

Administrative Aspects of Complaints

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(Q1) What are the different types of complaints?

- (A) Charging Instrument (Class C Misdemeanors)
- (B) Affidavit Supporting Arrest Warrant
- (C) Affidavit Supporting Information
- (D) Citizen Complaint
- (E) Comparison of Complaint Types A, B and C

(Q2) Is a complaint necessary in a municipal court case?

(A) General Rule – YES

(B) Exception (Huge) – NO

(Q3) What should a complaint look like?

- (A) Seven Basic Requirements – CCP, Article 45.019(a)
- (B) Eighth Basic Requirement – CCP, Article 45.019(c)
- (C) Ninth Basic Requirement – Affidavit form (“sworn to”)
- (D) Text of CCP, Article 45.019
- (E) TMCEC Complaint Forms

(Q4) How does a defendant challenge a complaint?

(A) Motion to Quash

(B) Form

(C) Timing

(D) Local Rules

(Q5) What is the result of a successful challenge?

(A) Defendant is “Discharged”

(B) State’s Options

(Q6) What is the charging instrument in a de novo appeal?

(A) Defendant Can Change Plea

(B) New, Amended, or Original Complaint

(Q7) Who initiates action when the law has allegedly been violated?

(A) Law Enforcement Officers

(B) Code Enforcement Staff and School Officials

(C) Citizens

(Q8) Who prepares the complaint and files it with the Court?

(A) In a Perfect World

(B) In an Imperfect World