

INSTRUCTIONS FOR COLLECTING ON A CRIMINAL JUDGMENT OF CONVICTION IN CLARK COUNTY

If you were a victim of a crime and you are owed restitution as a result of a criminal Judgment of Conviction (“JOC”), you may be able to start the legal process to collect on that restitution.

This packet will give you the information and forms you need to begin a civil court case so you can collect on a restitution order. Before you begin on the collections process, you will initiate a court case by filing a Petition to Enforce Restitution Order on Criminal JOC Pursuant to NRS § 176.275(3). The Petition is the document that asks the court to recognize the JOC and to enforce the restitution order by allowing you to collect money from the defendant. You can file the Petition any time after a JOC has been entered. A JOC does not expire, which means you can collect on it until the restitution is paid in full. It is also non-dischargeable in a bankruptcy, which means the debt does not go away in a bankruptcy case.

This packet will guide you through the steps to begin a court case. Once you get through this packet, you will follow another set of steps to actually begin the collections through the constable or sheriff. Follow the steps below to begin the collection process on the restitution.

STEP 1: GET THE JUDGMENT OF CONVICTION

You will need a copy of the Judgment of Conviction. If you do not have a copy of that document, you can go to the clerks’ office where the criminal case took place and request a copy of the JOC. You can go to the District Court clerks’ office on the third floor of the Regional Justice Center at 200 Lewis Avenue in Las Vegas or contact the District Attorney’s Victim Witness Center at 702-671-2525.

Once you get a copy of the JOC, read through it carefully and look for a few things:

- Make sure you are named as a victim. *Potential issues:* Some JOCs say restitution is owed, but it does not say specifically to whom it is owed. Some JOCs do not name the victim by name, but rather by a victim ID number.
- Make sure the amount that you are specifically owed is listed. *Potential issue:* The JOC might list a total amount of restitution to several victims, but it might not break down clearly who gets what amount.

If your JOC specifically names you as a victim and clearly lists how much you are owed, you are ready to move to Step 2.

This document has been prepared as a courtesy and to assist you with completing your Petition. It is not to be construed as providing legal advice or representation on how to prepare your case.

However, if your JOC has any of the potential issues listed above or another issue not listed above, contact the Clark County District Attorney. Additionally, you might go to the clerks' office and find out that there was no JOC in your case, but that there was a Confession of Judgment or another order by a different name allowing the restitution. Get copies of whatever judgment or order allowed the restitution and contact the Clark County District Attorney. The DA's office can be reached at (702) 671-2500, DAinfo@clarkcountyda.com, or 200 Lewis Avenue in Las Vegas, Nevada.

STEP 2: PREPARE THE PETITION

Now that you have the JOC in front of you, you are ready to fill out the petition. The petition is the document that you will file with the court asking the judge to enforce the restitution order.

Attached to this packet is a fillable Petition to Enforce Restitution Order on Criminal Judgment of Conviction Pursuant to NRS § 176.275(3) and Declaration of Plaintiff/Judgment Debtor. You can fill it out by hand or you can fill it out on the computer. The fillable PDF form is at www.civillawselfhelpcenter.org. Fill out every section. Do not leave any questions blank. Also make sure you attach a copy of your JOC behind the sheet marked as Exhibit A. You will also fill out a proposed order form for the judge. You are the plaintiff in the case. The person who owes you the money or restitution as a result of a criminal case is the defendant. Later, once the judge allows you to enforce the order, you will become the judgment creditor, and the other person will become the judgment debtor.

STEP 3: FILE THE PETITION AND EXHIBIT WITH THE COURT

Once your petition is completely filled out and ready with the JOC attached as an exhibit, take your Petition to the district court clerks' office. The filing fee for a Petition is \$28.00. If you cannot afford this amount, Nevada allows you to ask the court to waive your filing fee. Waiving the filing fee is at the judge's discretion. If you want the court to waive your fee, complete an Application to Proceed in Forma Pauperis. You can obtain a fee waiver at the Civil Law Self-Help Center on the Center's website, www.civillawselfhelpcenter.org.

After filing, the clerk will stamp your petition. If you requested a fee waiver along with your petition, you will have to wait until your fee waiver is approved by the judge before you get a file-stamped copy of your petition. The clerk will also keep a copy of your proposed order for the judge's signature, if she grants your petition.

STEP 4: MAIL THE FILE-STAMPED PETITION TO THE DISTRICT ATTORNEY AND FILE A CERTIFICATE OF MAILING

Once you have a file-stamped copy of your petition, you should mail one copy of the petition to the District Attorneys' office at 200 Lewis Avenue, Las Vegas, NV 89101. Then, fill out the form that is called the Certificate of Mailing. You will plug in the date that you mailed

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the packet and sign the form, which lets the court know you completed the mailing. When that form is complete, go back to the clerks' office to file the Certificate of Mailing.

STEP 5: MAIL THE NOTICE OF ENTRY OF ORDER

If all goes well, the judge will sign the order that grants your petition. The order will be mailed to you, or if you need additional copies, you can pick up copies at the clerks' office. Within 14 days of the date of the order, fill out the form that is called Notice of Entry of Order Granting Petition to Enforce Restitution Order on Criminal Judgment of Conviction. (Make sure you also fill out the Certificate of Mailing that is the second page of the Notice.) Attach a copy of the Order to the Notice. Make one copy of the entire packet—the entire Notice and the Order. Put one packet in the mail to the District Attorneys' office at 200 Lewis Avenue, Las Vegas, NV 89101. Then take the other packet and file it at the clerks' office.

STEP 6: WHAT HAPPENS AFTER?

Thirty days after you mail the Notice of Entry of Order in Step 5, you can begin collecting on the judgment, which will require you identifying what you want to collect from (*i.e.* wages or bank accounts) and completing paperwork to collect. You will fill out a series of forms, including a Writ of Execution, that will be signed by the court clerk and delivered to the constable or sheriff. The constable or sheriff will then collect on the wages or bank accounts from there. For more information on actually collecting on the judgment, visit “Garnishing Wages or Attaching Bank Accounts” at www.civillawselfhelpcenter.org to begin the collection process. The steps to follow and the forms you will need to collect are all available at the Civil Law Self-Help Center at 200 Lewis Avenue and online.

You might also find that you have no information about the defendant's money or property. Without that information, it is impossible to collect on the judgment. You can use a “judgment debtor examination,” which is a tool where you ask the court for an order requiring the judgment debtor to appear in court and answer questions under oath about his money or property. At that hearing, you will gather as much information as possible to force payment from the defendant, and you can ask about where the defendant works, banks, and what he owns. For more information on getting information on a defendant's assets, visit “Getting Information About A Judgment Debtor's Assets” at www.civillawselfhelpcenter.org to begin the process. The steps to follow and the forms you will need to collect are all available at the Civil Law Self-Help Center at 200 Lewis Avenue and online.

1 **PET**

2 _____
(Name)

3 _____
(Mailing address)

4 _____
(City, state, zip code)

5 _____
(Telephone number)

6 _____
(E-mail address)

7 Plaintiff, In Proper Person

8 **EIGHTH JUDICIAL DISTRICT COURT**
9 **CLARK COUNTY, NEVADA**

11 _____,
12 Plaintiff(s),
13 vs.
14 _____,
15 Defendant(s).

Case No.: _____

Dept. No.: _____

17 **EX PARTE PETITION TO ENFORCE RESTITUTION ORDER ON CRIMINAL**
18 **JUDGMENT OF CONVICTION PURSUANT TO NRS 176.275(3) AND DECLARATION**
19 **OF PLAINTIFF/JUDGMENT CREDITOR(S)**

20 Plaintiff (*insert your name*) _____ (hereafter "Plaintiff"), hereby
21 petitions the Court to enforce a restitution order on a criminal judgment of conviction against
22 Defendant (*insert defendant's name*) _____ (hereafter "Defendant") pursuant
23 to NRS 176.275(3) as follows:

24 **I. Parties**

25 1. Plaintiff is, and was at all times relevant herein, a resident of the State of Nevada,
26 County of Clark.

27 2. Defendant is, and was at all times relevant herein, a resident of the State of Nevada,
28 County of Clark.

1 **II. Jurisdiction and Venue**

2 3. The Eighth Judicial District Court in Clark County, Nevada has subject matter
3 jurisdiction over this matter pursuant to Article 6, Section 6 of the Nevada Constitution and
4 Nevada Revised Statutes § 14.065.

5 4. The Eighth Judicial District Court in Clark County, Nevada is the proper venue for
6 this matter pursuant to NRS § 13.040.

7 **III. General Allegations**

8 5. The State of Nevada filed a criminal complaint against Defendant in Case Number
9
10 *(insert case number found on the right side of the caption on the Judgment of Conviction)* _____.

11 6. Defendant was convicted in the above-referenced criminal case.

12 7. The Eighth Judicial District Court in Clark County, Nevada entered a Judgment of
13 Conviction in the criminal case on *(insert date the Judgment of Conviction was filed—usually there is a date at the top right of*
14 *the first page)* _____ and ordered Defendant to pay restitution in the amount of *(insert*
15 *amount of restitution that Defendant was ordered to pay you)* \$_____ to Plaintiff. Attached hereto as
16 **Exhibit A** is a true and correct certified copy of the Judgment of Conviction ordering the
17 restitution (hereafter “Judgment of Conviction and restitution order”).

18 8. Plaintiff alleges that *(check one box)*:

19 No payments have been made to Defendant in satisfaction of the Judgment of
20 Conviction and restitution order.

21 Defendant has made payments in partial satisfaction of the Judgment of
22 Conviction and restitution order in the amount of *(insert amount of money you have received so*
23 *far for the restitution)* \$_____.

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25 9. The restitution has not been satisfied; therefore, Plaintiff is entitled to such writs to
26 aid in execution of Plaintiff’s Judgment of Conviction and order for restitution pursuant to NRS
27 176.275 and NRS 21.010 et. seq.

28 ///

1 **DECLARATION OF PLAINTIFF/JUDGMENT CREDITOR**

2 I, *(insert your name)* _____, the Plaintiff seeking enforcement of a restitution
3 order on a criminal judgment of conviction, being duly sworn, state as follows:

4 1. I am over the age of 18 and I have personal knowledge of the facts stated herein. I am
5 competent to testify hereto and if called as a witness, I could and would testify as follows.

6 2. That, I, *(insert your name)* _____, am the beneficiary of the restitution
7 ordered in the Judgment of Conviction, file-stamped *(insert date the Judgment of Conviction was filed—usually there*
8 *is a date at the top right of the first page)* _____, in Nevada Eighth Judicial District Court Case
9 Number *(insert case number found on the right side of the caption on the Judgment of Conviction)* _____. A true
10 and correct certified copy of the Judgment of Conviction is attached hereto and marked as
11 “Exhibit A.”
12

13 3. The Judgment of Conviction which orders restitution is valid and enforceable.

14 4. Plaintiff alleges that *(check one box)*:

15 No payments have been made to Defendant in satisfaction of the Judgment of
16 Conviction and restitution order.

17 Defendant has made payments in partial satisfaction of the Judgment of Conviction and
18 restitution order in the amount of *(insert amount of money you have received so far from the restitution)* \$_____
19.

20 5. The last known address of the Defendant is *(insert Defendant’s last known address)*:

21 _____

22 6. The last known address of the Plaintiff is *(insert your address)*:

23 _____

24 I declare under penalty of perjury under the laws of the State of Nevada that the above and
25 foregoing is true and correct.

26 DATED this _____ day of _____, 20____.

27 _____
28 *(Signature)*

28 _____
(Print name)

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EXHIBIT A
(Judgment of Conviction)

(Name)

(Address)

(City, State, Zip)

(Telephone)

Plaintiff, Pro Se

EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

Plaintiff(s),

vs.

Defendant(s).

Case No.: _____

Dept. No.: _____

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on the ____ day of _____, 20____, I placed a true and correct copy of the Ex Parte Petition to Enforce Restitution Order on Criminal Judgment of Conviction Pursuant to NRS 176.275(3) and Declaration of Plaintiff/Judgment Creditor(s) in the United States Mail, with first-class postage prepaid, addressed to the following:

Office of the District Attorney
200 Lewis Avenue
Las Vegas, NV 89101

Per NRS 53.045, I declare under penalty of perjury that the foregoing is true and correct.

(signature)

(print name)

Plaintiff, Pro Se

1 **PET**

2 _____
(Name)

3 _____
(Mailing address)

4 _____
(City, state, zip code)

5 _____
(Telephone number)

6 _____
(E-mail address)

7 Plaintiff, In Proper Person

8 **EIGHTH JUDICIAL DISTRICT COURT**
9 **CLARK COUNTY, NEVADA**

11 _____,
12 Plaintiff(s),
13 vs.
14 _____,
15 Defendant(s).
16 _____

Case No.: _____

Dept. No.: _____

17 **ORDER GRANTING PETITION TO ENFORCE RESTITUTION ORDER ON**
18 **CRIMINAL JUDGMENT OF CONVICTION**

19 This Petition to Enforce Restitution having come before this Court ex parte in the above-entitled
20 Court, and this Court being fully advised and for good cause appearing,

21 **IT IS HEREBY ORDERED** as follows:

22 The above-referenced Petition is **GRANTED** in full, and Plaintiff shall be permitted to
23 enforce the Judgment of Conviction and restitution order to the extent allowed by law.

24 The above-referenced Petition is **DENIED** in full.

25 DATED: _____

26 _____
DISTRICT COURT JUDGE

27 Submitted By:

28 _____
(Signature)

28 _____
(Print name)

1 **NEOJ**

2 _____
(Name)

3 _____
(Mailing address)

4 _____
(City, state, zip code)

5 _____
(Telephone number)

6 _____
(E-mail address)

7 Plaintiff, Self-Represented

8 **EIGHTH JUDICIAL DISTRICT COURT**
9 **CLARK COUNTY, NEVADA**

11 _____,
12 Plaintiff(s),
13 vs.
14 _____,
15 Defendant(s).
16

Case No.: _____
Dept. No.: _____

17 **NOTICE OF ENTRY OF ORDER GRANTING PETITION TO ENFORCE**
18 **RESTITUTION ORDER ON CRIMINAL JUDGMENT OF CONVICTION**

19 Please take notice that the above-entitled Court entered the following Order Granting
20 Petition to Enforce Restitution Order on Criminal Judgment of Conviction on the (day Order was
21 entered) _____ (month Order was entered) _____, (year Order was entered) 20____.

22 DATED this _____ day of _____, 20____.

23 I declare under penalty of perjury under the laws of the State of
24 Nevada that the foregoing is true and correct.

25 _____
(Signature)

26 _____
(Print name)

27 Plaintiff, Self-Represented

1 **CERTIFICATE OF MAILING**

2 I HEREBY CERTIFY that on the *(day that you are mailing this document)* _____ day of
3 _____, 20____, I placed a true and correct copy of the Notice of Entry
4 of Order Granting Petition to Enforce Restitution Order on Criminal Judgment of Conviction in
5 the United States Mail, with first-class postage prepaid, addressed to the following:
6

7 Office of the District Attorney
8 200 Lewis Avenue
9 Las Vegas, NV 89101

10
11 I declare under penalty of perjury under the laws of the State of Nevada that the
12 foregoing is true and correct.

13 DATED this _____ day of _____, 20 _____.

14 _____
(Signature)

15 _____
(Print name)