

**PROCEDURES AND INSTRUCTIONS FOR REQUESTING  
REVIEW OF “PASSING A BAD CHECK”**

\*\*\*\*\*

You recently contacted the Bryan Municipal Prosecutor’s Office regarding the procedure for filing a criminal complaint for the offense of “Passing a Bad Check”. The nature of this offense usually involves either a check not paid by the bank due to “insufficient funds” or checks written on a closed account. Please understand this office does not formally investigate allegations of this nature but, instead, will review the results of any law enforcement investigation and/or any information provided by you. If sufficient evidence exists to initiate criminal prosecution, this office will then authorize either you or the investigating law enforcement official to file a criminal complaint in the Bryan Municipal Court. Remember, there is no guarantee that you will fully recover the amount of the check if the person or business is criminally prosecuted.

To initiate the review of a “Passing a Bad Check” incident for criminal prosecution, you must complete the steps set forth on the attached page. Upon completion, you must then contact this office and request an appointment with a prosecutor/assistant who will then review the matter and decide whether or not to begin prosecution.

If this office subsequently authorizes a criminal charge, you will be expected to participate in the prosecution. If the matter cannot be resolved at pre-trial, then you will be subpoenaed to appear for trial. Your failure to cooperate with this office or disregard of a subpoena could cause a dismissal of the charge and, as a result, no restitution being recovered.

The initiation of criminal prosecution and the responsibilities therewith must be taken seriously by everyone involved in the prosecution. Therefore, once a criminal charge is authorized by this office, and filed in the municipal court, it will not be dismissed simply because the Defendant subsequently makes full restitution to you, the victim. This office recognizes that recovery of the amount of the check is paramount to all victims. Victims frequently accept payment on the “bad check” and then advise this office that they no longer wish to prosecute since they “got paid”. As such, once criminal prosecution begins, and to prevent the criminal justice system from being used as a “collection agency”, you are instructed to not accept restitution unless ordered to do so by the Bryan Municipal Prosecutor’s Office.

If you have any questions during or after your completion of the attached procedures, please contact the Municipal Prosecutor’s office at (419) 636-2596.

**RE: NSF Checks**

The following is an outline of the NSF criminal charge process. You should try to exhaust telephonic measures to collect the bad check, but, if unsuccessful, then proceed with the following:

- a. The check **MUST** be at least 60 days old and not more than one (1) year old.
- b. The check **MUST** be less than \$1000.00 to be filed as a misdemeanor.
- c. Per the ORC, you are **required** to send a form letter via certified/return receipt mail. (If the certified letter is returned unclaimed, resend via regular mail.) You must wait ten (10) days from the date of service on the return receipt green card before filing charges, or immediately upon receipt of an unclaimed notice after resending via regular mail.
- d. We require a copy of the form letter, the original or bank copy of the bad check and the original return receipt green card or unclaimed envelope when filing the charge.
- e. Per Judge Kent North of the Bryan Municipal Court, you must have the date of birth or personal SSN of the individual who wrote the check in order for a criminal charge to be filed.
- f. Once the NSF charge is filed with the court, the individual will be mailed a summons to appear in court. If he/she does not appear, a bench warrant will be issued for his/her arrest.
- g. If the individual is found guilty and ordered to pay restitution, my office will collect the restitution, plus a \$20.00 service charge. Once this is collected, our office will forward it to you. If the individual pays you directly, you need to notify my office that payment has been made; however, the individual still needs to appear for court.

If you have any questions regarding this information or procedure, please contact my office.

Sincerely yours,

Rhonda L. Fisher  
Bryan Municipal Prosecutor

RLF/ply