

PRESENT: Hon. / Justice _____

STATE OF NEW YORK

_____ COURT: _____ County

THE PEOPLE OF THE STATE OF NEW YORK

-Against-

ORDER DIRECTING RESTITUTION

_____, Defendant

(Address)

Defendant having been convicted of the crime of _____, in violation of Section _____ of the Penal Law of the State of New York, in satisfaction of the above charges, and it appearing that the defendant should make restitution and reparation to the victim of his/her crime, and the District Attorney, the defense attorney and the defendant all agreeing and the court finding on said agreement that the damages to the victim are as follows:

ORDERED AND ADJUDGED that the defendant shall pay to Schuyler County Probation (Court) the sum of:

RESTITUTION:

| (Victim – Address) | (Amount) |
|---------------------------|-----------------|
| _____ | \$ _____ |
| _____ | \$ _____ |
| _____ | \$ _____ |
| _____ | \$ _____ |
| _____ | \$ _____ |

10% Surcharge Ordered by the Court: _____ \$ _____

Total Amount of Restitution and Surcharges Owed: _____ \$ _____

RESTITUTION: Payable in installments of \$ _____ per week/month. To be paid-in-full by _____.

Restitution Jointly and Severely with Co-defendants:
_____.

FINES OTHER FEES:

\$ _____ Amount of fine (Payable to the Court unless otherwise noted)
\$ _____ Court surcharge (Payable to the Court unless otherwise noted)
\$ _____ Total owed

FINES/FEES: Payable in installments of \$_____per week/month. To be paid-in-full by _____.

And restitution having been imposed as a part of the sentence in this case, and the Court having found that defendant will be able to pay restitution as hereinafter provided, and defendant and his/her attorney having consented to the imposition of restitution to be paid as hereinafter provided, it is

ORDERED that the Schuyler County Probation Department pay over to the victims the restitution collected, after retaining ten percent (10%) of the amount collected, to which they are entitled, and the Probation Department notify the Schuyler County Clerk when full payment has been made; and it is further

ORDERED that the defendant is hereby specifically given the opportunity to request a hearing on the questions of restitution and reparation as herein determined within thirty days of the date hereof by filing a notice of a request for such hearing with this court on or before _____; and is further

ORDERED that the District Attorney, unless a notice has been received requesting a hearing as provided for in the Ordered immediately hereinabove, shall file a certified copy of this order in the Schuyler county Clerk’s office where it shall be entered as a judgment in a civil action and docketed pursuant to Section 420.10(6) of the Criminal Procedure law; and it is further

ORDERED that any payment made pursuant to this Order Shall not limit, preclude or impair any liability for damages in any civil action or proceeding for an amount in excess of such a payment.

Dated this _____ day of _____, _____

Court

(Signed) Hon.

cc: Defendant
Probation
District Attorney’s Office
Defense Counsel

STATE OF NEW YORK
Court
COUNTY OF SCHUYLER

THE PEOPLE OF THE STATE OF NEW YORK

AFFIDAVIT

VS

_____, DEFENDANT

STATE OF NEW YORK }
COUNTY OF SCHUYLER } ss:

Christopher T. Rosno, being sworn, deposes and says that:

1. I am employed by Schuyler County as the Director of the Probation Department.
2. The Schuyler County Probation Department is the designated agency responsible for the collection and administration of restitution and reparation payments pursuant to Criminal Procedure Law Section 420.10(B).
3. I am familiar with the above matter as to what this office's costs would be for the collection and administration of restitution and/or reparation ordered.
4. A review of our records from the past year indicates that the actual costs for collection and administration of restitution or reparation in similar cases has always exceeded 5% of the amount actually collected, and more realistically, has equaled 10% of that amount. The office continues to monitor these costs on a monthly basis.
5. It is my belief that the costs for the collection and administration of any restitution and/or reparation ordered in this case will also equal 10% of the amount actually collected.

WHEREFORE, your deponent respectfully requests that in accordance with Penal Law Section 60.27(8), the Defendant be directed to pay an additional surcharge of 5% of the entire amount of any restitution and/or reparation payment; said additional surcharge being added to the 5% already statutorily **authorized for a total of 10% of the entire amount of any restitution and/or reparation payment ordered.**

DATED: _____
_____ (Signature)

Sworn to before me this
_____ day of _____

Notary Public OR _____
Court Clerk