

HOW TO FILE A CRIMINAL COMPLAINT ("PRESS CHARGES")

WHERE DO YOU GO?

To file a complaint against an adult (18 years of age or older) for a crime or violation that occurred in Kenton County, you must go in person to the Kenton County Attorney's Office located 303 Court Street, room 307, Covington, Kentucky 41011. The hours our attorneys are available to meet with the public are:

Tuesday – Friday 1:30 p.m. to 4:30 p.m.

To file against a juvenile (a person under the age of 18 years), you must go to the Court Designated Worker's Office in the Kenton County Justice Center located at 230 Madison Avenue, Covington Kentucky 41011. The telephone number for the Court Designated Worker's Office is (859) 292-6421.

WHAT DO YOU NEED TO BRING WITH YOU?

- The first and last name and complete address of the person you wish to file against (the defendant).
- A copy of the relevant police report. (If the police made a report about the incident, you must bring a copy of it with you).

HOW DO I FILE A COMPLAINT?

An employee of the Kenton County Attorney's Office will ask you to fill out an application and affidavit on which you will provide all the detailed information related to your request. The affidavit will be reviewed by the Kenton County Attorney or an Assistant Kenton County Attorney and a determination will be made as to whether a complaint will be taken and, if so, what charges it will contain.

WHAT HAPPENS TO THE COMPLAINT?

If it is determined by the Kenton County Attorney's office that criminal charges are appropriate, a judge will review the complaint and issue one of the following:

1. **Criminal** **Summons**
A summons is an order that the defendant appear in the Kenton District Court. This is a notice and not an order for arrest. The summons will advise the defendant to appear in the Kenton District Court at a specified date and time for the arraignment (the first call of the case).
2. **Arrest** **Warrant**
An arrest warrant is an order requesting any appropriate law enforcement officer arrest the defendant.

The complaint is then forwarded to the sheriff's department in the county where the defendant lives for service of the summons or arrest warrant. The issuance of either the summons or arrest warrant does not guarantee an immediate court appearance or an arrest. Further, if a defendant is arrested, he may be released after appearing before an appropriate judge and may be ordered to return at a later date.

HOW WILL THE CASE PROCEED?

After the criminal summons or arrest warrant is served, an arraignment is the first step in the court process. The charges are read and the defendant is advised of his/her rights. For misdemeanors and violations, the defendant may enter a plea of "guilty" or "not guilty".

If the defendant entered a "not guilty" plea at the arraignment, the next step is a pretrial conference. At a pretrial conference, resolution of the case is explored. If there is no resolution, a trial is set.

Diversion is a possible conclusion of misdemeanors and violations. Diversion allows a defendant to avoid a conviction if court-ordered conditions are met. Not all defendants are eligible for diversion. The court will make a determination if a defendant is eligible for diversion.

If diversion is not ordered or is not successful, misdemeanor and violations will proceed through the Kenton District Court. If a guilty plea is not entered or if the action is not dismissed, the case will likely proceed to a bench trial or jury trial. After trial, a defendant may be found "guilty" or "not guilty". If found "not guilty", the complaint is dismissed. If found "guilty", the defendant, in addition to being required to pay court costs, can receive a sentence containing the following:

- A fine; and/or
- Jail time

If jail time is part of a sentence, the defendant can be placed on probation (conditional discharge) for up to two years. If the defendant meets all the conditions placed on him/her during that period, he/she will not serve the jail time.

Many times cases have to be continued for various reasons. Please be prepared for this possibility. The Kenton County Attorney's Office will make every effort to insure all charges are prosecuted in a timely and appropriate manner.

WHAT ARE YOUR RESPONSIBILITIES?

You are required to appear at all scheduled court dates after the initial arraignment. It is **your** responsibility to keep track of your court dates. When and if your case is set for trial or a preliminary hearing, at that time it is **your** responsibility to contact the Kenton County Attorney's Office with a list of all witnesses that need to be subpoenaed.

When appearing in court, be sure to dress neatly and appropriately. At any trial or preliminary hearing, bring with you any relevant witnesses and physical evidence. The Kenton County Attorney or an Assistant Kenton County Attorney will prosecute the case and present evidence to the court. Make sure you identify yourself to the prosecutor prior to court starting, and if you have any questions, ask the prosecutor.