## Step 5: Court

Your application for a charging document may lead to the arrest and detention of the defendant. 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. You cannot change your mind about filing the charge. 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. A person who knowingly provides false information in an application 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, at the discretion of the court.***

For more information about the Maryland Judiciary and the District Court visit the website, at:

**www.mdcourts.gov**

*It is the mission of the District Court of Maryland to provide equal and exact justice for all who are involved in litigation before the court.*

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# Criminal Complainants

# How to File a Criminal Complaint in the District Court of Maryland

***What should you do if you believe that crime has been committed against you or a minor in your custody?***

## Step 1: Report the crime to the police

If you believe that a crime has been committed against you or a minor in your custody, your first step should be reporting the crime to the local police department. Reporting the incident makes it a matter of record, even if the police are unable to investigate the crime.

Depending upon the nature of the incident, the police may conduct an investigation. The investigation determines whether or not charges are filed by the police with a District Court commissioner.

If the police file charges, the matter is now under the authority of the court.

## Step 2: File charges with a District Court commissioner

If the police do not conduct an investigation or file charges, you may file an *Application for Statement of Charges* on your own with a District Court commissioner.

A District Court commissioner, a judicial officer, reviews the *Application for Statement of Charges* to decide if sufficient evidence exists to charge the defendant (the person accused) with a crime (probable cause).

You must tell the commissioner, in writing, the details of the crime.

## Step 3: How to complete the application

Since the application helps the commissioner determine if probable cause exists for charges to be filed, you must provide accurate and adequate information.

- **Who**—Under Complainant, list your name and contact information.

  Under Defendant identify the person you are accusing of committing the crime.
- **Description**—Describe the defendant. Provide as much information as possible so that the defendant may be easily identified.
- **When**—State the time, day, month and year of the offense.
- **Where**—State the exact address, city, county, and state where the offense happened. Also state whether the offense happened in a private home or in some public place.
- **What**—State exactly what was done to you. For example, if property was taken, describe it and its value. 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.
- **Why**—In explaining what happened to you, include any facts that would show that the accuse intended to commit a criminal act
- **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.?

## Step 4: Issuing a summons or an arrest warrant

After you have signed the application, the commissioner reviews it to determine whether or not a crime has been committed and if there is reason to believe that the person you have accused, committed the crime.

If the commissioner determines that there is probable cause, a charging document is issued. The commissioner will issue either a summons for the defendant to appear in court at a later date or a warrant for the arrest of the defendant.

If a summons is issued, a law enforcement officer authorized to serve the summons will attempt to do so. "Serving" the summons means delivering it to the defendant.

If a warrant is issued, the document will be given to the law enforcement agency responsible for finding and arresting the accused person.

### When completing an Application for Statement of Charges, you must tell the Commissioner:

- Who
- When
- Where
- What
- Why
- How
- A description of the accused