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**IN THE UNITED STATES DISTRICT COURT
[GEOGRAPHICAL] DISTRICT OF [STATE]
[NAME] DIVISION**

UNITED STATES OF AMERICA,
Plaintiff,)
)
vs.) Case No. [insert case number]
)
[NAME OF DEFENDANT],)
Defendant.)

**NOTICE OF APPEARANCE FOR COUNSEL FOR CRIME VICTIM(S) [INSERT
NAME(S), IF APPROPRIATE – see FN1 below]**

The undersigned, [Attorney, Esq.], hereby respectfully notifies the clerk of this court and all parties of his appearance as counsel for [Victim Name(s)]¹ and requests to be notified of all

1 NOTE TO PRACTITIONER: IF THE VICTIM IS A CHILD, USE A PSEUDONYM. IF THE VICTIM IS AN ADULT, USE OF PSEUDONYMS MAY BE APPROPRIATE AS WELL. A number of jurisdictions have statutes that expressly support the use of pseudonyms in public documents, including indictments, to protect crime victims. *See, e.g.*, 18 U.S.C. § 3509(d)(3)(A) (providing that “[o]n motion by any person the court may issue an order protecting a child from public disclosure of the name of or any other information concerning the child in the course of the proceedings, if the court determines that there is a significant possibility that such disclosure would be detrimental to the child”); Cal. Penal Code § 293.5(a) (providing that “the court, at the request of the alleged victim [of a sex crime], may order the identity of the alleged victim in all records and during all proceedings to be either Jane Doe or John Doe, if the court finds that such an order is reasonably necessary to protect the privacy of the person and will not unduly prejudice the prosecution or the defense”); N.D. Cent. Code § 12.1-35-03 (mandating that Jane or John Doe be used in public records, including indictments, in place of names of child-victims). State and federal constitutional and statutory rights to privacy, relevant victims’ rights laws, and court rules may also support the use of pseudonyms or initials to protect the victims’ identities. *See, e.g., Gattem v. Gonzales*, 412 F.3d 758, 761 n.2 (7th Cir. 2005) (substituting “a pseudonym for the name of the victim in deference to her privacy interests”); *State v. Bartlett*, 792 P.2d 692, 693, n.1 (Ariz. 1990), *vacated on other grounds*, 501 U.S. 1246, (1991) (noting that state appellate judges must “avoid, where possible, referring by name in appellate opinions to individual victims or witnesses who are minors or victims of crimes, where naming them would cause them danger or unnecessary embarrassment”); *United States v. Graham*, No. 12-CR-311, 2013 U.S. Dist. LEXIS 2992 (W.D. N.Y. Jan. 8, 2013) (granting the government’s request for a protective order preventing the use and disclosure

proceedings and filings throughout the duration of the case.² By and through counsel, the victim(s) also formally assert[s] [his or her or their] rights pursuant to all applicable law,³ including, but not limited to, the following rights under the Crime Victims' Rights Act, 18 U.S.C. § 3771:

- The right to be reasonably protected from the accused (18 U.S.C. § 3771(a)(1));
- The right to reasonable, accurate, and timely notice of any public court proceeding, or any parole proceeding, involving the crime or of any release or escape of the accused (18 U.S.C. § 3771(a)(2));
- The right not to be excluded from any such public court proceeding, unless the court, after receiving clear and convincing evidence, determines that testimony by the victim would be materially altered if the victim heard other testimony at that proceeding (18 U.S.C. § 3771(a)(3));
- The right to be reasonably heard at any public proceeding in the district court involving release, plea, sentencing, or any parole proceeding (18 U.S.C. § 3771(a)(4));
- The reasonable right to confer with the attorney for the Government in the case (18 U.S.C. § 3771(a)(5));

of the full names of the minor and adult trafficking victims during trial); *see also* Protecting Victims' Privacy Rights: The Use of Pseudonyms in Civil Law Suits, NCVLI Violence Against Women Bulletin (Nat'l Crime Victim Law Inst., Portland, Or.), July 2011, available at <http://law.lclark.edu/live/files/11778-protecting-victims-privacy-rights-the-use-of>. Because sealing orders may be lifted at the conclusion of a case, use of a pseudonym may be the only effective method of protecting the identity of a victim. *See, e.g., United States v. Darcy*, No. 1:09CR12, 2009 WL 1470495 (W.D.N.C. May 26, 2009) (holding that if "protecting the name of the victim is what is sought," the only way to accomplish that task is to identify the victim using a pseudonym).

² *See, e.g., United States v. Mahon*, No. CR 09-712-PHX-DGC, 2010 WL 94247 (D. Ariz. Jan. 5, 2010) (slip copy) (filing a notice of appearance is a reasonable procedure for receiving copies of filings and ensuring the protection of a victim's rights).

³ **NOTE TO PRACTITIONER:** For example, 18 U.S.C. § 3509 provides additional specific rights for child-victims and the United States Constitution affords a right to privacy, *see Whalen v. Roe*, 429 U.S. 589, 599-600 (1977) (recognizing a federal constitutional right to personal privacy, which includes an "individual interest in avoiding disclosure of personal matters"). There may be instances where you will specifically list other rights (in addition to the CVRA rights). Even in those instances, unless you are certain that no other law may provide additional rights for the victim, keeping a broad "pursuant to all applicable law" type of language in the Notice of Appearance would be prudent.

- The right to full and timely restitution as provided in law (18 U.S.C. § 3771(a)(6));
- The right to proceedings free from unreasonable delay (18 U.S.C. § 3771(a)(7)); and
- The right to be treated with fairness and with respect for the victim's dignity and privacy (18 U.S.C. § 3771(a)(8)).

DATED this [insert number] day of [Month], [year].

RESPECTFULLY SUBMITTED,

/s/

[Attorney, Esq.] ([State] Bar # [number])

[address]

[phone number]

[fax number]

[email address]

Counsel for [Name of Victim(s), if appropriate]



NATIONAL CRIME VICTIM LAW INSTITUTE

PROTECTING, ENFORCING, & ADVANCING VICTIMS' RIGHTS

310 SW 4th Ave., Suite 540, Portland, OR 97204

www.NCVLI.org