

**IF YOU ARE THE UNFORTUNATE
VICTIM OF CYBERFRAUD OR
FINANCIAL FRAUD, YOU HAVE A
LEGAL RIGHT TO BE
REPAID FOR ANY LOSSES THAT
HAVE RESULTED FROM THE
CRIME COMMITTED AGAINST YOU.**

What is restitution?

Restitution is repayment by an offender of money you lost or had to spend because of a crime. No one can undo the crime, but if the person responsible for committing the crime is found and convicted, the judge can order that person to pay you back for any monetary losses or costs from the crime.

How long does it take to get restitution?

It depends. Before you can request restitution, the defendant must first be found guilty of the crime. That determination may be reached quickly if the defendant pleads guilty. It will take longer if a trial is needed. If the offender pleads guilty or is found guilty in a trial, then restitution will be discussed at the time of sentencing. For less serious crimes, sentencing takes place at the end of the hearing where the offender is found guilty. More serious crimes usually have a sentencing hearing on a later date. This hearing may be held several weeks after the offender is found guilty, to give the probation department time to prepare a background report for the judge to consider in sentencing.

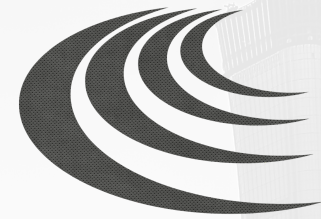
WHAT OTHER OPTIONS DO I HAVE TO HELP ME GET PAID?

Because a court cannot create money where there is none, collecting restitution can be difficult or impossible if the offender has no job or assets. Collection will usually be more successful if the offender has a steady job and a bank account, or owns a house or other valuable property.

COLLECTION AGENCIES. You can hire a private collection agency to collect restitution from the offender for you.

LIENS. A lien is a legal claim or hold on someone's property, usually a house, land, or a business. It keeps the owner from selling or refinancing the property without first paying off the debt owed to you. To get a lien on real property belonging to the offender, file a copy of your abstract of judgment with the Deeds Registry's Office. To put a lien on a business owned by the offender, you must file the abstract of judgment with the Minister in Presidency.

LEVIES. A levy is the legal way of taking someone's property or assets to pay off what they owe you. Placing a levy on an offender's bank account, for example, could require the bank to give you money from the account. A levy on real estate could force the offender to sell it and pay you out of the money from the sale.



The Fraud Protection Group

RESTITUTION BASICS FOR VICTIMS OF CYBERFRAUD OR FINANCIAL FRAUD



HOW CAN THE CRIMINAL COURT HELP?

INCOME DEDUCTION.

If the offender has a job and the ability to pay, the judge can order an income deduction. This requires the offender's employer to withhold a portion of the offender's wages to make restitution payments directly to you or to a collection agency. If the judge already made an income deduction order at sentencing and stayed the order or waited to enforce it until the offender actually failed to pay, you will need to notify the probation department or collection agency that the offender has not paid you and that you now want the court to lift the stay and enforce the order.

UNFREEZING OF ASSETS.

If the offender has assets, such as property or bank accounts, that the judge froze before the sentencing, the judge can order the offender to use those assets to pay restitution.

DEBTOR'S EXAMINATION.

Until your full restitution is paid, you are allowed to make the offender come to court once a year and answer questions about income and assets. This is called a debtor's examination, and it will help you find out if the offender has new assets or income that can be used to pay you. You can ask a victim advocate, the court's self-help center, or a private lawyer to help you with this. If the offender does not appear in court or provide financial information, you can ask the judge to issue a bench warrant. That means the offender can be arrested and brought to court.

WHAT HAPPENS AT A RESTITUTION HEARING?

The judge will hear evidence related to restitution.

The judge may ask you to show proof of your loss—such as receipts, bills, or estimates for repairs—and to answer questions about the following issues in court:

- Did you experience a financial loss?
- Was your loss caused by the offender's illegal act?
- Is your loss the kind that restitution can pay for?
- How much money are you owed?



The Fraud Protection Group