

COMPLAINT—CITATION AND NOTICE—SUFFICIENCIES

(a) Complaint. The complaint shall not be deemed insufficient for lack of formal caption or commencement or a formal conclusion, or any other matter not necessary to a plain, concise and definite statement of the essential facts constituting the specific offense or offenses with which the defendant is charged, nor for lack of any other matter not necessary to such statement, nor need it negative any exception, excuse or proviso contained in any statute creating or defining the offense charged.

(b) [Reserved.]

(c) Copy of Complaint or Citation and Notice. When a complaint or a citation and notice has been lost or destroyed, a copy or substitute thereof, certified by the court, may replace the original, and the case shall proceed without delay from that cause.

(d) Surplusage. The court on motion of a party may strike surplusage from the complaint or the citation and notice.

(e) Bill of Particulars. The court may direct the filing of a bill of particulars. A motion for a bill of particulars may be made before arraignment or within 10 days after arraignment or an appearance by a defendants lawyer pursuant to rule 4.1(d), or at such later time as the court may permit.

(f) Amendment. The court may permit a complaint, a citation and notice, or a bill of particulars to be amended at any time before verdict or finding if substantial rights of the defendant are not prejudiced.

[Adopted effective September 1, 1987; Amended effective September 1, 1995.]