

Areas of Defense

[DC DUI / DC DWI](#)

[DC Assault](#)

[DC Drug Possession](#)

[DC Armed Robbery](#)

[DC Murder](#)

[DC Gun Charges](#)

[DC Fraud](#)

[DC Sex Offenses](#)

[DC Conspiracy](#)

[DC Driving Offense](#)

DECEMBER 2, 2010

[David Benowitz on Fines and Sentencing](#)

As a [Washington DC criminal defense attorney](#), I often encounter issues involving fines imposed as part of a sentence. This is a particularly interesting situation I recently encountered.

The Honorable Brian Holeman, an Associate Judge at D.C. Superior Court, recently reversed his position on the return of a \$5,000 fine in a criminal contempt case. Since the contempt conviction was vacated both prosecutors and DC criminal defense attorneys for the defendant asserted that Judge Holeman had the authority to order the return of the fine since it was attached to a conviction that no longer existed.

Judge Holeman initially responded to a demand from the D.C. Court of Appeals to justify his position that the fine should not be returned by stating that the fine was beyond his control since it had already been paid by the defendant. However, with the potential for a reversal from the Court of Appeals potentially on the horizon, Judge Holeman suddenly reversed himself last week and ordered the fine returned "in the interests of justice."

Although more than a year of litigation was involved in effecting the return of the fine, it seems that the appropriate result was reached. As a Washington DC criminal defense attorney, [Maryland criminal defense attorney](#), or [Virginia criminal defense attorney](#), it's important to remember to keep pushing for the result you want no matter how long it takes.

This blog post is written by David Benowitz, one of the founding partners of Price Benowitz LLP.