

Rule 3. The Complaint

The complaint is a written statement of the essential facts constituting the offense charged. Except as provided in Rule 4.1, it must be made under oath before a judge or magistrate judge or any employee of the Superior Court authorized by the Chief Judge to administer oaths.

COMMENT TO 2017 AMENDMENTS

This rule has been amended consistent with the 2011 amendments to the federal rule. It refers to new Rule 4.1 (Complaint, Warrant, or Summons by Telephone or Other Reliable Electronic Means), permitting complaints to be sought and approved by reliable electronic means.

COMMENT TO 2016 AMENDMENTS

This rule has been redrafted to conform to the general restyling of the federal rules in 2002. It differs from the federal rule by substituting the term “judge or magistrate judge” for the term “magistrate judge” and by retaining the local provision that permits any authorized employee of the Superior Court to administer oaths.