

Quick Quiz on Comparison of Economic “Loss” and Restitution

1. What is the “causation standard” for “loss”? Restitution?
2. Which is more closely related to restitution, Actual Loss or Intended Loss?
3. How is interest treated by both?
4. Risk of loss? Motivation of the defendant?
5. How does the purpose of loss differ from that of restitution?
7. Defendant returned part of the stolen property to the victim. If the return was prior to detection of the offense, will it be credited against the loss computation? Restitution computation? If the return took place *after* detection but prior to sentencing, will it be credited for loss? For restitution?
8. Are attorneys’ fees included in loss? In restitution?
9. There are valuation of property rules articulated for loss, but where does the similar determination come from for restitution?
12. The government undercover agent gets the defendant to “sell” him bogus stocks. Is the value of the stocks included in loss? In restitution?
14. How are victims’ expenses incurred in participating with the investigation and prosecution of the case handled for loss purposes? For restitution?
15. Are costs to the government in prosecuting a case included in either?
16. The defendant is arrested with numerous stolen or false credit cards, only one of which he has used. How does the computation of loss differ from that for restitution, on these facts?