

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.