

STEP-BY-STEP COLLECTION PROCEDURE

1. **“Closed account” checks**
2. **“NSF” checks.**

Send the attached letter by first class mail, evidenced by an affidavit of service; or registered or certified mail with return receipt requested, to the address shown on (1) the check, (2) bank records, or (3) your records. Keep a copy of the letter; if there is no payment within 10 days, go to step 4 below.
3. **“Stop payment” checks.** Send the attached letter by first class mail, evidenced by an affidavit of service; or registered or certified mail with return receipt requested, to the address shown on (1) the check, (2) bank records, or (3) your records. Keep a copy of the letter. You must give the check writer the option to return the merchandise or pay the check amount. If there merchandise is returned, you can either accept or reject the merchandise but cannot file a criminal case. If there is no payment within 10 days, take to Justice of the Peace.
4. **Bring documents to County Attorney.**
 - a. Original check
 - b. A copy of the letter sent to the check writer; if the letter is returned because of a bad address, bring the *unopened* letter, also.
 - c. Affidavit for warrant of arrest. Fill out this form (see attached) and swear to it in the presence of a notary. If a notary is not available, you can use the notary at the Aransas County Attorney’s office.
 - d. Copies of the invoice, work order, cash register receipt (if any exist) and any notes about the transaction and the check writer. (This information is not required but is sometimes helpful.)
 - e. Checks marked: Theft by Check, “Closed account” checks, “NSF” checks, and “Stop payment” checks (for cash or new merchandise only)
5. **Deadline.**

Bring the above documents to the County Attorney’s office within 30 days of the date the check was written. *If the check is over 30 days old, the case will be declined unless there is a reasonable explanation for the delay.* When too much time goes by, the check writer has moved and cannot be located. This causes more work for us and less chance of restitution for you. Additionally, your delay could cause other merchants to be victims of other hot checks by the same check writer.
6. **Action by County Attorney.**

Once we receive the required documents from you, we will send a postcard to the check writer demanding payment. If there is no response from the check writer within 10 days, we will type the complaint, sign it, then file a criminal case of theft by check using the affidavit for warrant of arrest form that you submitted. After the case is filed, the defendant has a warrant of arrest open at the Aransas County Sheriff’s Office. *The Aransas County Attorney’s office has no power of arrest.*

Additionally, we cannot take further action until the check writer pays the restitution prior to being arrested, or the check writer is arrested and, the case is placed on the Aransas County Court

docket. If the check writer has not been arrested, and you see the check writer or become aware of a new address for the check writer, you should call your local police department or the Sheriff's office and ask them to verify the warrant and arrest the check writer.

7. After arrest.

After arrest, the check writer will receive a notice that has a court date set by the Aransas County Court at Law who will mail out the notice to the address on the check writer's bond. The check writer can call the Aransas County Attorney's office prior to that date to find out what kind of plea agreement he/she can arrange. If the check writer pays of the restitution owed in the case then the check writer will be responsible for only the fine and the court cost in the case, and payment begins 30 days after the date the defendant appears in front of the Judge and the Judge hears the check writer's plea to the charge.

If the check writer cannot pay the check amount in a lump sum, but is eligible for a probated sentence, he/she can be placed on probation with monthly payment obligations. Payments will begin 30 days after the date the defendant appears in front of the Judge and the Judge hears his plea to the charge. The check writer's probation can be revoked, and the check writer can be sentenced to jail if he/she has the ability to pay and does not pay as ordered.

Some check writers, who are arrested and have no money for bond, may serve time in jail instead of receiving probation. Generally, there are unemployed and have no money for restitution. If they did, they would have posted bond instead of remaining in jail. In these situations, no restitution will be recovered.

8. Payments.

Merchant payments are made to the Adult Community Supervision Department. The payments are distributed in partial payments to the merchants.