

# Financial Issues in Criminal Cases

## A Reference Guide for Defendants and Other Concerned Parties

### INTRODUCTION

This brochure is intended to cover some basic financial case-related issues that the defendant, his/her family or attorney may encounter when dealing with the District Court. For more case-specific issues or items not covered in this brochure, please contact someone in District Court Finance Department at the following:

Finance Department  
U.S. District Court  
Western District of North Carolina  
Room 210, 401 W. Trade St.  
Charlotte, NC 28202  
Phone: 704-350-7418  
Fax: 704-350-7475  
[financial@ncwd.uscourts.gov](mailto:financial@ncwd.uscourts.gov)

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### CRIMINAL DEBT

Criminal debt payments can be made by the following methods:

***In person:*** The Asheville, Statesville and Charlotte Clerk's Offices accept payments by cash, check, money order or cashier's check. ***Credit card payments are NOT accepted for criminal debt payments.***

***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. Do **NOT** mail cash. Payments can be made at the following addresses:

ASHEVILLE	STATESVILLE	CHARLOTTE
Clerk, U.S. District Court Attn: Cashier Room 309, U.S. Courthouse 100 Otis Street Asheville, NC 28801	Clerk, U.S. District Court Attn: Cashier U.S. Courthouse 200 West Broad St., Room 100 Statesville, NC 28677	Clerk, U.S. District Court Attn: Cashier U.S. Courthouse Room 210, 401 West Trade St. Charlotte, NC 28202

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The District Court provides pre-addressed envelopes to defendants for submitting payments. Defendants may also request a supply from the U.S. Probation Office.

***Via the BOP:*** If a defendant is incarcerated, he/she may participate in the Inmate Financial Responsibility Program through the Bureau of Prisons. The BOP deducts funds from prisoner accounts on a monthly or quarterly basis and forwards these funds to the District Court for application to his/her outstanding criminal debt.

***Wage Garnishment:*** Working defendants on supervision can have up to 25% of their wages garnished. Garnishments are initiated by the Financial Litigation Unit (FLU) with the U.S. Attorney's Office on a case-by-case basis, often based on U.S. probation officer's recommendations and the delinquency status of the debt. If the employer is the victim and is retaining the funds to apply towards the debt, the Court typically does not get notified of these payments. The defendant must notify either the FLU or the District Court Finance Department. FLU or Finance personnel 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 District Court and applied to the defendant's outstanding criminal debt.

Pursuant to 18 U.S.C. § 3612(c) and § 3612(c)(i), payments made toward a criminal debt are applied as follows:

- (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) Community restitution
- (5) Penalties
- (6) 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 co-defendants are not making any payments.***

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**Penalties:** Pursuant to 18 U.S.C. § 3612(g), “If a fine or restitution becomes delinquent, the defendant shall pay, as a penalty, an amount equal to 10% of the principal amount that is delinquent.” If the debt becomes in default, an additional penalty equal to 15% of the principal amount that is in default will be due from the defendant.

## **CASE INQUIRY**

Case Inquiry Reports, which gives the balance and history of a defendant’s criminal debt, can be requested by e-mailing: [financial@ncwd.uscourts.gov](mailto:financial@ncwd.uscourts.gov) or calling District Court Finance Department at the number on the front of this brochure. ***Please note that these reports DO NOT indicate the payoff amount.*** Due to current system limitations, the criminal debt tracking system of the District Court does not assess interest or penalties. Defendants who are seeking the payoff amount may contact the Finance Department by email or telephone. Finance personnel will contact the FLU of the U.S. Attorney's Office for the interest and penalties incurred to date, if applicable.

## **RETURNED CHECKS**

If a check submitted by a defendant is returned for Non-Sufficient Funds (NSF), also referred to as “bounced,” per statute, the Court must assess a \$45.00 NSF fee. A letter is sent to the payer, the defendant (if different), the U.S. Probation Office and the U.S. Attorney’s Office. The letter is also posted as a docket entry in the case tracking system. The NSF fee, as well as the original payment, must be made “good” or be subject to prosecution by the U.S. Attorney’s Office. If a party submits a non-sufficient funds check, he or she may be placed on a Cash or Money Order ONLY basis. When submitting payment for the NSF fee, please note on the face of the check that a portion of the payment is for the NSF fee. If it is not specifically noted, payment could be applied to any outstanding criminal debt.

