

REQUESTING MISDEMEANOR CHARGES BE FILED AGAINST AN INDIVIDUAL TWO-PARTY COMPLAINT PROCESS

1. If you have a complaint of a felony offense being committed, you must report the crime to law enforcement (The Police Department or Sheriff's Office in the jurisdiction that the alleged crime occurred). There is not a Two-party complaint process for felony offenses. All felony offenses must be investigated by the Police Department or Sheriff's Office where the alleged offense occurred. After an investigation into the matter is completed, the Police Department and/or Sheriff's Office will forward case files to our office for prosecution.
2. In most cases, your local Police Department or Sheriff's Office should be able to assist you in resolving the situation by conducting an in-filed investigation at the time of the offense. In order to complete a Citizen Complaint form for an alleged misdemeanor offense that the Police Department or Sheriff's Office could not assist you with, you will be required to provide the following information in regard to the alleged offender:
 - Full name (first and last name)
 - Complete and correct address
 - Date of birth
 - Phone Number
 - Any and all police reports in regard to the situation
 - All evidence of alleged criminal offense (i.e. cell phone call logs, cell phone text or voicemail messages, video, photographs, witness statements etc..)
3. When completing the Citizen Complaint form, you must be very detailed in regard to the incident and crime that you are alleging occurred. Dates, times, and exact locations of the incident are very important and are required. The more detail you provide in the Citizen Complaint form, the more our office will be able to properly understand you situation.
4. Once you have completed the Citizen Complaint form, it will be reviewed by our office staff. Based upon the allegations, independent witness statements, and evidence provided, our office will determine if there is probable cause to complete an affidavit, which will be submitted to a district court judge for review. If the elements of the crime are not met according to the Arkansas criminal code, or there is no evidence of the alleged misdemeanor crime actually occurring, then there is no probable cause for issuance of a two-party warrant. If there is no probable cause for issuance, the information will not be forwarded to the district

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court judge, as he/she will not sign a two party warrant without probable cause, as required by law.

5. If there is probable cause for the issuance of a two-Party warrant, the affidavit will be forwarded to the Benton District Court for review by the district court judge. If the Judge agrees that there is probable cause for the issuance of the two-party warrant, he/she will sign the warrant. Please note that once the affidavit leaves our office, we do not have access to the status of the warrant. Please allow 2-3 weeks for it to process through the Court system and be listed as active.
6. The District Court will then forward the two-party warrant to the local Police Department or Sheriff's Office where the alleged offense occurred, based on jurisdiction. A copy of the warrant will also be returned to our office for future prosecution purposes. It is the responsibility of the Police Department or Sheriff's Office where the alleged offense occurred to serve the warrant. In most cases involving two-party warrants, the individual will be issued a citation in lieu of arrest. Once the subject is issued the citation for the two-party warrant by law enforcement, they will be given a plea and arraignment date via the citation. The plea and arraignment court date generally occurs approximately 30-45 days after they receive the citation, dependent upon the availability of the court. You will be notified of this court date; however your presence is not necessary at that time.
7. If the defendant pleads not guilty at the plea and arraignment court date, a trial date will be set by the court. Trial dates are generally set by the court for 45-90 days after the plea and arraignment date. Based upon the case load and availability of the court, the normal waiting period for the charge to come to trial is 3-6 months. You will be required to testify at the trial. You must have any witnesses or evidence with you on the trial date. It is your responsibility to be present, ensure witnesses are present, and have any evidence with you as it must be presented at trial.
8. If you wish to discuss your case with the Deputy Prosecutor prior to trial, arrive at the Courthouse 30 minutes early on the trial date, and ask to speak with the Deputy Prosecutor. It is during this time that you may discuss any additional information that you may have.
9. Please immediately notify our office of any changes of address and/or phone number for you and any of your witnesses. If we are not notified, we will be unable to contact you in regards to the trial date and other matters.

22nd Judicial District
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Benton, AR 72015
501-315-7767 (Office)