FILING A COMPLAINT IN MUNICIPAL COURT

What You Should Know and Do

In New Jersey, the police enforce the state and local laws. The police should be involved in the investigation of crimes or offenses. They are best suited for filing complaints against individuals who break the law, and they can provide charging information. Citizens may also choose to file a complaint in the municipal court.

The **defendant** (the person you are charging with a crime or offense) must generally be 18 years of age or older. Complaints against juveniles are typically filed by the police in the Superior Court, Family Division. The court administrator is able to provide you with specific information regarding complaints against juveniles.

The incident must have taken place within this municipality, except in certain domestic violence situations.

You (the **complainant**) will be asked to fill out a certification giving details of what happened, when, and where.

If you do not know the exact statute or ordinance to charge, you may ask court staff to provide a copy of the relevant statute book or municipal ordinance book for your review; however, they are not permitted to select the charge for you.

What the Court Will Do

Filing a complaint in the municipal court is the first step in a two-step process. After you file the complaint, the second step requires a judicial officer and/or municipal court judge to determine that there is a reason to believe, based on the information you supplied, that a crime or offense has been committed and that the person being accused (the defendant) committed the offense. This is known as a finding of probable cause. The court will also determine whether the complaint was filed within the time period required.

If the court determines that there is probable cause and that the complaint was filed timely, the complaint will be sent to the defendant and the case will be scheduled for court. You will be notified when you are required to appear, so please notify the court of any mailing address changes.

If the judicial officer and/or judge conclude that there is no probable cause and/or the complaint was not filed timely, the court will notify you by mail. In that event, the court will dismiss the complaint and take no further action.

If Your Complaint Goes to Court

In the municipal court, the lawyer who represents the State is called the municipal prosecutor. It is the municipal prosecutor's responsibility to review the merits of each case to determine if the case should proceed. The municipal prosecutor remains responsible for the case until its conclusion.

Court Staff Assistance

The following is a list of some things the court staff can and cannot do for you. Please read it carefully before asking the court staff for help.

To assist you, court staff **can:**

- answer questions and explain how the court works.
- tell you what the requirements are to have your case considered by the court.
- provide you with samples of available court forms.
- provide you with guidance on how to fill out forms.
- usually answer questions about court deadlines.
- provide you with the telephone number of the lawyer referral service.

Court staff **cannot:**

- give you legal advice – only your lawyer can give you legal advice.
- tell you whether or not you should bring your case to court.
- give you an opinion about what will happen if you bring your case to court.
- recommend a specific lawyer.
- talk to the judge for you about what will happen in your case.
- let you talk to the judge outside of the courtroom.
- change an order issued by the judge.

Please notify the court for any accommodations needed. For additional information on the New Jersey Judiciary or the municipal courts, please go to www.njcourtsonline.com.

November 2010

CERTIFICATION IN SUPPORT OF PROBABLE CAUSE

State of New Jersey

County of: OCEAN

Court Name TOMS RIVER MUNICIPAL COURT

Court Address 255 Oak Ave
Toms River, NJ 08753

Date of Incident: _____

Location of Incident: _____ Municipality: _____

I offer the following facts and information to establish probable cause in this complaint against _____,
(Defendant's Name)

whom I would like to charge with _____.
(List Statute(s) or Ordinance(s))

How do you know the identity of the person you are charging?_____

Describe incident in detail:

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

Certification: I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are wilfully false, I am subject to punishment.

_____

Signature of complaining witness Date

COMPLAINT INFORMATION FORM

Please complete the following information to the best of your ability. This information will help in the preparation of the complaint.

Defendant's Name: _____

Defendant's Address: _____

Defendant's Phone # (if known): _____

Defendant's Date of Birth (if known): _____

Defendant's Driver's License # (if known): _____State_____

If this is a motor vehicle complaint, list license plate # of other vehicle: _____State_____

Description of vehicle (if known): _____

Names and addresses of witnesses (use additional paper if necessary):

_____

_____

Your Name (you are the complainant): _____

Your Address: _____

Your Telephone #: _____ E-mail: _____

_____

FOR COURT USE ONLY

Court Administrator/Deputy Initials: _____ Date: _____

Corresponding complaint #'s:_____

(Every request **requires** the filing of a complaint.)

November 2010

CONFIDENTIAL DOMESTIC VIOLENCE COMPLAINT INFORMATION FORM
(Not to be Disclosed)

Please complete the following information to the best of your ability. This information will help in the preparation of the complaint.

Defendant's Name: _____

Defendant's Address: _____

Defendant's Phone # (if known): _____

Defendant's Date of Birth (if known): _____

What is your relationship to the defendant?: _____

When did the offense occur?: _____

Where did the offense occur?: _____

Is there a domestic violence restraining order in effect?: _____

In which county was the restraining order obtained?: _____

What is the effective date of the restraining order?: _____

Names and addresses of witnesses (use additional paper if necessary):

_____

_____

Your Name (you are the complainant): _____

Your Address: _____

Your Telephone #: _____ E-mail: _____

_____

FOR COURT USE ONLY

Court Administrator/Deputy Initials: _____ Date: _____

Corresponding complaint #'s: _____

(Every request **requires** the filing of a complaint.)

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