

Financial Issues for Criminal Cases

Introduction

This document is intended to cover some basic financial issues that the offender, his family or attorney may encounter in dealing with the District Court. For more case specific issues or items not covered in this brochure, please contact District Court Finance (Finance) at the number on the front of this brochure.

Criminal Debt

Criminal debt payments can be made by the following methods:

In person at the Clerk's Office in Macon, Georgia. This location accepts payments by check, money order, cashier's check, or credit card with proper identification.

By mail - Payments by check, money order or cashier's check must include the defendant's name and case number for accurate application to the defendant's account. Payments should be mailed to the following address:

Clerk, US District Court
Attn: Cashier
PO Box 128
Macon, GA 31202

For defendants not located in Macon, the divisional offices located in Athens, Columbus, Albany and Valdosta provide pre-addressed envelopes upon request to defendants for submitting their payments to the Macon office.

Via the BOP

If a defendant is to be incarcerated, they will participate in the Inmate Financial Responsibility Program through the Bureau of Prisons. The BOP will deduct funds from their prison account on a monthly or quarterly basis and will forward these funds to the Court for application to their outstanding criminal debt.

Wage Garnishment

Garnishments are initiated by the Financial Litigation Unit (FLU) of the U.S. Attorney's Office on a case by case basis, often based on probation officer recommendations and the delinquency status of the debt. If a person on supervision is working, their wages are subject to garnishment for payment of their criminal debt. Pursuant to 15 U.S.C. Section 1673, wages can be garnished up to 25% of disposable wages or the amount by which the weekly disposable earnings exceed thirty times the Federal minimum hourly wage, whichever is less. If the employer is the victim and they are retaining the funds to apply towards the debt, it is the defendant's obligation to either notify or have the employer notify the FLU or Finance, who

will obtain confirmation from the victim, and subsequently apply these payments to the defendant's outstanding debt.

Via the TOP

The Treasury Offset Program is a means for the Court to collect payments by offsetting any payments the defendant may receive from the U.S. Treasury, including, but not limited to, tax refunds, tax incentive checks, social security, disability, civil service retirement, etc. Funds collected are forwarded to the Court and applied to the defendant's outstanding criminal debt.

Payments made toward a criminal debt are applied in the following order:

- (1) Special Penalty Assessments
- (2) Restitution principal and interest
 - (a) Non-federal, non-insurance companies
 - (b) Insurance companies
 - (c) Federal agencies
- (3) Fine principal and interest
- (4) Penalties
- (5) Costs of Prosecution

Payments made by defendants in joint and several cases are applied on a pro-rata basis to the joint debt and any individual debt based on the priority of payments.

Defendants are liable for the entire joint and several debt listed in their judgment, even if the codefendants are not making any payments.

Interest is assessed on restitution and fines of more than \$2,500, unless it is waived by order of the Court or the debt is paid in full before the fifteenth day after the date of judgment.

Criminal Bonds

Criminal bonds accepted in the Middle District of Georgia are the property of the surety (owner) as identified on the receipt. The funds will *only* be refunded to the party listed as the payee on the receipt. The surety may use the funds to pay attorney fees or the defendant's outstanding criminal debt, only after the Court issues a refund check to the surety. The Court cannot transfer bond money to other debt. If the defendant is identified as the owner of the funds, he/she can motion the judge to apply the funds to their outstanding criminal debt. This can be done *pro se* in the form of a letter to the Court, or more formally through an attorney.

Case Inquiry

Case Inquiry Reports, which give the balance and history of a defendant's criminal debt, can be requested by e-mail to :

Twranna Hicks@gamd.uscourts.gov or
Holly McCarra@gamd.uscourts.gov or by

calling Finance at 478-752-0745.

Please note that these reports DO NOT indicate the payoff amount. The criminal debt tracking system of the Court does not assess interest or penalties. If you are seeking a payoff amount, please indicate this in your e-mail or phone call, and Finance personnel will contact the FLU for the interest and penalties incurred to date.

Returned Checks

If a check submitted by a defendant is returned for Non-Sufficient Funds (NSF), also referred to as "bounced", the Court will assess a \$45.00 NSF fee. A letter is sent to the payer and the U.S. Attorney's Office. The NSF fee, as well as the original payment, must be made "good" or will be subject to prosecution by the U.S. Attorney's Office. If a party submits multiple bad checks, only cashier's checks or money orders may be accepted for future payments. When submitting the NSF fee, please note on the face of the check that a portion of the payment is for the NSF fee so it may be applied correctly to the outstanding criminal debt.