



City of Austin Municipal Court



Address: 6800 Burleson Rd., Bldg 310, Ste 175, Austin, TX 78744-2314

Mail: P.O. Box 2135, Austin, TX 78768-2135

Phone: (512) 974-4800; Fax: (512) 974-4882

Email: court@austintexas.gov; Internet: www.austintexas.gov

REQUIREMENTS WHEN FILING COMPLAINT

1. The complainant (person making the complaint) must, in good faith, make full, fair, and honest disclosure of all facts and circumstances known to him/her at the time the complaint is made. The facts, as presented, must be in the form of an affidavit and signed under oath. This affidavit will form the basis of any further investigation and of the charging instrument.
2. The complainant must appear in court to testify against the defendant if the charges are contested by the accused and a trial is held.
3. If the defendant is found guilty, the maximum sentence that may be assessed in Municipal Court is a fine up to \$500.00 plus court costs and fees. There can be no jail time. The defendant may appeal the case to a higher court.
4. The defendant may file a counter-complaint if the complainant has also been involved in some illegal activity. Please be advised that any statement made at this time or in the future to a prosecutor or other investigator may be used against you should there be a counter. Please be advised that when speaking to the prosecutor, that the prosecutor represents the state and no attorney-client relationship is established by any communications.
5. Once a case is filed, only a Municipal Court Judge, upon recommendation of a prosecutor, has the authority to dismiss the case.
6. The prosecutor reserves the right to subpoena the citizen-complainant and to enforce the subpoena by ordering a peace officer to bring the citizen-complainant to court.
7. Make a copy of the notarized affidavit for yourself. Contact Municipal Court 21-30 days after mailing or delivering the original signed forms in order to obtain a case number for future reference.
8. **An asterisk “*” denotes a required field. If the required fields are not completed in full and with all necessary information, the Austin Prosecutor’s Office will most likely not accept your complaint nor proceed with any criminal charges.**
9. Class C misdemeanors violations in Texas can only be prosecuted within a **two-year statute of limitations**. Affidavits cannot be prosecuted if submitted to the court more than two years from the date of violation. Affidavits also cannot be prosecuted if submitted prior to the expiration of the statute of limitations, but with insufficient time for the court or prosecutor’s office to process and investigate the complaint.

***Please alert the court clerk if you are concerned about the two-year statute of limitations in relation to your complaint application.**

I have read and agree to the above requirements.

*Complainant’s Signature
(Person Making the Complaint)

*Printed Name

*Date

**AFFIDAVIT BY CITIZEN
NON-TRAFFIC/OTHER VIOLATIONS**

Information About You:

*Your Name: _____

*Address: _____

*City, State, Zip: _____

*Phone Number: _____ Work Phone Number: _____

Email Address (if any): _____

The Undersigned Affiant Swears To The Following Statement:

Defendant Information:

*Name of Defendant (Person Accused): _____

*Address: _____

*City, State, Zip: _____

*Phone Number: _____ Work Phone Number: _____

*How did you determine the defendant's name? _____

*Can you identify the defendant (Yes or No)? _____ (If no, it will not be possible to process your complaint)

Description of defendant: Race: _____ Sex: _____ Height: _____

Date of Birth or Age: _____

***I Swear That the Statements Made Here Are within My Personal Knowledge and Are true and Correct.**

*Complainant's Signature
(Person Making the Complaint)

*Printed Name

*Date

*Sworn To Me On This The _____ Day of _____, 20____ .

*Deputy Court Clerk or
Notary Public for the State of _____ My Commission Expires: _____

Do Not Write on this Page but Submit with Your Request

Reviewed by (if required): _____

Recommendations: _____

Violation code and DOV (if complaint approved):

Judicial Review

(If case is filed and defendant fails to respond to charge)

Date: _____, 20____

I have examined the foregoing affidavit and have determined that probable cause exists for the issuance of an arrest warrant for the individual accused therein.

Judge
Municipal Court
Austin, Texas