

Loaners, speeders get advice Court can settle credit card fraud; ticket error correctable

By Shelley Stall
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Question: At the beginning of the semester, a friend from my hometown was broke and needed to buy \$85 worth of books for classes. I loaned him my credit card to buy the books. When I got my credit card bill, I discovered he charged the books plus about \$400 worth of clothes and records. I asked him to return my credit card and pay me back. He said he lost the card and keeps making excuses about why he can't pay me back. Now he won't return my phone calls. I realize I've been taken advantage of, but what can I do now?

Signed, Betrayed



Answer: Dear Betrayed: The first thing you must do is pick up the phone and call your credit card company to cancel your card. Confirm the phone cancellation with a dated letter to the card company. Keep a copy of the letter.

Next, call the police. When your "friend" decided to make free use of your credit card beyond the limits of your agreement with him, he committed a theft. The police will investigate and make a report to the county attorney. If the county attorney decides to prosecute, you may be able to recover your money. Hopefully, the court will convict your friend of theft and order him to pay back the money as part of his sentence.

You are not responsible for charges made with your card from the date you notify the card company. As to the \$400 already charged, most credit card companies have a policy of holding you responsible if you voluntarily loan your card to someone. However, if you cooperate in prosecuting the person who made the charges and the court determines the \$400 charges constitute a theft, the credit card company would probably treat the matter as they would a card that was stolen or lost and used by someone who found it — i.e., you

would not be held responsible for the \$400.

If you do not recover your money through the criminal court system, you can always sue your (former) friend in Small Claims Court and collect by garnishing wages or bank accounts or attaching property once you get a judgment.

Betrayed, never loan someone your credit card. If you want to help someone buy books, go with them to the bookstore and charge the books yourself.

Question: I got a speeding ticket for going 90 mph on the interstate. The state patrolman misspelled my name. Can I beat this ticket in court? Signed, Mario.

Answer: Dear Mario: Probably not. One of the elements of a traffic offense of speeding is the iden-

tity of the driver. In order for the court to convict you of the speeding offense, the court must find that you were the person who operated the motor vehicle in excess of the speed limit. If you plead not guilty and proceed to trial, the arresting officer will testify. If he can identify you by appearance, the fact that he mistakenly misspelled your name will not result in your acquittal. Generally, minor mistakes in spelling in a complaint will not allow a defendant to avoid the consequences of his or her wrong doing. Slow down and live.

If you have a legal question or problem for this column, send your cards and letters to Ask Your Attorney, c/o Shelley Stall, Nebraska Union 335, UNL, City Campus.

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