

**INFORMATION RELATING TO THE PROSECUTION OF ONLY “CLASS C OFFENSES”
THROUGH THE MUNICIPAL COURT OF THE CITY OF PALESTINE**

The following information is intended to assist citizens with Class C violation complainants who are seeking prosecution of offenses through the Municipal Court of the City of Palestine. To have a Class C Criminal or City Ordinance complaint prosecuted through the Municipal Court the attached Affidavit of Complaining Witness and Statement of Facts **must** be completed and presented to the Municipal Court’ Clerk located in City Hall at 504 North Queen Street for processing by the Municipal Courts’ office during normal office hours of Monday through Friday, 8:00 A.M. until 5:00 P.M.

The attached Affidavit and Statement must be completed by the complainant and then signed and sworn to before a Notary Public. The Affidavit must contain all of the facts personally known to the complainant and that leads to the conclusion that an offense has been committed and that the person accused is the person who committed the offense. (The Affidavit **may not** contain hearsay or facts that the complainant acquired from other persons. In such event that another person has information concerning the offense a separate statement of that person must be attached at the filing of the complaint with the Court. The Affidavit must contain sufficient detailed information to enable a magistrate or prosecutor to find that probable cause exists to believe that an offense occurred. When the Affidavit has been completed, the **complainant** should review the Affidavit to make certain that it contains all required factual information relating to the offense. Additionally, you must provide the Court with identifiers of some kind such as date of birth, driver’s license number, social security number, etc.

After the Affidavit and Complaint has been completed and delivered to the representative of the Municipal Court of the City of Palestine, it will be reviewed by the Municipal Court Prosecuting Attorney.

If the Municipal Court’s Prosecuting Attorney determines that the offense described in the Affidavit should be prosecuted; the Municipal Court’s Prosecuting Attorney’s Office will proceed with the Complainant Prepared Complaint. When the complaint has been accepted by the Municipal Court’s Prosecuting Attorney, the person accused will be notified to appear in court. If the Municipal Court’s Prosecuting Attorney’s office determines in its sole discretion that the offense described in the Affidavit should not be prosecuted then the Municipal Court’s Prosecuting Attorney’s office will refuse to prosecute the offense. In the event that the Municipal Court’s Prosecuting Attorney’s office refuses to prosecute the offense then the complainant may contact the Anderson County District Attorney’s Office.

When the signed and sworn Complaint has been filed with the Municipal Court, the Court will issue a summons for the accused to appear in Court to answer to the offense described in the Complaint.

NOTICE TO COMPLAINANT:

- (1) A complainant who presents an Affidavit and Complaint to the City of Palestine Municipals Court’s Office may be required to appear before the City of Palestine Municipal Court at a later time.
- (2) Failure to timely sign and swear the Complaint will result in a refusal by the Municipal Attorney’s Office to prosecute the offense described by complainant in his or her Affidavit.
- (3) A complainant must appear in Court as a witness for the State in any hearings relating to the offense.
- (4) If a complainant desires to withdraw the Complaint, the complainant must personally appear before the Municipal Court and file a written motion for dismissal.

Any person who intends to seek prosecution of an offense through the Municipal Court of the City of Palestine and when involving the Palestine Police Department must obtain and supply the report or incident number before presenting the attached Affidavit to the Municipal Court for forwarding to the City Prosecutor. The Complainant must include the report or incident number assigned by the police in answering question number 11 on page 2 of the Affidavit. (A person who intends to seek prosecution of a violation of a Palestine City Ordinance is not required to obtain and include a police report or incident number.

AFFIDAVIT OF COMPLAINING WITNESS

Date: _____, 20 ____

Affiant (Complainant): _____

Accused: _____

Offense: _____

Affiant on oath swears that 1) the answers to the questions that follow, 2) the statements relating to the accused, witnesses, and the complaint that follows, and 3) the detailed written description of the offense that follows, are true.

Affiant has good reason to believe and does believe that Accused on or about the ____ day of _____, 20_____, did commit the above named offense. Affiant's belief of the foregoing statement is based upon Affiant's personal observations described below and/or information described below provided to Affiant by _____, a credible person.

(Affiant must answer all of the following questions.)

1. What offense was committed? (Describe the offense that was committed by the accused).

2. Who committed the offense?

3. Who is the victim of the offense?

4. Who are the witnesses to the offense?

5. Where was the offense committed? (Give the address, city and county)

6. When was the offense committed?

7. When was the offense discovered?

8. How do you know that the Accused named above committed the offense?

9. What did the Accused say?

10. What occurred during the commission of the offense?

11. What is the Palestine Police Department report / incident number for this offense?

12. What property was stolen?

13. What was the value of the property stolen?

14. What injury did the victim sustain?

15. What property damage was done?

16. With what tools was the offense committed?

17. With what weapons was the offense committed?

18. Where was the victim when the offense was committed?

19. How was the offense discovered?

(Supply the information requested below)

A. Information Relating to Accused:

Address of Accused: _____

Telephone No. of Accused: _____

Accused's Place of Employment: _____

Description of Accused: Sex (Male) (Female) Age/Date of Birth _____

B. Information Relating to Witnesses:

Witness Name: _____

Address of Witness: _____

Witness Telephone No.: Work Phone: _____ Home Phone: _____

Witness Name: _____

Address of Witness: _____

Witness Telephone No.: Work Phone: _____ Home Phone: _____

C. Information Relating to Complainant:

Address of Complainant: _____

Complainant Telephone No.: Work Phone: _____ Home Phone: _____

