

Private Criminal Complaint

Citizens can file private criminal complaints for violations of the Pennsylvania Crime Code. A private criminal complaint will be classified as a Summary case or a Court Cases. See, *the link below to download the Private Criminal Complaint Form.*

Summary cases are minor offenses such as Bad Checks (under \$200), Simple Trespassing, Retail theft (shoplifting), Disorderly Conduct, etc., which may be filed directly with the Magisterial District Judge. The Magisterial District Judge will review the private criminal complaint to ensure probable cause exists to file the complaint. If the complaint is in order, the Magisterial District Judge will accept the complaint, serve the defendant with the private criminal complaint, and schedule a summary trial. At trial, please remember that as the prosecutor of a private summary case, you have the burden of proving beyond a reasonable doubt every element of the crime charged against the defendant--including his or her criminal intent. All proof must be available on the day of the trial, unless the Magisterial District Judge allows more time. "Hearsay" or out of court statements are not allowed; all witnesses must be present in court.

Court Cases are serious crimes which can be filed on a private complaint form by you or your attorney, but which must be submitted to the Montgomery County District Attorney for Approval. If the case is approved, then the complaint is forwarded back to the Magisterial District Judge staff for filing. If the District Attorney declines to approve your case, then you may petition the Montgomery County Court of Common Pleas under Pennsylvania Rule of Criminal Procedure 506. You will most likely be required to have an attorney file such a petition. The prosecutor in a Court Case is the District Attorney, who will present the case not on your behalf, but on the behalf of the Commonwealth.

[Private Criminal Complaint blank form](#)