

Criminal Complaint on Arrests without Warrant

Not Filed Within 201 Time Requirements

Amendment to Rule 6-201

Quick Guide

Courts with Pretrial Services

Original Complaint Not Filed Timely

- Pretrial opens the case with a copy of the criminal complaint.
- Do not arraign defendant on a copy of the complaint.
- The original complaint should be filed
 - immediately if the defendant is in custody or the next business day if the court is closed.
 - within 72 hours if a defendant is not in custody.
- If the original criminal complaint is not filed timely, the OPN: Criminal Complaint Filed event should be changed to 9832: Criminal Complaint (Non-Opening) (This event needs to be opened for magistrate and metro courts)
- Prepare the dismissal: Metropolitan CR-148 Order Dismissing Criminal Complaint, mark release option if defendant in custody.
 - Docket: 6051 ORD: Dismissing Criminal Complaint.
 - Attach the Order to the event.
 - Enter disposition Dismissed – Complaint/Citation Not Filed Timely disposition. (requires update to current disposition of Citation Not Filed Timely)
- If the defendant is in custody, send the dismissal with release language to the detention facility.
- Close the case using event 3028 CLS: Dismissed Without Prejudice

Original Complaint Filed After Dismissal Issued

- Search for an existing case in Odyssey with the same charges/offense date.
- Docket the 1001: Criminal Complaint Filed in the case opened with a copy and attach the complaint to the event.
- Change the case status to pending on the detail tab
 - plus sign on the case status section and select pending.
- Issue a summons for arraignment/first appearance.
- Verify the appropriate time standards are created.
- Process the case as usual.

Courts without Pretrial Services

Original Complaint Not Filed Timely (No copy)

- If the Court does not receive a copy of the criminal complaint, then open the case as a criminal miscellaneous case type and enter as much information possible.
- Docket 9832: Criminal Complaint (Non-Opening)
- Prepare the dismissal: Metropolitan CR-148 Order Dismissing Criminal Complaint, mark release option if defendant in custody.
 - Docket: 6051 ORD: Dismissing Criminal Complaint.
 - Attach the Order to the event.
 - Enter disposition Dismissed – Complaint/Citation Not Filed Timely disposition. (requires update to current disposition of Citation Not Filed Timely)
- If the defendant is in custody, send the dismissal with release language to the detention facility.
- Close the case using event 3028 CLS: Dismissed Without Prejudice

Original Complaint Filed After Dismissal Issued

- Search for an existing case in Odyssey. If dismissed case was opened as MS case type, then open the complaint as a new case with the appropriate case type.
- Relate the MS case to the new case.
- Issue a summons for arraignment/first appearance.
- Verify the appropriate time standards are created.

or

Original Complaint Not Filed Timely (Copy)

- If the court receives a copy of the criminal complaint, open the case as the appropriate case type.
- Change the OPN: Criminal Complaint Filed event to 9832: Criminal Complaint (Non-Opening)
- Prepare the dismissal: Metropolitan CR-148 Order Dismissing Criminal Complaint or Magistrate CR-9-414 Order Dismissing Criminal Complaint, mark release option if defendant in custody.
 - Docket: 6051 ORD: Dismissing Criminal Complaint.
 - Attach the Order to the event.
 - Enter disposition Dismissed – Complaint/Citation Not Filed Timely disposition. (requires update to current disposition of Citation Not Filed Timely)
- If the defendant is in custody, send the dismissal with release language to the detention facility.
- Close the case using event 3028 CLS: Dismissed Without Prejudice

Original Complaint Filed After Dismissal Issued

- Search for an existing case in Odyssey with the same charges/offense date.
- Docket the 1001: Criminal Complaint Filed in the case opened with a copy and attach the complaint to the event.
- Change the case status to pending on the detail tab
 - plus sign on the case status section and select pending.
- Issue a summons for arraignment/first appearance.
- Verify the appropriate time standards are created.
Process the case as usual