

## **REQUEST FOR PROSECUTION – NSF/ACCOUNT CLOSED CHECKS CITY OF ALLIANCE – LAW DIRECTOR’S OFFICE**

### Instructions

1. Checks are accepted for criminal prosecution only and are not returned if prosecution is initiated.
2. This entire request must be completed legibly.
3. Checks marked “Closed Account” or “Account Closed” will be accepted with this form, but may not result in prosecution unless investigation demonstrates that the passer knew the account was closed.
4. Post-date checks, which you agreed to hold before depositing, cannot be prosecuted under Ohio Law.
5. A ten day statutory demand notice **MUST** be sent to the passer in each check case by certified mail with return receipt requested. In Addition, you should attempt direct contact with the passer concerning the check and document your efforts (i.e. face to face, electronic mail, telephone call).
6. Do not submit a check and this form for possible prosecution unless you are satisfied that the passer intended to defraud you and you agree to participate in prosecution even if the passer attempts to pay off the check at some future date.
7. Submit one form for each passer. Include:
  - a. The original check (electronic copy accepted)
  - b. A copy of the statutory notice sent (example included as Exhibit “A”)
  - c. The Post Office receipt showing delivery (return receipt).
8. This form must be signed by a person in position of responsibility (i.e. Manager, owner, etc.)
9. This form is an investigative report. If it is decided by the Law Director’s office that a criminal prosecution will be initiated, you may be contacted to sign the complaint.
10. Checks issued for rent will not be accepted for prosecution
11. Checks stamped “stop-payment” will not be accepted for prosecution.
12. All checks that would constitute a felony must be first reported to the appropriate law enforcement agency for investigation. Generally this is checks over \$1,000.00.
13. Once criminal charges are filed you cannot accept payment on the back check until the criminal case is disposed of by the Court. The Complaint is a State Charge and only the Prosecutor may dispose of the case by plea, trial, or other disposition.

Return this completed packet to the Law Director’s Office.

470 East Market Street, Alliance, OH 44601

Via Facsimile to 330-829-0622

Electronic mail; [ferndandezcm@allianceoh.gov](mailto:ferndandezcm@allianceoh.gov)

For more information: 330-823-6610

## REPORT

Business Name: \_\_\_\_\_

Business Address: \_\_\_\_\_

Business Telephone: \_\_\_\_\_

Person Making Report: \_\_\_\_\_ Title: \_\_\_\_\_

Electronic Mail Address: \_\_\_\_\_

Address of where check was accepted (if different from above): \_\_\_\_\_

Check Number #: \_\_\_\_\_ Date Accepted: \_\_\_\_\_

Amount: \$ \_\_\_\_\_

Name of Person Presenting Check \_\_\_\_\_

### **TO BE COMPLETED BY PERSON WHO ACTUALLY TOOK THE CHECK:**

Your Name: \_\_\_\_\_

Home Address: \_\_\_\_\_

Contact Telephone Number: \_\_\_\_\_

Description of Passer: Race \_\_\_\_\_ Age \_\_\_\_\_ Sex \_\_\_\_\_

Weight \_\_\_\_\_ Height \_\_\_\_\_ Hair \_\_\_\_\_

Other Distinctive Characteristics (Tattoos, Scars, Glasses): \_\_\_\_\_

Name given to you by Passer: \_\_\_\_\_

Telephone given by Passer: \_\_\_\_\_

Address given by Passer: \_\_\_\_\_

Driver's License Number: \_\_\_\_\_ Issuing State: \_\_\_\_\_

Other Identification Given: \_\_\_\_\_

Description of Vehicle (if known): Make \_\_\_\_\_ Model \_\_\_\_\_

Color \_\_\_\_\_ License Plate Number (State): \_\_\_\_\_

Description of persons accompanying passer: \_\_\_\_\_

Names of others who witnessed transaction and their contact telephone:

\_\_\_\_\_  
\_\_\_\_\_

Do you recall the transaction and what was purchased? YES NO

Did you know the passer: YES NO If so, how: \_\_\_\_\_

Can you identify the passer: YES NO If so, how: \_\_\_\_\_

What did the passer obtain in exchange for the check: (circle applicable)

CREDIT FOR A BILL SERVICES CASH  
MERCHANDISE (Amount of cash: \$\_\_\_\_\_)

Was the check post-dated and/or did the passer ask you to hold the check to a future date? YES NO

Did you see the passer write the check and/or endorse the check? YES NO

Did you initial, mark upon or write upon the check at the time you accepted it? YES NO  
If so, how? \_\_\_\_\_

**TO BE COMPLETED BY RESPONSIBLE PARTY (MANAGER, OWNER)**

Please detail what steps you (and/or your employees) have taken to contact the passer and recover your loss.

Date of Contact: \_\_\_\_\_ By whom: \_\_\_\_\_

How Contacted: \_\_\_\_\_ Time of contact: \_\_\_\_\_

Result: \_\_\_\_\_

\_\_\_\_\_

Has passer attempted to make restitution? How? \_\_\_\_\_

\_\_\_\_\_

Have you served the 10 day statutory notice? YES NO Certified Mail or Personal service: \_\_\_\_\_ (Please attach copy of certified mail return receipt).

If you have not served the 10 day notice, please state why: \_\_\_\_\_

\_\_\_\_\_

Do you feel that you have exhausted your ability to collect this check? YES NO

Have you retained an attorney or turned this matter over to a collection agency in an attempt to collect the check? YES NO

If so, whom: \_\_\_\_\_

Bank fees Charged on returned check: \_\_\_\_\_

Bank check submitted to by business: \_\_\_\_\_

Please indicate on the reverse (or another sheet) any additional information you feel would help in locating and prosecuting this person.

The decision whether to prosecute this individual will be made by a representative of the Alliance Law Director's Office, who will take into account numerous factors including what evidence exists of intent to defraud and the availability of necessary bank records. Criminal prosecution does not guarantee restitution as prosecution is designed to punish and not to collect debts. If you agree to prosecute this individual, you cannot drop the charges if he/she offers to pay the check. If a criminal case cannot be proved, the check will be return to you upon request.

I hereby understand and agree that all the information contained in this documents is to be used by and disseminated among all law-enforcement agencies, the Alliance Law Director's office and the Courts. I also understand and agree that this check is being submitted for criminal prosecution and that if criminal prosecution is instituted, it will be necessary for those persons having knowledge of the facts to appear and testify in court. I hereby certify that no one has accepted full or partial restitution for this particular check as of this date and I further agree NOT TO ACCEPT RESTITUTION without notifying the Alliance Law Director's Office.

I hereby certify that I have read and understand the directions for this form and that all of the facts herein are to the best of my knowledge true, accurate, and complete.

SIGNATURE: \_\_\_\_\_

POSITION: \_\_\_\_\_

DATE: \_\_\_\_\_

## COMPLAINT AGREEMENT

I, \_\_\_\_\_, understand and agree that by filing this Criminal Complaint for \_\_\_\_\_ against \_\_\_\_\_

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1. That the charges I am making in this Complaint are of a serious nature and may result in either a jail sentence or a fine or both for the passer.
2. That if I sign the Complaint in this matter before a Deputy Clerk of the Alliance Municipal Court and the charges I am naming are not the truth, I may be committing a crime.
3. That once the Complaint is signed, I no longer have any power to drop the charges at a later date. The prosecuting attorney is the only person with the ability to dismiss charges.
4. That I agree to appear at all Court Proceedings that I am subpoenaed for and testify truthfully regarding the events contained in this complaint.
5. That I will appear, if requested, at a Prosecutor's Citation Hearing.

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Complainant

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Date

**EXHIBIT "A"**

**Sample Statutory Demand Letter**

Dear: \_\_\_\_\_ (Name of Passer) \_\_\_\_\_

I am sending this letter to you concerning check number \_\_\_(Number)\_\_\_\_\_ dated \_\_\_(date)\_\_\_\_\_ in the amount of \$ \_\_\_\_\_. This check was drawn upon and returned from the \_\_\_\_\_(bank)\_\_\_\_\_ with the notation "\_\_\_\_\_ (insufficient funds or other notation) \_\_\_\_\_".

I would like to advise you of the action I have been recommend to take in this matter.

If this matter is not taken care of by \_\_\_\_\_ ( at least ten days from date of letter) \_\_\_\_\_ , I have been advised to the Alliance Municipal Court and file charges against you for uttering checks without sufficient funds.

This matter can be taken care of directly between us without the intervention of a police agency.

Your interest and cooperation in this matter will be greatly appreciated.

Sincerely,

\_\_\_\_\_