

WHAT IS A PRIVATE COMPLAINT?

A private complaint is a criminal action that is initiated by a private citizen rather than a police officer. This complaint is against another person he or she suspects or believes is guilty of a crime and presents an accusation before the proper authorities for investigation.

PROCESS OF A CRIMINAL COMPLAINT

If you believe a crime has occurred, you should first report the incident to the [police department](#) where the crime occurred.

A report will be prepared by the police department, and they will advise you whether further investigation is required. They may then refer you to the Office of District Attorney for you to file a Private Complaint. If you have been referred to file a Private Complaint by the police agency, you should contact the Office of District Attorney to schedule an appointment to be interviewed by a Paralegal in the District Attorney's Office, which is located on the fourth floor of the Lycoming County Courthouse. [Appointments](#) with a Paralegal are available on Tuesday's or Thursday's. On the day of your appointment, you will be asked to fill out an affidavit ([Private Criminal Complaint Affidavit](#) or [Private Criminal Complaint Bad Check Affidavit](#)) stating your version of the facts and provide names of any witnesses who can testify as to what happened. After completing this form, you will then speak with a Paralegal who will review your Private Complaint with you. If you were assaulted, you may need to obtain medical records at the hospital/doctor where you were treated. The hospital/doctor may require a small fee for these records; however, they will be necessary in order for your complaint to be processed in the Office of District Attorney.

The police report is requested, medical records are reviewed, witnesses may be questioned, and the defendant may also be questioned.

The affidavit is then presented to the District Attorney for review.

IF YOUR PRIVATE COMPLAINT IS APPROVED

Within a few weeks following your interview, you will receive a letter from the Office of the District Attorney advising you whether your complaint has been approved and what charges, if any, you can file against the individual you have accused.

You will then return to the District Judge's Office to file these charges. The defendant will be served by certified mail of the charges filed against him/her. Depending on the grading of the charges you have filed, the defendant may plead guilty or request a hearing. The district judge will notify both you and the defendant of the hearing date. It is your responsibility to notify your witnesses to appear for the hearing and bring all evidence with you to the hearing. (You can obtain subpoenas for the hearing from the district judge's office if necessary. You can also obtain your own attorney if you so desire.)

At the hearing, the district judge will listen to the evidence and will decide if there is enough evidence to forward the case to court. If the case is to be referred to court, the case will be prosecuted by the District Attorney, and an Assistant District Attorney will be assigned to the case. You will then become a witness for the Commonwealth.

Please refer to the [Victim/Witness Handbook](#) from the Office of District Attorney, which explains the court process in detail. You can obtain a copy of this Handbook by calling 327-2456 and asking for the Victim/Witness Coordinator.

IF YOUR PRIVATE COMPLAINT IS DENIED

If your complaint is denied by the District Attorney, you have the right to appeal the decision before the Court of Common Pleas ONLY if you feel the District Attorney abused his discretion.

INSTRUCTIONS

1. You will be notified of the time and place of the preliminary hearing. The case against the defendant will be held for court, dismissed, or settled. The defendant has the option of waiving the preliminary hearing.
2. You are responsible to have your witnesses at the preliminary hearing. You may request the district judge to issue subpoenas for this purpose. At this hearing, you must prove that a crime has been committed and that the defendant is most likely the one who committed the crime. The Office of District Attorney will not be available to attend the preliminary hearing with you. The district judge is in charge of the hearing, and you may request him to question your witnesses or cross-examine the defendant's witnesses.
3. If the case is held for court, you must contact the Office of District Attorney at 327-2456 to give a complete list of all witnesses and their addresses and telephone numbers.
4. Please keep the Office of District Attorney informed of any changes in your address or phone number. If you do not, your case may be dismissed and you may be required to pay the court costs.
5. You may be required to attend various court sessions or hearings. If you do not attend, the case may be dismissed, and you will have to pay costs.

If you have any questions regarding your private complaint, you can call the Office of District Attorney at 327-2456.

DISTRICT JUDGES

James G. Carn ph# 322-6159
605 West Fourth Street
Williamsport PA 17701

Kenneth Schriener ph# 326-1714
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Montoursville, PA 17754

C. Roger McRae ph# 546-7480
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