

**INFORMATION RELATING TO THE PROSECUTION OFFENSES THROUGH
THE MUNICIPAL COURT OF THE VILLAGE OF SALADO, TEXAS**

The following information is intended to assist citizens or complainants in seeking prosecution of offenses through the Municipal Court of the Village of Salado. In order to have a criminal complaint prosecuted through the Municipal Court the Attached Affidavit of Complainant **must** be completed and presented to the Municipal Court for forwarding to the Salado City Prosecutor's Office.

The attached Affidavit 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 which leads the complainant to the conclusion that an offense has been committed and that the person accused is the person who committed the offense. (The Affidavit may contain hearsay or facts that the complainant acquired from other persons. However, the Affidavit must contain enough information to enable a magistrate to find that the third-party information is credible or believable.) When the Affidavit has been completed the complainant should review the Affidavit to make certain that it contains all required information relating to the offense.

After the Affidavit has been completed and delivered to the Municipal Court, it will be forwarded to the City Prosecutor's Office for review. The completed Affidavit will be reviewed by the City Prosecutor's Office. If the City Prosecutor's Office determines that the offense described in the Affidavit should be prosecuted then the City Prosecutor's Office will proceed with prosecution of the offense. A criminal complaint (Complaint) will then be prepared by the City Prosecutor's Office. When the Complaint has been prepared the complainant will be notified and requested to sign and swear to the Complaint. The signed and sworn Complaint will then be filed with the Municipal Court. If the City Prosecutor's Office determines in its discretion that the offense described in the Affidavit should not be prosecuted the City Prosecutor's Office will refuse to prosecute the offense. If the complainant is not contacted and requested to sign a complaint then the City Prosecutor has refused to prosecute the offense described in the Affidavit. **In the event that the City Prosecutor refuses to prosecute the offense then the complainant may contact the District Attorney's Office.**

When the signed and sworn Complaint has been filed with the Municipal Court, the Affidavit and the Complaint will be presented to the Municipal Judge for review. If the Affidavit provides the Municipal Judge with sufficient cause or reason to believe that the person accused in the Complaint committed the offense, then the Municipal Judge may in his sole discretion (1) issue a summons for the accused to appear in Court to answer to the offense described in the Complaint, or (2) issue a warrant for the arrest of the Accused.

NOTICE TO COMPLAINANT:

- (1) A complainant who presents an Affidavit to the Prosecutor's Office may be required to appear before the Municipal Court at a later time to sign and swear to the Complaint which charges the accused with the offense.
- (2) Failure to timely sign and swear the Complaint will result in a refusal by the City Prosecutor 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 Village of Salado must file an offense report with the Salado Police Department before presenting the attached Affidavit to the Municipal Court for forwarding to the City Prosecutor. The complainant must include the offense number assigned to the filed report in the attached Affidavit in the complainant's answer to question number 11 on page 2 of the Affidavit. (A person who intends to seek prosecution of a violation of a Salado City Ordinance is not required to file an offense report with the Salado Police Department and include the offense number in the Affidavit)

NEITHER THE MUNICIPAL JUDGE NOR THE CLERKS OF THE MUNICIPAL COURT MAY GIVE YOU LEGAL ADVICE REGARDING ANY CRIMINAL ACTION BEING CONSIDERED OR ALREADY FILED. IF YOU HAVE ANY QUESTIONS, YOU SHOULD CONTACT THE LAW ENFORCEMENT OFFICE.

AFFIDAVIT OF COMPLAINANT

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 complainant that follow, and 3) the detailed written description of the offense that follows, are true.

Affiant has good reason to believe and does believe that the Accused on or about _____ day of _____, 20____, did commit the above offense. Affiant's belief of the foregoing statement is based upon Affiant's personal observation 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 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 Salado Police Department offense number for this incident?

12. What property was stolen?

13. What was the value of the property stolen?

14. What injury was sustained by the victim?

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: Home phone: _____ Work phone: _____

C. Information Relating to Complainant

Complainant's Address: _____

Complainant's Telephone No. Home phone: _____ Work phone: _____

DETAILED WRITTEN DESCRIPTION OF THE OFFENSE

Affiant must provide a detailed written description of all events relating to the offense that was committed by the accused. The detailed written description of the offense should be placed on this page and, if necessary, the continuation sheet attached. The written description must contain all of the facts personally known to Affiant which lead the Affiant to the conclusion that an offense has been committed and that the person accused is the person who committed the offense. (The written statement may contain hearsay or facts that the affiant acquired from other persons. However, Affiant must give enough information to enable the Municipal Judge to find that the third-party information is credible or believable.)

All continuation sheets attached to this Affidavit are incorporated herein by this reference.

Affiant

SWORN AND SUBSCRIBED TO before me by the Affiant on this the _____ day of _____, 20 _____

Notary Public-State of Texas or Municipal Judge

THIS SHEET FOR VILLAGE OFFICE USE ONLY

Date given to citizen: _____

Police Department Offense report #: _____

Citizen Complaint Packet Disposition Work Sheet

Criminal Charge

In the Municipal Court

Filed Against

Village of Salado

Bell County, Texas

Now comes the State of Texas, acting by and through the Village of Salado Prosecutor, and does file the offense of _____, Misdemeanor C or Violation of City Ordinance in the Municipal Court.

Case filed on _____ under cause number _____

*****OR*****

Now comes the State of Texas acting by and through the Village of Salado Prosecutor, and declines to prosecute the attached citizen complaint for the following reason(s):

- Insufficient evidence to sustain a conviction
- At the request of the complainant
(_____ Complainant's name)
- Insufficient information for identification of the defendant
- Failure to appear by complainant
- Allegation is considered a civil dispute
- Defendant pled guilty in companion case
- Other: _____

_____ Date

_____ Alan Bojorquez, Village of Salado Prosecutor