

3.1 Presenting a Criminal Complaint.

- (a) **To Judge.** A complaint is presented to a magistrate judge for review and execution, or to a district judge if no magistrate judge is reasonably available. When no federal judge is reasonably available, see NECrimR 3.1(c)(2), a complaint may be presented to a state judicial officer.
- (b) **Manner of Presenting.** When presenting a complaint to a judge:
 - (1) a copy of the proposed complaint and any supporting affidavits must be delivered in advance for the judge's review; and
 - (2) a government attorney should accompany the person presenting the complaint.
- (c) **Emergency.** When an emergency requires a complaint's immediate presentation:
 - (1) the judge may waive the requirements of Nebraska Criminal Rule 3.1(b); and
 - (2) a magistrate judge, or a district judge if a magistrate judge is not available, may be contacted away from the courthouse, including at home, to consider a proposed complaint.