



CRIMINAL INFORMATION BROCHURE FOR COMPLAINANT

IF YOU WISH TO CHARGE SOMEONE WITH THE COMMISSION OF A CRIME... YOU WILL NEED ANSWERS TO THESE QUESTIONS.

SHOULD I REPORT THE CRIME TO THE POLICE?

Yes. Even if the police are unable to investigate the crime you report, they should have a record of all crimes committed.

MUST I SEE THE DISTRICT COURT COMMISSIONER?

If you have reported the crime to the police, and if the police have conducted an investigation, the police may file charges with the commissioner on the basis of their investigation. In all other cases you must go to the District Court commissioner and apply for a charging document.

A District Court Commissioner is a judicial officer. It is his function to issue criminal charging documents, when appropriate. He also determines under what conditions an arrested person may be released pending trial.

WHAT MUST I TELL THE COMMISSIONER?

You must tell the commissioner, or write down for him, the details of the crime.

To be sure that your information is adequate, your application should clearly state the following:

- 1. WHO?**
Identify the accused, (the person you are complaining about), and identify yourself.
- 2. WHEN?**
State the time, day, month and year of the offense.
- 3. WHERE?**
State the exact address and street, the city, county and state where the offense happened. Also state whether the offense happened in a private home or in some public place.
- 4. WHAT?**
State exactly what was done to you. For example: if property was taken, describe it and its value; or, if property was damaged or destroyed, indicate the original cost of the item or its replacement value. If you do not know the exact value, estimate it as accurately as possible.
- 5. WHY?**
State any facts known to you that would show that the accused intended to commit a criminal act.

6. HOW?

State how the accused committed the offense. For example, if you were assaulted, were you struck with a fist, a flat hand, kicked, or pushed, or were you struck with an object, such as a club or pipe, etc.?

- 7.** At the bottom of the application you will notice a space marked "DESCRIPTION". The information in this space refers to the accused. It is important that you furnish as much of this as possible so that the accused may be easily identified.

WHAT WILL THE COMMISSIONER DO?

If he decides that there is probable cause, he will issue either a summons or a warrant to bring the accused person before the court.

If a summons is issued, attempts will be made to have it served on the accused person by an officer authorized to make service.

If a warrant is issued, the accused person will be arrested.

Note that your application for a charging document may lead to the arrest and detention of the individual you are charging. If, as a result of your application, a charging document is issued by the commissioner, it will not be possible for the commissioner to withdraw the document. The charge may only be disposed of by trial or by action of the State's Attorney.

You will be required to appear at the trial as a witness. Failure to appear on the date set by the court could result in your arrest for failure to obey a court order.

An application for a charging document must be filed under oath. Article 27, Section 151, of the Annotated Code of Maryland provides that any person who makes a false statement or report of a crime or causes such a false statement or report of a crime or statement to be made to any official or agency of this State, knowing the same or any material part thereof to be false, with intent that such official or agency investigate,

consider or take action in connection with such statement or report, shall be subject to a fine of not more than \$500, or be imprisoned not more than six months, or be both fined and imprisoned, in the discretion of the court.

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