

For Immediate Release
September 2, 2015

Today, the National Crime Victim Law Institute (NCVLI) was part of an important victory for victims of child rape imagery (a.k.a. child pornography) who seek to prevent copies of their images being disseminated during court cases. Judge Kimberly J. Mueller of the U.S. District Court for the District of California held that the Adam Walsh Child and Protection Safety Act of 2006 permitted the Government to refuse to make a mirror copy of computer media seized from a criminal defendant as part of a prosecution. Instead of obtaining a copy of the materials, the defense attorney and any defense computer expert must examine the existing materials in a secure government facility.

In a brief filed earlier this summer available [here](#), Paul Cassell of the S.J. Quinney College of Law at the University of Utah, Seattle-based attorney Carol Hepburn and San Jose-based attorney Michael J. Garvin of the law firm of Sheuerman, Martini, Tabari, Zenere and Garvin, with legal technical assistance from NCVLI, argued on behalf of the victim, identified only as "Vicky," that duplication of the images showing Vicky's sexually abuse would violate her rights and further traumatize her. Vicky personally filed an affidavit, explaining that "If the defense expert takes the computer media out of the control of law enforcement there will be other people in her office who may likely see my images. There is always the possibility that the media is lost or transmitted further to someone else. I am horrified at the prospect of the justice system somehow facilitating more and more people seeing what is the record of my nightmares."

In sixteen-page ruling available [here](#), Judge Mueller agreed with NCVLI and the victim's position. The Judge explained that "the record does not establish that . . . the government has not made the defendant's hard drive 'reasonably available' by providing 'ample opportunity' for inspection." The Judge accordingly refused the defense request to allow copying and required the defense to examine the hard drive within the Homeland Security Investigations office in Sacramento.

"This ruling is a tremendous victory for victims and for the criminal justice system because it demonstrates that courts can properly protect both defendants' and victims' rights," said Meg Garvin, Director of the National Crime Victim Law Institute and Clinical Professor of Law. She went on "the ruling protects victims privacy and prevents the system from re-victimizing victims, while also ensuring defendants can prepare for trial."

Noting that Attorney Mike Garvin, a member of NCVLI's bar association, the National Alliance of Victims' Rights Attorneys (NAVRA), volunteered to be local counsel on the case at the very last minute and the fight for Vicky's rights simply couldn't have been won without him, Garvin said "We are so grateful and we need more pro bono lawyers in the country willing to step up for crime victims!"

Founded in 2000, the [National Crime Victim Law Institute](#) is a national resource for crime victim lawyers and advocates to support the assertion and enforcement of victims' rights in criminal and civil processes. NCVLI continues to be the only national organization whose mission is focused on enforcement of victims' rights in the courts.