

*In order for the District Attorney's Worthless Check Unit to assist you with collection of a worthless check or to successfully prosecute, it is necessary for you to read and understand the information on the guidelines for obtaining a warrant. Be sure you have met all the guidelines. Please provide all the information you have on the check writer such as: place of employment, home address, phone numbers Driver's License number etc. Be sure you have filled out all the information on the Affidavit/Warrant using the direction sheet we provide.*

## **MERCHANT GUIDELINES FOR OBTAINING A WORTHLESS CHECK WARRANT**

**WARRANTS MUST BE SIGNED BY A MAGISTRATE IN THE CIRCUIT CLERKS OFFICE, located in the Etowah County Judicial Building at 801 Forrest Ave, Gadsden, AL 35901. Checks can be turned over Monday through Friday 8am -4:30pm.**

**The Etowah County District Attorney's Worthless Check Unit guidelines assist you with the collection of worthless checks and successful prosecutions are as follows:**

- 1. All worthless checks must be stamped INSUFFICIENT FUNDS, ACCOUNT CLOSED OR REFER TO MAKER.**
- 2. A check must be processed within 1 year of the date it was written.(We request that the warrant be obtained within 60 days of the check date)**
- 3. Checks must have been passed in person or received by mail in Etowah County.**
- 4. The following will not be accepted:**
  - 1. Checks that have been processed by a private collection agency**
  - 2. Checks one year or older**
  - 3. Checks that are stamped STOP PAYMENT or FRAUD SIGNATURE**
  - 4. Checks where partial payment has been taken**
  - 5. Checks outside of Etowah County**
  - 6. Checks that are involved in a small claims or civil matter**
  - 7. Checks where the age of the defendant is less than eighteen on or before the check date**
  - 8. Hold checks, Postdated checks or Two party checks**
- 5. Once the warrant is signed, the case is turned over to the District Attorney and no payment from the check writer is to be accepted by the merchant. A warrant will not be withdrawn unless approved by the District Attorney's Office and a \$30 warrant withdrawal fee will be charged to the merchant.**

**\*Checks written on insufficient funds must have a ten day notice sent to the check writer by certified mail/return receipt requested to the address on the check or another address provided by the check writer. The check must be given ten full days from the notice to make the check good. After the days, a warrant may be obtained. If the certified letter is returned unclaimed, undeliverable, or refused, no waiting period is required (DO NOT OPEN MAIL). \*Checks written on account closed do not require any notice. The person obtaining the warrant must bring the original check, and the green receipt/request card. The affidavit/complaint form to be filled out before the warrant is signed. The warrant must be signed in the presence of the magistrate.**

*Etowah County District Attorney's Special Services Division  
801 Forrest Ave, Suite G11  
Gadsden, AL 35901  
256-549-5363, 256-549-5360*

READ CAREFULLY

DA/IWC# \_\_\_\_\_

**OFFICE OF THE DISTRICT ATTORNEY  
SIXTEENTH JUDICIAL CIRCUIT  
WORTHLESS CHECK COMPLAINT**

DEFENDANT: _____	VICTIM: _____
ADDRESS: _____ _____	ADDRESS: _____ _____
TELEPHONE: _____	TELEPHONE: _____
DOB: _____ DL: _____	PERSONNEL THAT RECEIVED THE CHECK: _____
EMPLOYER: _____	WAS CHECK POSTE DATED? _____
SOCIAL SECURITY#: _____	WHAT DID DEFENDANT RECEIVE AT THE THE TIME CHECK WAS GIVEN? _____
RACE: _____ SEX: M F	WAS CERTIFIED NOTICE SENT TO DEF.? _____
HGT: _____ WGT: _____	IS CHECK ATTACHED TO COMPLAINT? _____
HAIR: _____ EYES: _____	HAS CHECK BEEN REFERRED TO A COLLECTION AGENCY OR ATTORNEY, OR BEEN THE BASIS OF ANY/OR CIVIL PROCEEDING PRIOR TO BEING PRESENTED TO THIS OFFICE? ___ YES ___ NO
AMOUNT OF CHECK: \$ _____	
IDEN .MARKS: _____	
SERVICE CHARGE: _____	

**COMPLAINT INFORMATION**

I hereby complain that I have received a **WORTHLESS CHECK** from the above Defendant, and have sent the Defendant notice pursuant to Alabama law, and the Defendant has failed to respond within the time allowed.

I wish to have this matter processed by the Worthless Check Unit of the District Attorney Office for the Sixteenth Judicial Circuit. I understand that a Warrant of Arrest for the Defendant, signed by me, will be issued and held by this Unit. I understand that a notice of this signed complaint will be sent to the Defendant, and that he/she will have ten days to surrender and make arrangements to make **RESTITUTION** on this check. I further understand that I give up the right to accept **RESTITUTION** directly from the Defendant, but will receive any and all **RESTITUTION** through the District Attorney's Office. I also, understand that should the Defendant fail to surrender or if no **RESTITUTION AGREEMENT** is made, or if the Defendant fails to abide by the **RESTITUTION AGREEMENT**, then this matter will be prosecuted in a criminal court. I may then be called upon to testify and aid in this prosecution. I further understand that if, after I have signed this **COMPLAINT**, I wish it withdrawn, I may do so for good cause, but, I will have to pay a service charge of thirty dollars (\$30).

To all of the foregoing I do, by my oath and signature below, **SWEAR** and **AFFIRM** as true, to the absolute best of my knowledge and belief on the \_\_\_ date of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
**COMPLAINANT**