

FELONY NSF INFORMATION PAPER

NSF checks over \$500 are felonies.

- Once a felony complaint is signed, the defendant may be arrested and has to post bail
- Once a felony complaint is signed you will lose the defendant as a customer

Felonies are criminal prosecutions; not just civil collections.

- If you just want your money back, you need to hire a civil attorney.
- Once the NSF charge is filed, it **can not** be dismissed simply because the person paid the check, State of ND v. Ohnstad, 392 NW2d 389 (1986).
- I prosecute to get a conviction on the record and obtain punishment that will deter

Felony prosecutions involve testifying

- You will be subpoenaed to testify for the preliminary hearing and the trial.
- I expect you will be able to testify under oath to the information you provided on the request for prosecution form.
- Court may be scheduled at a time that is inconvenient for you.

If a person is convicted of a felony

- a class C felony faces max penalty of 5 years and/or \$5,000 fine
- defendant loses right to carry firearms
- faces more than 20 potential conditions of probation including no gambling, no alcohol, search clause—house & car, supervised probation fee of \$36/month,
- If a person on supervised probation fails to pay, then I will likely move to revoke the probation and ask that the person be placed in prison for violating probation.

I have read this and I want to go forward with a felony prosecution for NSF.

Name

date