

SWEETWATER COUNTY ATTORNEY'S OFFICE
INSUFFICIENT FUNDS/ACCOUNT CLOSED CHECKS
PROSECUTION INFORMATION SHEET

INSTRUCTIONS: Please read the following instructions carefully. If you do not provide all of the information and documents requested, this packet may be returned to you and no charges will be filed.

1. By completing the attached form you request the criminal prosecution of the person issuing the check(s). Prosecution is not discontinued once it has begun. You agree to participate in prosecution even if the passer attempts to pay off the check after the prosecution process has begun. Do not submit a check for prosecution unless you are satisfied the passer intended to defraud you. The decision to prosecute this individual rests solely with a Deputy Sweetwater County Attorney, 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, NOT TO COLLECT DEBTS.**
2. PLEASE PRINT OR TYPE.
3. Only those checks that have been stamped as having non-sufficient funds or "account closed" will be accepted with this form. **Prosecution will result only if the original check or certified bank copy is submitted with this form and subsequent investigation shows that the passer knew the account was closed or knew there were insufficient funds in the account at the time the check was passed.**
4. **Checks will not be accepted for prosecution if proper identification such as a valid driver's license was not requested by the complainant before accepting the check (unless the suspect is known to the acceptor of the check).** This means the person accepting the check must have physically compared the picture on the identification with the person passing the check and ensured that they were the same person. Simply going by a driver's license number you may have on file or in your computer system WILL NOT BE SUFFICIENT. The complainant must be able to identify the person who passed the check, either through proper identification or being able to physically identify the passer in court. Credit cards or school I.D.s are not acceptable as valid identification.
5. The passer of the check must have been given notice, via either mail to their last known address or by personal written notice (not telephone), of your demand for payment of the dishonored check within five (5) days of the date that they receive notification from you of the dishonored check. **A copy of the demand letter must accompany the request for criminal prosecution.**

6. Submit this form with the original check, additional documentation, and required signatures within **sixty days** of the date the check was issued.

7. **A person in a position of authority or responsibility with your firm must sign this form. THE PERSON IN AUTHORITY MUST AGREE THAT THE PERSON OR BUSINESS WILL NOT, UNDER ANY CIRCUMSTANCES, ACCEPT PAYMENT FROM THE PASSER OF THE CHECK OR THEIR REPRESENTATIVE.**

8. Please return the form with the required documents to:

**Sweetwater County Attorney's Office
731 'C' Street, Suite 500
Rock Springs, WY 82901**

If you have any further questions, contact the investigator at 307-922-5270.

Victim or Business Name: _____

Address: _____

Business Phone #: _____ Contact Person: _____

Contact Person Date of Birth: _____

Name and title of the person making the report, authorizing criminal prosecution, and certifying that the firm and its representatives will not accept any form of payment or restitution after the complaint has been made.

Name: _____ Title: _____

Total number of check(s): _____ Total Amount of Check(s): _____

Dates on which the checks were passed.

(Beginning and ending dates): _____ to _____

Bank on which check(s) are drawn: _____

Account Number: _____

Description of passer: (This information is highly suggested)

Race: _____ Age: _____ Sex: _____ Hgt. _____ Wgt. _____

Hair Color: _____ Hair Length: _____ Facial Hair _____

Name given by passer: _____

Address of passer: _____

Passer's Phone No.: _____

Approximate Age: _____

Passer's Employer: _____ (optional)

Passer Identification: (driver's license, etc.) _____

(Number and State Required)

Name, addresses and dates of birth of person taking the check and any other witnesses:

Did the person taking the check do the following:

Examine the passer's identification. _____

Write the identification information on the check. _____

Compare the passer's picture to the identification. _____

Does the person taking the check know the passer? _____

Watch the passer write and sign the check. _____

Write information provided by the passer on the check. _____

Does the person who accepted the check remember the transaction and/or what was purchased? _____ Yes _____ No.

Is there a video recording available of the transaction? _____ Yes _____ No.

Can the person who accepted the check identify the passer in Court? _____ .

Was the check post-dated and/or did the passer ask you to hold the check until a future date? _____ Yes _____ No

Can the person who accepted the check remember any person who was with the passer of the check? _____ Yes _____ No

Can any person identify the items, services, etc., that were purchased? _____ Yes _____ No

If the answer to the above question is yes, please attach as much information to this form as practical.

Please detail what steps were taken to contact the suspect and/or recover your loss: It may include calls to the passer before and after the demand letter was sent. (Attach copies of notes, etc.)

Dates contacted: _____

Contacted by: _____

Method of Contact _____

Result of contact: _____

Has the passer attempted to make restitution? If so, please detail:

Have you served (or sent via mail) the demand for payment of the dishonored check on the passer as required by Wyoming State Statute? _____

Do you feel that you have exhausted your ability to collect this check? _____

Explain, in detail what information you have that will lead a jury to believe the person passing the check knew, on the date they wrote the check, that it would not be paid and that the passer is attempting to defraud you or your business.

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, to whom: _____

Provide any other information you feel would help in locating and prosecuting this individual:

I hereby understand and agree that all the information contained in this document is to be used by and will be disseminated among all law enforcement agencies, the office of the Sweetwater County and Prosecuting Attorney and the Courts. Initials of signer _____

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 having knowledge of the facts to appear and testify in Court. Initials of signer _____

I hereby certify that no one has accepted full or partial restitution for any checks included in this complaint. Initials of signer _____

I further agree that I, my firm, or any of its representatives will not accept payment for of any of the checks passed by the suspect that have been submitted to the County Attorney's Office for criminal prosecution. Initials of signer _____

I also understand that accepting payments for said checks may result in the County Attorney's office not accepting further complaints from me or my firm without an investigation performed by law enforcement. Initials of signer _____

I have included the following:

Fully completed and signed request for prosecution. Initials _____

Original dishonored check. Initials _____

The original check is not available Initials _____

(Fully explain why the original is not available and provide some documentation that shows the check was unpaid such as bank charge backs or letters from the bank.)

Copy of demand letter sent to passer Initials _____

Original certified mail receipt or undelivered letter Initials _____

I hereby certify that I have read and understand all the information contained herein and that all of the facts listed on this document are to the best of my knowledge true, accurate and complete. I am aware that I may be requested to provide additional information from the drawee's bank that is available to the payee pursuant to W.S. § 6-3-705 (attached hereto) and sign the Affidavit in Support of Information to institute the charges.

Signature of person making report

Date

West's Wyoming Statutes Annotated
Title 6. Crimes and Offenses
Chapter 3. Offenses Against Property
Article 7. Check Fraud (Refs & Annos)

W.S.1977 § 6-3-705

§ 6-3-705. Liability of drawee for release of information to payee, holder or official; liability of person committing fraud to holder

Currentness

(a) A drawee is not civilly or criminally liable for releasing the following information relating to the drawer's account to any payee or holder of a check that has been dishonored for insufficient funds, upon the written request of any payee or holder:

(i) The status of the account, and whether the drawer had sufficient funds or credit with the drawee at the time the check was issued or presented for payment; and

(ii) The current home and business addresses and telephone numbers of the drawer.

(b) A drawee is not civilly or criminally liable for releasing the following information relating to the drawer's account to any law enforcement or prosecuting official or agent thereof who first certifies in writing that he is investigating a complaint against the drawer under this section:

(i) Documents relating to the opening of the account by the drawer;

(ii) Correspondence between the drawer and the drawee relating to the status of the account;

(iii) Periodic statements delivered to the drawer by the drawee for the two (2) periods prior to and subsequent to the issuance of any check which is the subject of such investigation;

(iv) The current home and business addresses and telephone numbers of the drawer; and

(v) Copies of other documents showing examples of signatures of the drawer.

(c) Any person who commits fraud by check is liable to the holder of the check for the sum of the check plus interest, costs of collection and reasonable collection fees.