

**DESIRE TO PROSECUTE AND NON-CONSENT**

I, \_\_\_\_\_, hereby state under oath that I am the complaining witness in a case involving a person known to me as \_\_\_\_\_, regarding an incident which occurred in the county of Tyler, Texas on or about the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

I understand that pursuant to Article 3.02 of the Texas Code of Criminal Procedure, this case will be brought by the STATE OF TEXAS against the accused, and I am not a "PARTY" in this case, only a "WITNESS."

I further understand that after I cause a criminal action to begin against the accused, certain laws apply to me, among these laws being the following:

- I can be subpoenaed to appear in Court as a witness, and if I am a material witness, I can possibly be incarcerated pursuant to the applicable provision of the law.
- My accusations against the accused are subject to being impeached or discredited by the accused.
- If I have reported an incident to the TYLER COUNTY SHERIFF'S OFFICE which I know did not really happen I can be prosecuted for making a false report to a Peace Officer under Section 37.08 of the Texas Penal Code and that I may possibly face incarceration and/or fine in the amount of up to \$1,000.00. The incarceration being for a period of up to 180 days in the Tyler County Jail.
- If I agree to withhold information, testify falsely, or not show up in Court, I can be guilty as a party to the Felony Offense of Tampering with a Witness and can be punished by two to ten years in the Texas Department of Corrections and/or fine up to \$5,000.00.
- If I intentionally have caused a criminal action to proceed against a person knowing that he did not really cause a criminal act to occur, I may be subjecting myself to civil liability for false imprisonment, malicious prosecution, defamation, or for violating one's civil rights.

(CROSS OUT IF NOT APPLICABLE)

I hereby state that I did not give \_\_\_\_\_ or any other person effective consent to:

- Enter or remain concealed in a building or habitation owned by me or under my control located at: \_\_\_\_\_, Texas.
- Take, Steal, Borrow, Use, or otherwise exercise control over property owned or controlled by me, said property being listed on offense report # \_\_\_\_\_.
- Damage or destroy tangible property owned or controlled by me, said tangible property listed on offense report # \_\_\_\_\_.
- Start a fire or cause an explosion in or at a building or habitation owned or controlled by me located at: \_\_\_\_\_, Texas.

My relationship to the property referred to above is as follows:

Owner       Bailee       Manager       Tenant       Other \_\_\_\_\_

Total value of the property referred to above is approximately \$\_\_\_\_\_.

Knowing and understanding all of the above, I hereby express my desire that the above named person be prosecuted to the fullest extent of the law for crimes he has committed against myself, members of my family, property under my control, or property owned by me.

\_\_\_\_\_  
Complaining Witness

\_\_\_\_\_  
Deputy/Officer/Notary

Sworn and Subscribed before me on this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.