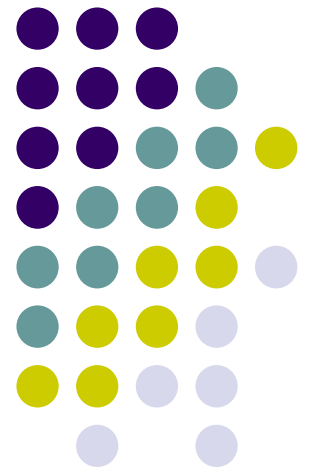


CHARGING INSTRUMENTS (Complaints and Citations)

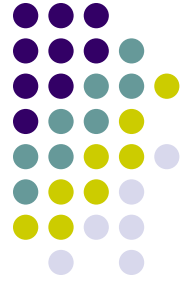
Presented by:

**Susie Garcia
Court Administrator
City of San Marcos**

**Matthew A. King
Tarrant County Criminal Magistrate**



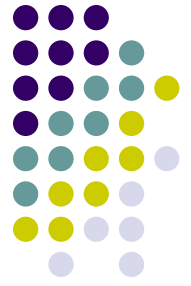
CHARGING INSTRUMENTS (Complaints and Citations)



TWO PRIMARY METHODS:

- CITATIONS
- COMPLAINTS

CHARGING INSTRUMENTS (Complaints and Citations)



- Fundamental right to have notice of specific charges
- This means a constitutional right
- This means dismissal if not meet

Art. 1.05 CCP

CHARGING INSTRUMENTS (Complaints and Citations)



What are the ways that we give notice of the charges?

- **Citation issued by police officer, code enforcement, etc.**
- **Complaint filed in municipal or JP court**

CHARGING INSTRUMENTS (Complaints and Citations)



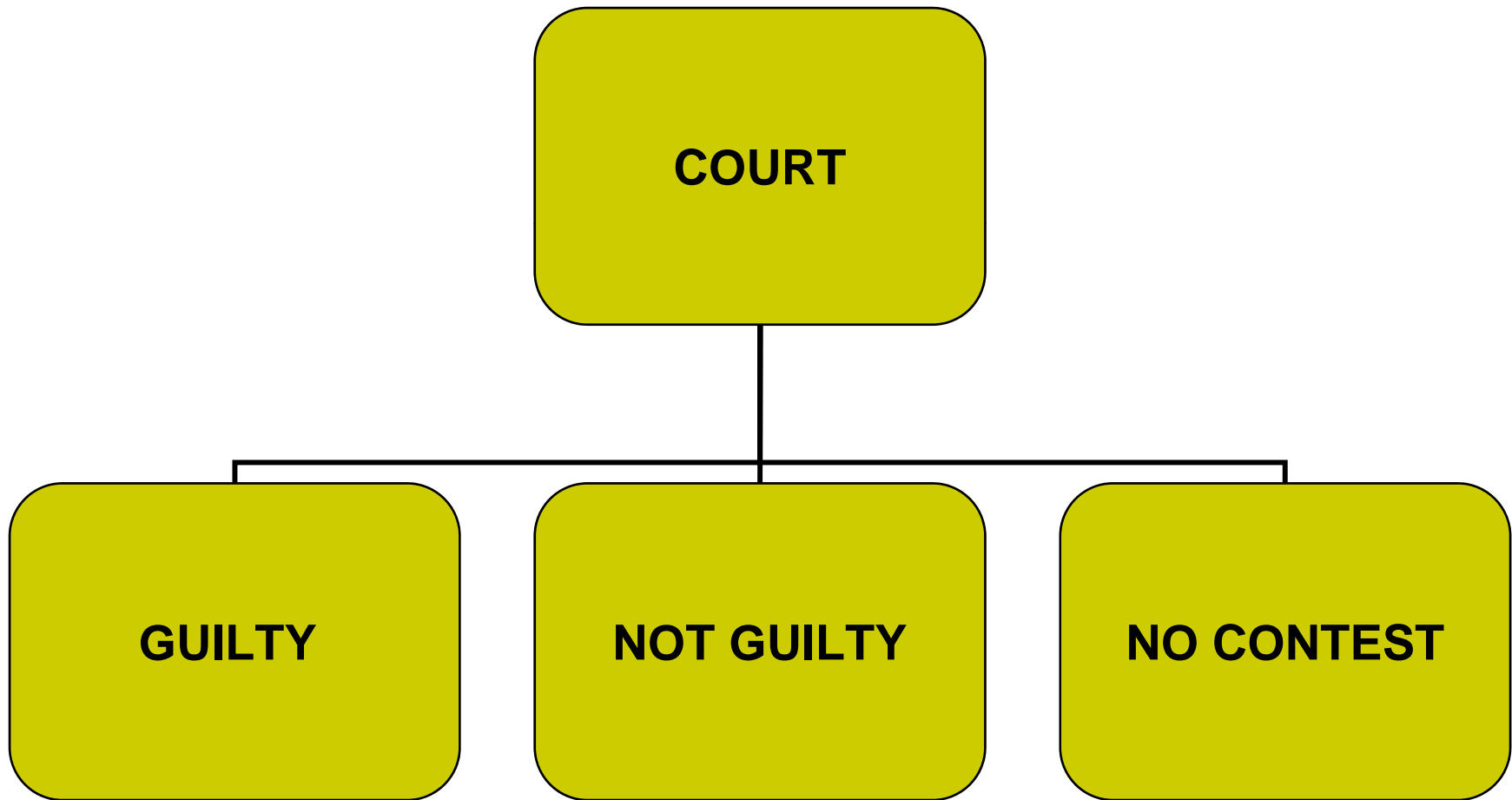
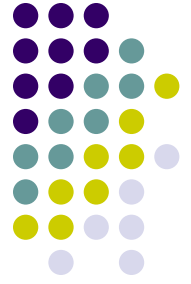
When do you need a complaint?

When is a citation sufficient?

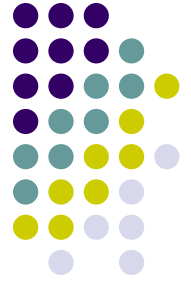
Does it matter how the accused pleads?

Can you prepare a complaint anyway?

CHARGING INSTRUMENTS (Complaints and Citations)



CITATIONS



In the immortal words of Ryan Turner:

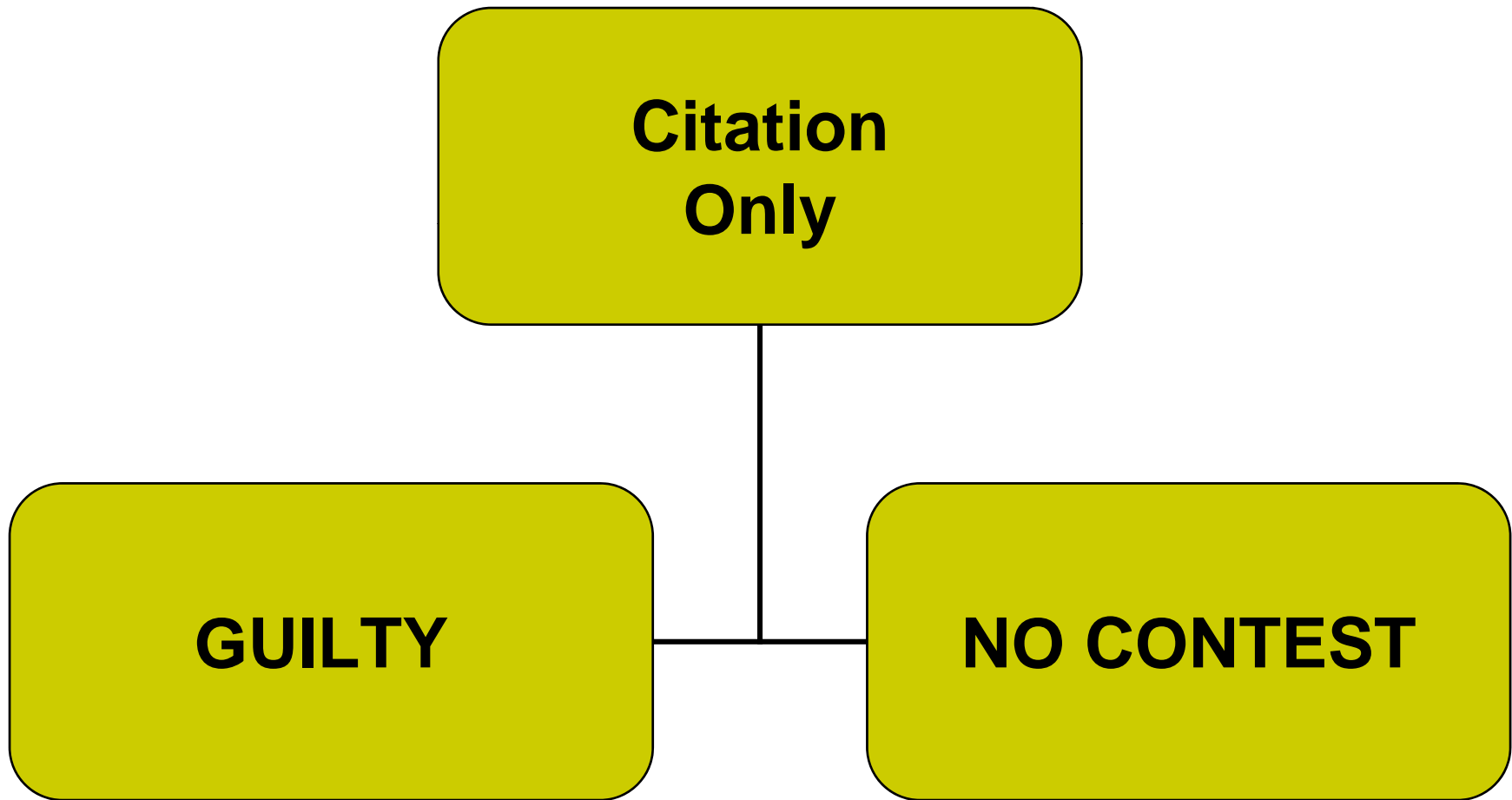
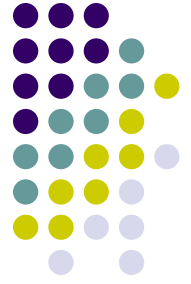
“Tickets are for concerts
and sporting events”

CITATIONS

Catch and Release



CITATIONS



CITATIONS



Who creates citations?

- **The state government**
- **The police department**
- **The court**

CITATIONS



What are some of the characteristics?

- **Date**
- **Name**
- **Offense**
- **Offense location**
- **Signed by officer**
- **Signed by the defendant**
- **Due date**

CITATIONS

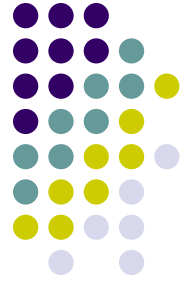
Transportation Code 543.003



Requirements:

- **License number of vehicle**
- **Potential Suspension**
- **Contract for warrant enforcement**
- **Potential surcharges**
- **Racial profiling**
- **Speeding – max or min speed limit & alleged speed**
- **Right to DSC**
- **Special rule CMV**

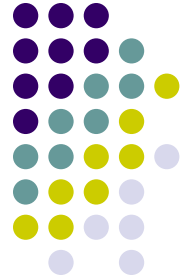
CITATIONS



Helpful for court or defendant:

- Defendant's signature
- Juvenile Address Obligation
- Instructions for appearing by mail
- Plea options
- Fine amounts

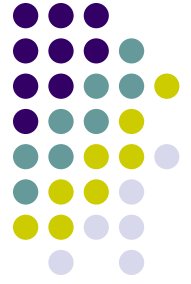
COMPLAINTS



Complaint

**Not Guilty
Jury or Non Jury Trial**

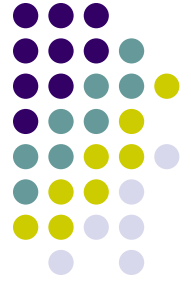
COMPLAINTS



What are some of the characteristics?

- **Date**
- **Name**
- **Offense charged**
- **Offense location**
- **Signed by officer**
- **Sworn to by official**
- **Signed by the defendant? No**
- **Has a due date? No**

COMPLAINT



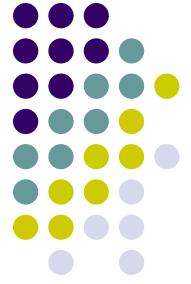
What makes it different from a citation?

It a “SWORN ALLEGATION”

Sworn to by whom?



**The police or code enforcement officer
that observed the offense**



COMPLAINTS-CCP 45.019

A complaint is sufficient, without regard to its form, if it substantially satisfies the following requisites:

- **It must be in writing;**
- **It must commence with:**
“IN THE NAME AND BY THE AUTHORITY OF THE STATE OF TEXAS”;
- **State the name of the accused;**

COMPLAINTS-CCP 45.019



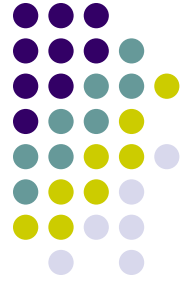
- **Allege a mental state;**
- **Allege offense committed within jurisdiction of the court;**
- **Allege a specific offense;**
- **State the date the offense was committed**
- **Signature of the affiant;**
- **Conclude with " AGAINST THE PEACE AND DIGNITY OF THE STATE"**



COMPLAINTS

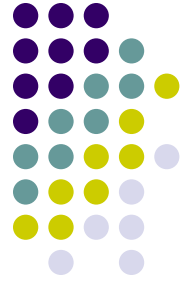
- **Must have the “AFFIANTS” signature**
- **Sworn to by:**
 - **Court clerk or deputy**
 - **City secretary**
 - **Municipal judge**
 - **City or deputy city attorney**





COMPLAINTS

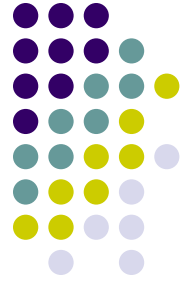
- **Commence with:**
- **Date:** 10-10-07
- **Name:** Ryan Turner
- **Mental State:** knowingly, intentionally, recklessly, or negligence
- **Specific offense:** speeding, reckless driving
- **Jurisdiction:** City of Tyler



COMPLAINTS

- **Accused must be served copy of complaint at least one prior to trial**
- **Complaint maybe amended**
- **Same notice requirements apply**
- **Must be sworn to again**
- **Defects are waived if not raised by the accused prior to trial**

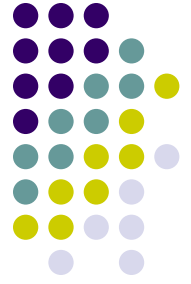
COMPLAINTS and CITATIONS



- **Whose job is it to prepare complaint?**
 - **City prosecutor**
 - **No city prosecutor? How about the Judge, or county attorney?**

Why be concerned?

- **Result maybe a dismissal**
- **Wasted time and resources**

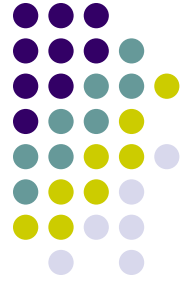


“Leadership and learning are
indispensable to each other”

John F. Kennedy

THANK YOU

COMPLAINTS and CITATIONS



**Ms. Suzie Garcia, Court Administrator
City Of San Marcos**

Garcia_Susie@ci.san-marcos.tx.us

**Matthew A. King, Tarrant County Criminal
Magistrate**

Fort Worth, TX 76196

making@tarrantcounty.com