

**City of San Marcos/Legal Department
630 E. Hopkins
San Marcos, Texas 78666**

APPLICATION FOR CITIZEN'S COMPLAINT

1. **Application.** 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, before you submit an application. Once you complete the application, you must sign it as the complainant. The prosecutor will then review it. If she determines that an offense may have occurred and there is a likelihood of prevailing at trial, you must appear at the City Attorney's office to swear out a formal complaint. The prosecutor has the right to refuse to file any case. If the offense occurred more than one month before the application is filed, the case may be rejected. The defendant also has the option to file a complaint against you if you have engaged in some conduct which violates the law.
2. **Court jurisdiction.** The San Marcos Municipal Court has jurisdiction only to adjudicate Class C misdemeanors, which are punishable by fine only. Any offense more serious than a Class C misdemeanor must be reported to the San Marcos Police Department. The Court cannot prevent problems of an ongoing nature; the Court can only assess a fine as punishment if the defendant is convicted. The Court does not have jurisdiction to hear civil cases. If you have a civil case you wish to file, you need to go to a Justice of the Peace Court.
3. **Understand your obligations.** Once the case is filed, you will become a State's witness. Although your participation is mandatory, you will have no authority over the course of the proceedings. You will be required to appear before the Court to testify if the defendant enters a plea of Not Guilty. You must provide the Prosecutor with a correct address and telephone number so that you can be contacted. You must also 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 contact the prosecutor at least one week in advance. You will not receive any reimbursement for travel expenses, lost time from work, etc.
4. **Understand the Prosecutor's function.** It is the Prosecutor's duty to see that justice is done, not to seek a conviction. She has the responsibility to bring the case to trial or to request that the case be dismissed where appropriate. Once a complaint is filed, only the Judge, on recommendation of the Prosecutor, can dismiss the case. If you wish to drop the charges, you will be required to sign an affidavit of non-prosecution at the City Attorney's office. The Prosecutor does not have to dismiss the case, even if you sign an affidavit of non-prosecution.

5. **Understand the process.** The court will issue a summons to a defendant once a complaint is filed. The court will not issue arrest warrants. The defendant then has 10 days to pay the fine or request a court date. If the defendant pleads not guilty, the case will be set for a jury trial or a trial before the judge. The court cannot convict a person of crime if he/she fails to appear. Therefore, the case may be re-set many times and you may be required to appear in court several times on the same case. If you or another witness for the prosecution fails to appear at trial, there is a strong likelihood that the case will be dismissed.
6. **Appeals.** There is no appeal if the defendant is found not guilty. If the defendant is found guilty, the defendant has a right to appeal the case to a county court. If this happens, you will need to serve as a witness at the county level. You, again, may need to appear several times before the case is heard by the county court judge.
7. I have received the above information and I have read it and understand it.

(Signature)

(Type/Print Name of Complainant)

Address

Residence Phone

Work Phone

Cell Phone

INFORMATION SHEET

Date of Offense: _____: Time of Offense: _____

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 City of San Marcos)

Defendant: (Full Name) _____

Address: _____

Residence Phone: _____

Business Phone: _____

Description of Defendant: Gender: _____,
Race: _____
Age: _____
Date of Birth: _____
Height: _____ Weight: _____
Identifying Marks (Tattoos, scars, etc.): _____

Vehicle Description (If Appropriate):
Make: _____,
Model: _____,
Year: _____,
Color: _____,
License Plate No. _____.

Description of Offense (Describe the events for which the complaint is filed, being as specific as possible):

[Lined area for describing the offense]

My belief in the foregoing is based upon my own personal observation. I am over the age of eighteen (18) years and have not previously been convicted of any theft or felony offense.

(Signature of Complainant)

[Rev. 10/01]