

**List of attachments**

"A practical approach to obtaining restitution orders"

These materials are for discussion purposes only and are not legal advice.

## **List of attachments**

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**<https://www.utcourts.gov/howto/criminallaw/restitution.html>**

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**Attachment 1- Proposed victim's declaration of damages**

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**CRIME VICTIM'S DECLARATION OF DAMAGES  
AND REQUEST FOR RESTITUION**

**IMPORTANT:** Complete and sign this form, attach supporting the documentation you have, and return as soon as possible to \_\_\_\_\_ .  
"Pecuniary damages" as used below includes all demonstrable economic injury, whether or not yet incurred, including those which a person could recover in a civil action arising out of the facts or events constituting the defendant's criminal activities and includes the fair market value of property taken, destroyed, broken, or otherwise harmed, and losses including lost earnings, including those and other travel expenses reasonably incurred as a result of participation in criminal proceedings, and medical and other expenses. See *U.C.A. 77-38a-102(6) (2016)*.  
If you have questions please contact \_\_\_\_\_ .

Case: State of Utah v. \_\_\_\_\_, Defendant.

Court # \_\_\_\_\_ DA# \_\_\_\_\_

Defendant's criminal activities charged: \_\_\_\_\_

Date(s) of criminal activities: on or about \_\_\_\_\_

Name of crime victim \_\_\_\_\_

1. I am the above named crime victim or authorized representative of the victim. To date, the crime victim sustained "pecuniary damages" as defined above in the reasonable amount of \$ \_\_\_\_\_ as the result of Defendant's criminal activities. I request the Court to order Defendant to pay restitution in that amount for my benefit.

2. I have *attached* the supporting documentation I currently have.

3. Below is my brief explanation of the pecuniary damages. (Note: Please explain if somebody else paid for any the damages. For your example an insurance company, the Utah Office for Victims of Crime, a government entity or program, etc.. (Attach additional sheets if needed) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I declare solemnly and under criminal penalty of the State of Utah for knowingly making a false written statement as provided by U.C.A. 78B-5-705 (2008) that I am over the age of 18 years, and that this declaration is true and correct to the best of my knowledge and belief.

Dated \_\_\_\_\_, 2016.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print your name

**Attachment 2 Proposed restitution agreement.**

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**RESTITUTION AGREEMENT**

State v. \_\_\_\_\_ , Ct # \_\_\_\_\_ DA# \_\_\_\_\_

Defendant and Plaintiff agree and stipulate as a part of their plea agreement in this case to the following restitution terms, and jointly move the Court for its restitution order and judgment incorporating this agreement. That each of the crime victims below has sustained pecuniary damages to date in at least the principal amounts below as the result of Defendant's criminal activities in this case. That Defendant agrees to pay and to be ordered to pay court ordered restitution equal to complete restitution for the benefit of the victims below in the principal amounts below plus judgment interest by installment payments of at least \$ \_\_\_\_\_ each month due by the end of the month. That unless otherwise ordered payments shall be made to the clerk and Defendant shall keep the clerk advised at all times of Defendant's physical residence address and phone number. That Defendant may be ordered in the future to pay additional restitution amounts for pecuniary damages sustained by the victims in the future as a result of Defendant's s criminal activities. That Defendant's full compliance with this restitution agreement shall be required as a material condition of any probation or abeyance. That the Court shall have ongoing jurisdiction in this case to enforce payment of required restitution amounts until all required amounts have been paid in full. That the entirety of U.C.A. 77-38a-101, et seq. as amended shall apply to and control this agreement. That this agreement shall become effective upon acceptance by the Court.

Crime victims and principal restitution amounts Defendant shall pay:

Crime victim #1 _____	Amount \$ _____
Crime victim #2 _____	Amount \$ _____
Crime victim #3 _____	Amount \$ _____
	Total \$ _____

Other terms: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Dated \_\_\_\_\_, 2016.

\_\_\_\_\_  
Defendant

\_\_\_\_\_  
Attorney for Defendant

\_\_\_\_\_  
Prosecutor, Attorney for Plaintiff

**Attachment 2 Proposed restitution agreement**

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**Note: The parties' restitution agreement must expressly be incorporated into the Statement of Defendant in Support of Guilty Plea.**

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IN THE \_\_\_\_\_ JUDICIAL DISTRICT COURT  
\_\_\_\_\_ COUNTY, STATE OF UTAH

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STATE OF UTAH,  
Plaintiff,

STATEMENT OF DEFENDANT  
IN SUPPORT OF GUILTY PLEA  
AND CERTIFICATE OF COUNSEL

vs.

Case No. \_\_\_\_\_

\_\_\_\_\_,  
Defendant.

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I, \_\_\_\_\_, hereby acknowledge and certify that I have been advised of and that I understand the following facts and rights:

**Notification of Charges**

I am pleading guilty (or no contest) to the following crimes:

	<b>Crime &amp; Statutory Provision</b>	<b>Degree</b>	<b>Punishment Min/Max and/or Minimum Mandatory</b>
A.	_____	_____	_____
B.	_____	_____	_____
C.	_____	_____	_____
D.	_____	_____	_____

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I know that in addition to a fine, a ninety percent (90%) surcharge will be imposed. I also know that I may be ordered to make restitution to any victim(s) of my crimes, including any restitution that may be owed on charges that are dismissed as part of a plea agreement.

**Consecutive/concurrent prison terms.** I know that if there is more than one crime involved, the sentences may be imposed one after another (consecutively), or they may run at the same time (concurrently). I know that I may be charged an additional fine for each crime that I plead to. I also know that if I am on probation or parole, or awaiting sentencing on another offense of which I have been convicted or which I have plead guilty (or no contest), my guilty (or no contest) plea(s) now may result in consecutive sentences being imposed on me. If the offense to which I am now pleading guilty occurred when I was imprisoned or on parole, I know the law requires the court to impose consecutive sentences unless the court finds and states on the record that consecutive sentences would be inappropriate.

**Plea agreement.** My guilty (or no contest) plea(s) (is/are) (is/are not) the result of a plea agreement between myself and the prosecuting attorney. All the promises, duties, and provisions of the plea agreement, if any, are fully contained in this statement, including those explained below:

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*[ add this language: “The plea agreement includes and incorporates the parties’ separate Restitution Agreement” ]*\_\_\_\_\_.

**Trial judge not bound.** I know that any charge or sentencing concession or recommendation of probation or suspended sentence, including a reduction of the charges for sentencing, made or sought by either defense counsel or the prosecuting attorney are not binding on the judge. I also know that any opinions they express to me as to what they believe the judge may do are not binding on the judge.

**Immigration/Deportation:** I understand that if I am not a United States citizen, my plea(s) today may, or even will, subject me to deportation under United States immigration laws and regulations, or otherwise adversely affect my immigration status, which may include permanently barring my re-entry into the United States. I understand that if I have questions about the effect of my plea on my immigration status, I should consult with an immigration attorney.

**Attachment 3 - Defendant's Financial Declaration for Restitution**

"A practical approach to obtaining restitution orders"

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**This form is available online at the Utah Courts website via this link  
<https://www.utcourts.gov/howto/criminallaw/restitution.html>**

My Name \_\_\_\_\_

Address \_\_\_\_\_

City, State, Zip \_\_\_\_\_

Phone \_\_\_\_\_

Email \_\_\_\_\_

In the  District  Justice Court of Utah  
\_\_\_\_\_ County

Court Address \_\_\_\_\_

Prosecutorial Jurisdiction

v.

Defendant

**Financial Declaration for Restitution**

Case Number \_\_\_\_\_

Judge \_\_\_\_\_

The following information is true, and I have omitted nothing that is relevant to my financial status.

**(1) Employment**

I am unemployed because:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Attachment 3 - Defendant's Financial Declaration for Restitution**

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**I am employed by: (Include self-employment.)**

Name of Employer	Doing Business As (DBA)	Address & Telephone Number

**(2) Dependents (Include spouse, children or other dependents in your household.)**

The following people depend on me for support.

Name	Age	Relationship to Me	Name	Age	Relationship to Me

**(3) Gross Monthly Income (Income before tax deductions)**

I have no income because:

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I have the following monthly income: (Print your pre-tax income in the boxes below. If directed to do so by the court, you must be able to produce evidence of the items listed, such as most recent pay stubs, federal and state tax returns, W-2 forms, or a work history report from the Department of Workforce Services. For income that changes from month to month, calculate the annual total and divide by 12 months to list a monthly average.)

Source of Income	Monthly Amount

**Attachment 3 - Defendant's Financial Declaration for Restitution**

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Source of Income	Monthly Amount
<b>Work</b> (Including self employment, wages, salaries, commissions, bonuses, tips and overtime)	\$
<b>Rental Income</b>	\$
<b>Business Income</b>	\$
<b>Interest and Dividends</b>	\$
<b>Retirement Income</b> (Including pensions, 401(k), IRA, etc.)	\$
<b>Worker's Compensation</b>	\$
<b>Private Disability Insurance</b>	\$
<b>Social Security Disability Income (SSDI)</b>	\$
<b>Supplemental Security Income (SSI)</b>	\$
<b>Social Security</b> (Do not include SSDI or SSI)	\$
<b>Unemployment Benefits</b>	\$
<b>Education Benefits</b>	\$
<b>Veteran's Benefits</b>	\$
<b>Alimony</b>	\$
<b>Child Support</b>	\$
<b>Payments from Civil Litigation</b>	\$
<b>Victim Restitution</b>	\$
<b>Public Assistance</b> (Including AFDC, welfare, etc.)	\$
<b>Support from household members</b>	\$
<b>Support from non-household members</b>	\$
<b>Trust Income</b>	\$
<b>Annuity Income</b>	\$
<b>Other (Describe)</b>	\$
<b>Other (Describe)</b>	\$
<b>Total</b>	<b>\$</b>

**(4) Monthly Tax Deductions**

I have the following deductions from my income: (These are deductions required by law which you do not make voluntarily. There may be other funds withheld from your paycheck that you will report in Paragraph (6). If directed to do so by the court, you must be able to produce evidence of the items listed, such as most recent pay stubs, federal and state tax returns, W-2 forms, or a work history report from the Department of Workforce Services.)

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Type of Deduction	Amount
Federal Income Tax	\$
State Income Tax	\$
Municipal Income Tax	\$
FICA	\$
Medicare	\$
<b>Total</b>	\$

**(5) Disposable Monthly Income**

I have no income.

My disposable monthly income is:

\$ \_\_\_\_\_ Gross Monthly Income from (3)  
 - \$ \_\_\_\_\_ Minus Monthly Tax Deductions from (4)  
 = \$ \_\_\_\_\_ Equals Disposable Monthly Income

**(6) Monthly Expenses** (Include amounts withheld from your paycheck other than tax deductions reported in Paragraph (4). For expenses that change from month to month, calculate the annual total and divide by 12 to list a monthly average. Include amounts you pay for yourself and any spouse, children or other dependents in your household. If directed to do so by the court, you must be able to produce evidence of the items listed.)

I am personally paying the following monthly expenses:

Monthly Expense	Amount
Rent or mortgage	\$
Food and Household Supplies	\$
Clothing	\$
Transportation (Such as public transportation, automobile payments, insurance, gas, maintenance)	\$
Utilities (Such as electricity, gas, water, sewer, garbage)	\$
Telephone	\$
Credit Card Payments	\$
Loans and Other Debt Payments	\$
Alimony	\$
Child Support	\$
Child Care	\$

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Monthly Expense	Amount
Education	\$
Health Care Insurance	\$
Health Care Expenses (Excluding insurance listed above)	\$
Business Expenses	\$
Real Property Taxes	\$
Real Property Insurance	\$
Real Property Maintenance	\$
Other Insurance (Describe)	\$
Entertainment	\$
Laundry and Dry Cleaning	\$
Donations	\$
Gifts	\$
Health Insurance Premiums	\$
Life Insurance Premiums	\$
Union and other dues	\$
Garnishment or Income Withholding Order	\$
Retirement Deposits (Including pensions, 401(k), IRA, etc.)	\$
Restitution ordered in other cases	\$
Other (Describe)	\$
<b>Total</b>	\$

**(7) Financial Assets You Own (If directed to do so by the court, you must be able to produce evidence of the items listed.)**

Asset	Holder (Name & Address)	Co-owner (Name & Address)	Current Value
Bank or Credit Union Account			\$
Bank or Credit Union Account			\$
Stocks, Bonds, Securities, Money Market Account			\$

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<b>Asset</b>	<b>Holder (Name &amp; Address)</b>	<b>Co-owner (Name &amp; Address)</b>	<b>Current Value</b>
<b>Stocks, Bonds, Securities, Money Market Account</b>			\$
<b>Money Owed to You</b>			\$
<b>Cash</b>			\$
<b>Other (Describe)</b>			\$
<b>Total</b>			

**(8) Real Property You Own (If directed to do so by the court, you must be able to produce evidence of the items listed, such as mortgage statements, tax appraisal, etc.)**

Address \_\_\_\_\_

Date Acquired \_\_\_\_\_ In Whose Name? \_\_\_\_\_ \$ Original Cost \$ Current Value

First Mortgage or Lien Holder (Name & Address) \_\_\_\_\_ \$ Amount Owed \$ Monthly Payments

Second Mortgage or Lien Holder (Name & Address) \_\_\_\_\_ \$ Amount Owed \$ Monthly Payments

**(9) Personal Property You Own. If directed to do so by the court, you must be able to produce evidence of the items listed.)**

<b>Property (Such as vehicles, boats, trailers, major equipment, etc.)</b>	<b>Lien Holder (Name &amp; Address)</b>	<b>Current Value</b>	<b>Amount Owed</b>	<b>Monthly Payments</b>
<b>Vehicle (Year, Make, Model)</b>		\$	\$	\$
<b>Vehicle (Year, Make, Model)</b>		\$	\$	\$

**Attachment 3 - Defendant's Financial Declaration for Restitution**

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Property (Such as vehicles, boats, trailers, major equipment, etc.)	Lien Holder (Name & Address)	Current Value	Amount Owed	Monthly Payments
Intellectual property		\$	\$	\$
Precious metals or gems		\$	\$	\$
Jewelry with a value of \$1,000 or more		\$	\$	\$
Other personal property with a value of \$1,000 or more (Describe)		\$	\$	\$
<b>Total</b>		\$	\$	\$

(10) **Credit Available** (If directed to do so by the court, you must be able to produce evidence of the items listed.)

Credit Card	Bank or Credit Union	Credit Limit	Credit Available
		\$	\$
		\$	\$
		\$	\$
<b>Total</b>		\$	\$

(11) **Debts You Owe** (Do not include amounts you owe on property reported in Paragraphs (8) and (9). If directed to do so by the court, you must be able to produce evidence of the items listed, such as credit card statements, loan documents, leases, bills, etc.)

Debt Owed To (Name & Address of Creditor)	Purpose of Debt (Such as credit card, cash loan, installment payment, etc.)	In Whose Name?	Amount Owed	Monthly Payments
			\$	\$
			\$	\$
<b>Total</b>			\$	\$

**Attachment 3 - Defendant's Financial Declaration for Restitution**

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(12) Other

The following facts also are relevant to my ability to pay restitution.

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I declare under penalty of Utah Code Section 78B-5-705 that everything stated in this document is true.

\_\_\_\_\_ Sign here ► \_\_\_\_\_

Date \_\_\_\_\_ Typed or Printed Name \_\_\_\_\_

### **Attachment 3 - Defendant's Financial Declaration for Restitution**

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#### **Checklist for financial declaration for restitution**

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- You must complete a form before you file it. These instructions will help you complete the forms.
- If you still have difficulty after reading these instructions, contact the Self Help Center. See <http://www.utcourts.gov/selfhelp/contact/>.
- The judicial services representative cannot complete a form for you.
  - Attach a copy of any document referred to in the form.
    - Keep a copy of all documents for your records.
    - Attend all court hearings.
    - Some forms may not apply in your case.
  - Check with your court about local requirements.

#### **(1) Financial declaration for restitution**

- Print your name and contact information at the top of the first page.**
- Complete the heading exactly as it appears in the Complaint.**
- Complete the entire form, describing your assets, obligations, income, expenses and credit in detail.**
- Paragraph (1): If you are unemployed, check the box and explain why. If you are employed, complete the information about your employer. If you have more than one employer, complete the information for each.**
- Paragraph (2) Print the required information about your dependents.**
- Paragraph (3): If you do not have any income, explain why. Otherwise, print the gross monthly amount you receive from each source of income that applies to you. Gross income means the amount you are paid before any deductions are taken from your pay. For income amounts that change from month to month, calculate the annual total and divide by 12 months to list a**

### **Attachment 3 - Defendant's Financial Declaration for Restitution**

**"A practical approach to obtaining restitution orders"**

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monthly amount. Leave blank any items that do not apply to you. Use the "other" line to disclose sources of income that are not listed and describe briefly that type of income. Add the amounts and print your total gross monthly income.

- Paragraph (4): Print the amount of your monthly tax deductions according to the type of deduction. These are deductions required by law and which you do not make voluntarily. There may be other funds withheld automatically from your paycheck that you will report in Paragraph (6), Monthly Expenses. Add the amounts and print your total monthly deductions.
- Paragraph (5): Print the total gross monthly income amount listed in Paragraph (3) and the total monthly tax deductions amount listed in Paragraph (4). Then subtract the amount in Paragraph (4) from the amount in Paragraph (3) Print the answer under "Disposable Monthly Income."
- Paragraph (6): Print the amount for monthly expenses that you have and leave blank any expenses that you do not have. If the expense varies from month to month, calculate the annual total and divide by 12 months and print the monthly amount. Add the items listed and print the a total monthly amount.
- Paragraph (7): Complete this paragraph if you own any financial assets like a bank account or stocks, bonds or a money market account.
  - Print the name and address of the institution holding the asset, like the name and address of the bank where your money is. Print the names on the account if you own it with someone else. Print the current value of the account.
  - If money is owed to you, print the amount owed.
  - If you have cash, print the amount you have.
  - Report and describe any other money asset you might own.
- Paragraph (8): Complete this paragraph if you own real property (for example, a house or land). Print the address of the house you own, whose name(s) are on the title, the amount you paid for the house, and the current value of the house. If there are mortgages, you must list them, the amount owed to the mortgagor, and the amount of monthly payments you make on the mortgage.
- Paragraph (9): Complete this paragraph if you own personal property like motor vehicles including cars, trucks, motorcycles, boats, trailers, or major equipment like a tractor or the other types of property listed. If there are loans secured by the property or liens on the property, list them. If there are no loans or liens on the property item, then leave the "Lien Holder" section

### **Attachment 3 - Defendant's Financial Declaration for Restitution**

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**blank. Print the current value, any amount you owe on a loan, and the monthly payments on the loan.**

- Paragraph (10): Complete this paragraph if you own any credit cards. Print the type of card, such as Visa, Mastercard, or Discover, the name of the bank that issued the card, the credit limit, and the amount of credit that remains available.**
- Paragraph (11): Report any debts you owe to others. Include amounts you owe on credit cards and on any loans that you did not list in paragraphs (8) and (9). Identify the creditor (the person or company you owe the money to), the purpose of the debt (for example, emergency medical expenses for your child), who is responsible for the debt, the amount owed, and the amount of monthly payments you make. If you make payment amounts that change from month to month, calculate the annual total and divide by 12 months to list a monthly amount.**
- Paragraph (12): If there is any other information about your ability to pay restitution that you want the judge to consider, include it here.**
- Date and sign the form.**
- Give the form to the probation officer preparing the presentence investigation report, if there is one. If there is no probation office, give the form to the court clerk.**

**Attachment 4 Proposed restitution motion pleading templates**

“A practical approach to obtaining restitution orders”

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**The restitution motion pleading templates below are:**

**Page 2. STATE’S MOTION FOR RESTITUTION ORDER AND JUDGMENT**

**Page 4. RESTITUTION ORDER AND JUDGMENT**

**Page 7. STATE’S REQUEST TO SUBMIT FOR DECISION AND NOTICE OF PROPOSED RESTITUTION ORDER AND JUDGMENT**

**Page 9. STATE’S RESTITUTION JUDGMENT DEBTOR AND CREDITOR INFORMATION STATEMENT (NON-PUBLIC)**

**Attachment 4 Proposed restitution motion pleading templates**

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\_\_\_\_\_ District Attorney  
\_\_\_\_\_ Prosecutor and deputy district attorney  
\_\_\_\_\_ Address, phone, and e-mail  
Attorneys for Plaintiff  
DA case no.

DISTRICT COURT OF THE STATE OF UTAH  
\_\_\_\_\_ JUDICIAL DISTRICT  
\_\_\_\_\_ COUNTY

STATE OF UTAH, Plaintiff,  vs.  , Defendant.	<b>STATE’S MOTION FOR  RESTITUTION ORDER AND  JUDGMENT</b>  Case number Judge
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Plaintiff State of Utah moves this Court for its restitution order and judgment pursuant to Utah Code 77-38a-101, et seq., as amended determining and ordering: that Defendant shall pay court ordered restitution equal to complete restitution for each victim in the principal amounts shown below plus statutory interest; that Defendant shall pay court ordered restitution by installments of at least \$100.00 per month until all restitution amounts paid in full; that unless otherwise ordered Defendant shall make all restitution payments to the clerk for the benefit of the victims and shall

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advise the clerk of Defendant's residence address and a working phone number by which Defendant may be contacted and shall promptly advise the clerk of all changes; and that the Court shall retain continuing jurisdiction to enforce payment of ordered restitution until all ordered amounts have been paid in full.

Crime victim #1:	\$
Crime victim #2:	\$
Crime victim #2:	\$
Total restitution ordered	\$

Dated this , 2016.

/s/ name of prosecutor  
Deputy District Attorney  
Attorney for Plaintiff State of Utah

**CERTIFICATE OF SERVICE**

I certify that on this day of , 2016 I caused a true and correct copy of the foregoing to be served on counsel using the court's e-filing system and to be served on the following by e-mail as shown.

Name of defense counsel, to (e-mail address)

/s/ name

---End of motion for restitution order and judgment---

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\_\_\_\_\_ District Attorney  
\_\_\_\_\_ Prosecutor and deputy district attorney  
\_\_\_\_\_ Address, phone, and e-mail  
Attorneys for Plaintiff  
DA case no.

DISTRICT COURT OF THE STATE OF UTAH  
\_\_\_\_\_ JUDICIAL DISTRICT  
\_\_\_\_\_ COUNTY

STATE OF UTAH, Plaintiff,  vs.  Defendant.	<b>RESTITUTION ORDER AND JUDGMENT</b>  Case number Judge
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Before the Court is the Plaintiff's motion for restitution order and judgment. The Court has carefully reviewed the record and the materials on file. The motion is ready for decision. Accordingly, the Court now **ORDERS AND ADJUDGES** as follows:

1. Defendant shall pay court ordered restitution which is equal to complete restitution for each victim in the principal amounts as shown below plus statutory interest:

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Crime victim #1: \$

Crime victim #2: \$

Crime victim #2: \$

Total restitution principal ordered \$

2. Defendant shall pay ordered restitution by installments of at least \$100.00 per month until all ordered restitution amounts are paid in full.

Unless otherwise ordered, Defendant shall make all restitution payments to the clerk for the benefit of the victims and shall advise the clerk of Defendant’s residence address and a working phone number by which Defendant may be contacted and shall promptly advise the clerk of all changes.

3. The Court shall retain continuing jurisdiction in this case to enforce by all lawful means payment of ordered restitution until all ordered amounts have been paid in full.

4. Pursuant to *U.C.A. 77-38a-401, as amended* the clerk is directed to enter an order of complete restitution on the civil judgment docket, such judgment shall have the same effect and is subject to the same rules as a judgment in a civil action and expires only upon payment in full. Pursuant

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to *U.C.A. 77-38a-402, as amended* restitution principal and interest ordered herein shall be non-dischargeable in bankruptcy.

SO ORDERED AND ADJUDGED.

**Notice to Defendant:** This order and judgment is effective upon being signed by the Court as shown at the top of the first page above.

CERTIFICATE OF SERVICE

I certify that on this    day of    , 2016 I caused a true and correct unsigned copy of the foregoing to be served on counsel using the court's e-filing system and to be served on the following by e-mail as shown.

Name of defense counsel, to (e-mail address)

/s/ name

---End of restitution order and judgment---

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\_\_\_\_\_ District Attorney  
\_\_\_\_\_ Prosecutor and deputy district attorney  
\_\_\_\_\_ Address, phone, and e-mail  
Attorneys for Plaintiff  
DA case no.

DISTRICT COURT OF THE STATE OF UTAH  
\_\_\_\_\_ JUDICIAL DISTRICT  
\_\_\_\_\_ COUNTY

STATE OF UTAH, Plaintiff,  vs.  Defendant.	<b>STATE’S REQUEST TO SUBMIT  FOR DECISION AND NOTICE OF  PROPOSED RESTITUTION  ORDER AND JUDGMENT</b>  Case number Judge
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TO THE CLERK OF THE ABOVE COURT: Plaintiff State of Utah pursuant to U.R.Cr.P. 12(b) requests that the following motion be submitted to the Court for decision. Plaintiff gives notice that its proposed restitution order and judgment are on file and were served on the defense along with the subject motion.

Name of motion and date served: \_\_\_ State’s motion for restitution order and judgment served and filed \_\_\_\_.

Date opposing memorandum was served: \_\_\_\_.

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Date reply memorandum was served: \_\_\_\_.

Request for hearing: \_\_\_\_ .

Dated this , 2016.

/s/ name of prosecutor  
Deputy District Attorney  
Attorney for Plaintiff State of Utah

**CERTIFICATE OF SERVICE**

I certify that on this day of , 2016 I caused a true and correct copy of the foregoing to be served on counsel using the court's e-filing system and to be served on the following by e-mail as shown.

Name of defense counsel, to (e-mail address)

/s/ name

---End of request to submit for decision and notice of proposed ---

**Attachment 4 Proposed restitution motion pleading templates**

"A practical approach to obtaining restitution orders"

These materials are for discussion purposes only and are not legal advice.

\_\_\_\_\_ District Attorney  
\_\_\_\_\_ Prosecutor and deputy district attorney  
\_\_\_\_\_ Address, phone, and e-mail  
Attorneys for Plaintiff  
DA case no.

DISTRICT COURT OF THE STATE OF UTAH  
\_\_\_\_\_ JUDICIAL DISTRICT  
\_\_\_\_\_ COUNTY

STATE OF UTAH, Plaintiff,  vs.  , Defendant.	<b>STATE'S RESTITUTION  JUDGMENT DEBTOR AND  CREDITOR INFORMATION  STATEMENT (NON-PUBLIC)</b>  Case number Judge
---	---

TO THE CLERK OF THE COURT: Plaintiff State of Utah submits the following restitution judgment information statement pursuant *U.C.A. 78B-5-201(2014)*.

**CONFIDENTIALITY NOTE:** Crime victim information contained in this statement is confidential. *U.C.A. 77-38-6, as amended*. This court record contains information from which a crime victim may be located and contacted and is classified as a non-public and "safeguarded" record, and access must be limited as provided by law. *U.J.C.R.J.A. Rule 4-202.02 (8)(E); Rule 4-202.03(7)*.

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1. Restitution debtor information:

Name: \_\_\_\_\_

Last known address: \_\_\_\_\_

Social Security number \_\_\_\_\_

Date of birth \_\_\_\_\_

Utah driver's license number \_\_\_\_\_

2. Restitution creditor/ crime victim information:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Date and amount of restitution ordered for this creditor: \_\_\_\_\_

3. Has a stay of enforcement has been ordered by the court and if so the date the stay expires: No.

Dated this \_\_\_\_\_, 2016.

          /s/ name of prosecutor            
Deputy District Attorney  
Attorney for Plaintiff State of Utah

**CERTIFICATE OF SERVICE**

I certify that on this \_\_\_\_\_ day of \_\_\_\_\_, 2016 I caused a true and correct copy of the foregoing to be served on counsel using the court's e-filing system and to be served on the following by e-mail as shown.

Name of defense counsel, to (e-mail address)

          /s/ name          

---End of restitution judgment debtor and creditor information statement  
(non-public)---

**Attachment 5 Proposed prosecutor's worksheet for analyzing Defendant's Financial Declaration**

"A practical approach to obtaining restitution orders"

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State v \_\_\_\_\_ Ct# \_\_\_\_\_ DA# \_\_\_\_\_ Hrg date \_\_\_\_\_

Item as shown	Possible issues	Documents
Dependents	Voluntarily supporting others?	
Employment	Voluntarily unemployed? Impaired or disabled?	
Gross monthly income (GMI) shown \$  Net monthly income (NMI) after withholding \$  Percentage withheld %  Proposed GMI \$  Proposed NMI \$	Voluntarily underemployed?  Hourly rate?  Inadequate hourly rate?  Proposed imputed hourly rate?  Hours worked?  Inadequate hours worked?  Proposed imputed hours?  Proposed imputed additional GMI?  Proposed imputed NMI?  Employment counselling, training?	

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<p>Monthly expenses shown \$</p> <p>Less contrib from others \$</p> <p>Less excessive expenses \$</p> <p>Proposed expenses \$</p>	<p>Others who should contribute?</p> <p>Amount unnecessary expenses?</p>	
<p>Disposable monthly income (DMI) shown (net monthly income shown less expenses as shown) \$</p> <p>Proposed DMI \$ (proposed NMI less proposed expenses). This amt should be available to pay restitution.</p>	<p>Non-essential items?</p>	

Note: These materials are privileged and non-discoverable as the prosecutor's work product.

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Financial assets \$  Proposed amounts available to pay rest \$	Liquidate or borrow against?	
Real property owned \$  Proposed amounts available to pay rest \$	Liquidate or borrow against?	
Personal property owned \$  Proposed amounts available to pay rest \$	Liquidate or borrow against?	
Credit \$	Borrow or use credit to pay restitution?	
Debts owed \$	Subordinate non-necessary debts?	

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Less unnecessary \$		
Proposed adj. debts \$		
Other facts		
State's proposed monthly Restitution payments \$		

---End---