

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
PROBATION OFFICE**

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Reply to: **St. Paul**

December 10, 2009

To Whom It May Concern:

RE: **U.S.A. v. Thomas Joseph Petters**
Docket No. 0:08CR00364-001(RHK)

On December 2, 2009, the defendant was convicted of multiple counts including CONSPIRACY TO COMMIT MAIL AND WIRE FRAUD, MAIL FRAUD, WIRE FRAUD, CONSPIRACY TO COMMIT MONEY LAUNDERING, AND MONEY LAUNDERING. You have been identified as a possible victim of this offense. In order to obtain information necessary for sentencing, the Court has ordered a presentence investigation. An important part of the presentence investigation is determining the impact of the crime on victims. I have been assigned to do that investigation.

A complete explanation of the type(s) of compensation you may be entitled to receive is enclosed with this letter. It is your right to submit information concerning the amount of your losses to me. Enclosed is an affidavit relating to the amount of loss subject to restitution. This declaration form does not need to be notarized. I will submit this information to the Court on your behalf should you wish to exercise your right to submit such a form. If you wish to have such information considered in the preparation of the presentence report, please return the enclosed documents to me within fourteen days.

You also have a right to a written victim impact statement, which helps the Judge understand the non-monetary effects of the crime. Enclosed is a form for that purpose. Please return it with your declaration form.

Our office cannot guarantee restitution in any amount will be awarded to you at sentencing. That determination will be made by the Court. You will be notified when a sentencing date has been set. Your attendance at this proceeding is not required, but you or a representative are welcome to attend if you choose.

If you are awarded restitution by the Court, you may request the Clerk of Court to issue an abstract certifying that a judgment has been entered in your favor for the amount specified by the order. Upon filing in accordance with the rules and requirements of the state of Minnesota, the abstract of judgment shall be a lien upon the property of the defendant located in such state in the same manner, to the same extent, and under the same conditions as a judgment of a court of general jurisdiction of such state. Accordingly, it is recommended you talk with an attorney regarding how to proceed in your situation.

In the event you are awarded restitution, it is your responsibility to notify the Court and the U.S. Attorney's Office in this district of any change in your mailing address while restitution is still owed. The Clerk of Court telephone number is 612-664-5000 and the U.S. Attorney's number is 612-664-5600.

Sincerely,

Peter I. Madsen, U.S. Probation Officer
Telephone: 651-848-1246
Email: Peter_Madsen@mnp.uscourts.gov

Explanation of Losses Subject to Restitution

The Mandatory Victims Restitution Act of 1996 provides that you may be entitled to an order of restitution for certain losses suffered as a direct or proximate result of the commission of the offense for which the defendant was convicted. The types of losses for which the statute provides restitution are explained below. You have the right to explain these losses in detail in the attached affidavit form.

In the case of an offense resulting in damage to or loss or destruction of property of a victim of the offense, the Court may order: the return of property to the owner of the property or someone designated by the owner; or if return of the property is impossible, impractical, or inadequate, the Court may order payment of an amount equal to the greater of the value of the property on the date of the damage, loss, or destruction, or the value of the property on the date of sentencing, less the value (as of the date the property is returned) of any part of the property that is returned.

In the case of an offense resulting in bodily injury to a victim, the Court may order: payment of an amount equal to the cost of necessary medical and related professional services and devices relating to physical, psychiatric, and psychological care, including nonmedical care and treatment rendered in accordance with a method of healing recognized by the law of the place of treatment; payment of an amount equal to the cost of necessary physical and occupational therapy and rehabilitation; and reimbursement to the victim for income lost by such victim as a result of such offense.

In the case of an offense resulting in bodily injury that also results in the death of a victim, the Court may order payment of an amount equal to the cost of necessary funeral and related services.

In any case, the Court may order reimbursement to the victim for lost income and necessary child care, transportation, and other expenses related to participation in the investigation or prosecution of the offense or attendance at proceedings related to the offense.

In any case, if the victim (or if the victim is deceased, the victim's estate) consents, the Court may order the defendant to make restitution in services in lieu of money or to make restitution to a person or organization designated by the victim or the estate. (18 U.S.C. § 3663)

In addition, the victim may at any time assign the victim's interest in restitution payments to the Crime Victims Fund in the Treasury without in any way impairing the obligation of the defendant to make such payments. (18 U.S.C. § 3664)

If a victim has received compensation from insurance of any other source with respect to a loss, the Court shall order that restitution be paid to the person who provided or is obligated to provide the compensation, but the restitution order shall provide that all restitution of victims required by the order be paid to the victims before any restitution is paid to such a provider of compensation. (18 U.S.C. § 3664)

If you desire to speak to the Court at sentencing, please contact the United States Attorney's Office Victim Witness Coordinator, Adan Perez at 612-664-5715.

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FINANCIAL LOSS STATEMENT

Name of Victim: _____

Address: _____

Telephone: _____

1. List the property that was taken, lost, destroyed, or damaged as a result of this crime. Please also include approximate value.

_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____

2. In the case of an offense resulting in bodily injury or a sexual offense, list expenses relating to the medical, psychological, and psychiatric care needed as a result of this crime. If the bodily injury also resulted in death, list the cost of necessary funeral and related expenses.

_____	\$ _____
_____	\$ _____
_____	\$ _____

3. List lost income or wages, dates incurred, and employer's name and address.

_____	\$ _____
_____	\$ _____
_____	\$ _____

4. List miscellaneous expenses (necessary child care, transportation, and other expenses) that were incurred during participation in the investigation or prosecution of the offense.

_____	\$ _____
_____	\$ _____

(Use this amount in the first paragraph of the declaration.) **TOTAL LOSS** \$ _____

VICTIM IMPACT STATEMENT

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Probation Officer: Peter I. Madsen

Telephone: 651-848-1246

Name of Victim: _____

How were you and members of your family affected by this crime?

(If necessary, continue your statement on an additional piece of paper.)

Have you or members of your family received counseling or therapy as a result of this crime? Please explain.

What are your thoughts on sentencing of the defendant?

Are there any comments you would like to make concerning restitution?

Do you believe the defendant represents a continued risk to you?

Any other comments? (Use additional paper if needed.)

Date: _____

Signature: _____

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Declaration of Victim Losses

UNITED STATES OF AMERICA,

Plaintiff,

v.

Thomas Joseph Petters,

Defendant.

Docket No. 0:08CR00364-001(RHK)

AFFIDAVIT

I, _____, residing at _____, in the city (or county) of _____, in the state of _____, am victim in the above-referenced case, and I believe that I am entitled to restitution in the total amount of \$_____.

My specific losses as a result of this offense are summarized as follows:

I have been compensated by insurance or another source with respect to all or a portion of my losses in the amount of \$_____. The name and address of my insurance company and the claim number for this loss are as follows:

I understand that knowingly giving false information on this form is a crime under federal law. I declare under penalty of perjury that the foregoing is true and correct.

Executed this _____ day of _____, 2009.

(Signature)