

OFFICE OF THE STATE'S ATTORNEY
NINTH JUDICIAL CIRCUIT OF ILLINOIS
WARREN COUNTY

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Restitution Instructions

Restitution can be an important part of a criminal case. As the victim in this case, you may be eligible to receive restitution for certain out-of-pocket expenses you may have incurred as a result of this crime. The ultimate decision on how much restitution will be ordered is made by the Court. However, the Warren County State's Attorney's Office and Victim Witness Coordinator can assist the Court in making the decision by providing it with detailed and accurate information regarding your loss.

If you are wanting to pursue restitution, please complete and return the Restitution Request form in this packet. Our office needs copies of the repair of all bills, receipts, estimates, insurance payments, deductible amount and any other information necessary to prove what your loss is. **WITHOUT THIS INFORMATION, RESTITUTION CANNOT BE ORDERED.**

Please note the following:

Property Damage/Loss: Include a copy of the repair bill, estimate and/or receipts. If you include an estimate, make sure we have the name, address and phone number of the person who prepared the estimate.

Medical Expenses: Attach copies of all medical bills including any prescription medication receipts, if any. Do not send the "Explanation of Benefits" from your insurance company. Please send copies of the actual bill. Also, please keep in mind criminal cases can take several months and up to a year or more to resolve. Therefore, **it is important to work with your medical providers regarding payment so you are not sent to a collection agency.**

Insurance: Please indicate if you are filing a claim with an insurance carrier. Provide the name and address of your insurance company. Include the amount of your deductible and the amount of any payments already made by the insurance company. If you receive Medicare/Medicaid benefits, please note that on the form. If you do not have any insurance, note that as well.

Lost wages: By law, we cannot include this in restitution.

It is important for you to keep in mind the defendant may not be ordered to pay restitution as they may be found not guilty. Even if the defendant is ordered to pay restitution, it may take years for the restitution to be paid in full. However, once restitution is ordered we will make every reasonable attempt to collect it for you.

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There are two other ways of trying to recover your losses;

A. Crime Victim Compensation Program also known as, CVC

- Crime Victim Compensation is administered by the Illinois Attorney General's Office
- CVC provides direct financial assistance (up to \$27,000) to victims of violent crime to **reimburse out-of-pocket expenses** related to the crime
- The Illinois Attorney General's office investigates claims by gathering all necessary documentation from law enforcement, vendors and the claimant.

Expenses NOT covered by the CVC Program:

- Property Loss or Damage
- Pain and Suffering
- Counseling services that are NOT therapy sessions – ex: Advocacy, court appearances, forensic interviews

*The time-frame for reimbursement is normally six months but could take up to one year. *
(Any questions regarding CVC, call (800) 228 3368 or visit crimevictimservices@atg.state.il.us)

B. Civil Damages

- You may try and recover your losses by a civil lawsuit against the defendant
- A civil lawsuit is completely separate from the criminal case we have in the Warren County State's Attorney's Office
- You may need a lawyer to bring such a suit
- The decision to file a civil suit must be made by **you**; the Warren County State's Attorney's Office **cannot** assist you in this matter.

You may call Shanae Gray, the Victim Witness Coordinator in the Warren County State's Attorney's Office with any questions regarding Restitution and/or the Crime Victim Compensation Program. Call 309/734-8476.

Definitions & Terms most often used throughout the criminal court process



First Appearance – is a defendant's first appearance in court. The court advises the defendant of the charge(s), penalties, rights and sets bond. In felony cases, a date is often set for a preliminary hearing. In misdemeanor cases, the initial appearance is also the arraignment and, often times, the defendant will enter a plea of guilty, not guilty or no contest.

Status Hearing – is a court appearance where the attorney's update the Judge about the progress of the case. On occasion, the defendant will enter or accept a plea during a status hearing.

Arraignment – a hearing in which the defendant is formally charged and can plead either guilty or not guilty or no contest. In felony cases, an arraignment follows a preliminary hearing.

Plea – defendant admits or denies commission of a crime by pleading guilty (no contest) or not guilty. The defendant will be convicted of committing the crime they plead guilty to.

Pretrial Conference – a conference between attorneys to see if the case can be settled without going to trial.

Trial – a hearing where the prosecution and defense present evidence to establish the defendant's guilt or innocence before a jury of the defendant's peers. The burden is on the prosecution to prove the defendant's guilt beyond a reasonable doubt. If the court finds the defendant guilty, the case proceeds to sentencing. If the defendant is found not guilty, the case is dismissed.

Bench Trial – a hearing where the prosecution and defense present evidence to establish the defendant's guilt or innocence. The burden is on the prosecution to prove the defendant's guilt beyond a reasonable doubt. If the court finds the defendant guilty, the case proceeds to sentencing. If the defendant is found not guilty, the case is dismissed. A bench trial takes place in front of a judge only.

Sentencing – a hearing in which the punishment of a defendant is determined. This occurs after a guilty plea or a finding of guilty by a jury or the court. Victims and witnesses may be present for and address the court prior to sentencing.

Dismissal – the charge or charges brought against the defendant are terminated/dismissed. No conviction on their record.

Nolle Prosequi – formal notice of abandonment by a prosecutor of all or part of a suit or action.

*Any questions regarding these definitions/terms please call Shanae Gray, the Warren County Victim Witness Coordinator in the State's Attorney's Office at 309/734-8476. *