

IN THE CIRCUIT COURT OF COUNTY, MISSISSIPPI

PLAINTIFF

VS.

CAUSE NO.

DEFENDANT

COMPLAINT

Comes now the plaintiff, , by and through his/her attorney, and files this his/her complaint against the defendant, , and for cause of action, would show unto the Court the following, to-wit:

I.

The plaintiff, , is an adult resident citizen of County, Mississippi, residing at , Mississippi. The defendant, , is an adult resident of County, Mississippi.

II.

On , the defendant, , executed a GENERAL AFFIDAVIT before the Justice Court of County, Mississippi, charging the plaintiff with the felony criminal offense of Burglary of a Dwelling House, said house being located at , Mississippi. A true copy of said affidavit is attached hereto as Exhibit " " and made a part hereof as if copied in full herein.

III.

As a result of the execution of said affidavit, a warrant was issued for the plaintiff, he/she was arrested and placed in the County Jail where he/she remained until on or about , when said affidavit was dismissed by the County Court of County.

IV.

At the time of the execution of said affidavit, the house located at , Mississippi, was leased to one and the rent for the month of , , was paid in full. On , , at the request of the said , the plaintiff did in fact go to said residence and remove certain articles of personal property, all of which belonged to and were removed with his/her permission.

V.

At the time of the execution of the aforementioned affidavit, the defendant had no probable cause to believe that the plaintiff had committed the offense charged, or any other offense, in that the defendant knew that the plaintiff had removed the aforementioned articles with the permission of their owner, .

VI.

As a direct and proximate result of the defendant's actions, as described above, the plaintiff has suffered the following damages:

- a. Damage to his/her good name and reputation.
- b. Emotional and psychological trauma.
- c. Embarrassment.
- d. Inconvenience.
- e. Physical pain and suffering.
- f. Mental pain and suffering.

V.

Based upon the acts of the defendant, as described above, plaintiff alleges that the defendant is guilty of malicious prosecution in that.

- a. There was the institution of an original criminal judicial proceeding against the plaintiff.
- b. Said proceeding was at the instance of the defendant.
- c. Said proceeding terminated in the plaintiff's favor.
- d. There was malice in the institution of said proceeding.
- e. There was want of probable cause for said proceeding.
- f. The plaintiff suffered damages as a result of said proceeding.

VI.

Plaintiff alleges that he/she is entitled to be compensated by the defendant for his/her actual damages, as described above; and, in that the actions of the defendant were malicious, intentional and exhibited a reckless disregard for the rights of the plaintiff, that he/she is entitled to recover punitive damages from the defendant.

VII.

WHEREFORE, PREMISES CONSIDERED, plaintiff sues and demands judgment of and from the defendant in the sum of \$     as actual damages and \$     as punitive damages, plus interest and all costs of this action.

Respectfully submitted,

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Attorney for

Of Counsel:

Telephone:  
MSB #  
Attorney for