you may have regarding the Application for Citizen's Complaint, the Sworn Affidavit, or any related matters.
8. **Counter-Complaints.** The Defendant may file a counter-complaint if the Complainant has been involved in some alleged illegal activity or conduct. You are advised that any statement you make now or in the future to a police officer, prosecutor, or other investigative personnel may be used against you should the counter-complaint go forward to trial.
9. **The Process.** The Court will notify the Defendant of outstanding charges once a complaint is filed. The Court will not issue arrest warrants. 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.

If the Court enters a conviction, the Defendant has a right to appeal the case to a county court. In that event, you should expect to serve as a witness at the county level. If the Defendant is acquitted, there is no appeal of the case.

10. **Refusal of Complaint.** If your complaint is refused or not accepted, it does not necessarily mean the complaint was baseless; it may simply mean it does not satisfy the strict requirements followed by the Prosecutor when choosing which cases to pursue. A decision by the Prosecutor not to initiate criminal charges should not affect any other rights you may have, and should not be viewed as a comment on the strength or weakness of the events you have alleged in the complaint as it relates to any possible civil action. A private attorney can advise you about your rights. Should you wish to pursue any other action it is recommended you consult a private attorney as soon as possible, as time limits may affect your available options.
11. **Dismissal of Charges.** Once a complaint is accepted and filed with the Court, only the Judge, upon recommendation of the Prosecuting Attorney, has the authority to dismiss the charge. If you wish to drop charges, you will be required to appear in court and sign an Affidavit of Non-Prosecution. Be advised there is a likelihood that the case will not be dismissed.
12. **Filing by a City Department.** 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, you should contact the appropriate department to discuss the facts with them first, before you submit an Application and sign the Affidavit.

13. **Warning Notice.** Your Sworn Affidavit 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; or
If your sworn statement includes an admission of a criminal offense committed by you.

I have received the above information contained in the Guidelines for Citizen's Complaint and Sworn Affidavit, and I have read and fully understand it.

(Signature)

(Type/Print Name of Complainant)

Address: _____

Telephone Number: _____

E-mail address: _____

Do not write below this line (for office use only)

=====

Received /verified by: _____

Copy given to complainant

Verified phone number(s) provided



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APPLICATION FOR CITIZEN'S COMPLAINT

=====
Today's Date: _____, 20__

Complainant: _____

Address: _____

Residence Phone: _____ Business Phone: _____

Email Address: _____

=====
Defendant: (Full Name) _____

Address: _____

Residence Phone: _____ Business Phone: _____

Description of Defendant: (if known) - M - F / Race: ____ / Age: ____ / DOB: _____

Height: ____ / Weight: ____ / Identifying Marks (Tattoos, scars, etc.): _____

Can you identify Defendant? Yes / No

In what way are you acquainted with the Defendant? _____

Date of Offense: _____ Time of Offense: _____

Was offense reported to the Forney Police Department? Yes / No

Location of Offense: _____

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

Description of Offense (*Describe the events for which the complaint is filed, being as specific as possible as to each offense and the underlying material facts and circumstances; if additional space is needed, please complete your description on another page or pages*):

Witness Information (if any):

Name of Witness #1: _____ Phone Number: _____
Address: _____ Work Number: _____

Name of Witness #2: _____ Phone Number: _____
Address: _____ Work Number: _____

Name of Witness #3: _____ Phone Number: _____
Address: _____ Work Number: _____

I am over the age of eighteen (18) years and have never been convicted of any theft or felony offense. My belief in the foregoing is based upon my own personal observation. I agree to appear and testify if and when summoned to the Municipal Court of Forney, Texas. I understand this complaint is available to the public for inspection, copying, or both upon request.



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SWORN AFFIDAVIT

THE STATE OF TEXAS §
COUNTY OF KAUFMAN §

Before me, the undersigned authority, on this day personally appeared _____
_____, who stated under oath:

“I, _____, swear that the facts contained in the
foregoing Application for Citizen’s Complaint are true and correct and are within my personal
knowledge.”

(Signature of Complainant/Affiant) (Date)

Subscribed and sworn to before me on the ____ day of _____, 20__.

Notary Public in and for the State of Texas

(Seal) (Date Commission Expires)

UPON COMPLETION OF THIS AFFIDAVIT, PLEASE RETURN TO: City of Forney
Prosecution Office; 331 S. FM 548, P.O. Box 826, Forney, Texas 75126; tel. (972) 564-7311.

Do not write below this line (for office use only)

Approved by: _____ Recommended Charge(s) for Prosecution: _____

Not Approved by: _____

Date: _____