

FOR IMMEDIATE RELEASE

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### **Sexual Assault Victims' Petition to Access Justice in Utah Takes a Turn**

Today four sexual assault victims in Utah – Jane Doe 1, Jane Doe 2, Jane Doe 3, and Jane Doe 4 – [filed a notice](#) with the Utah Supreme Court seeking to withdraw their petition for court appointment of a prosecutor to pursue charges in their cases. They are now making that request directly to the Utah Attorney General's Office pursuant to the provisions of a new law: H.B. 281– Prosecution Review Amendments. This new law, which passed this session, allows the Attorney General's Office to review decisions by local prosecutors not to file first-degree felony cases. The new review procedure is a novel approach to the problem of under-prosecution of sexual assault cases, and an important step forward in providing access to justice for crime victims. The Jane Does are represented by the National Crime Victim Law Institute, Professor Paul Cassell of the Utah Appellate Clinic (of the S.J. Quinney College of Law at the University of Utah) and four other attorneys.

This case originated on October 16, 2018, when the four Jane Does filed a petition in the Utah Supreme Court, relying on a largely overlooked provision in the Utah Constitution. Utah Constitution, article VIII, section 16 provides that “if a public prosecutor fails or refuses to prosecute, the Supreme Court shall have power to appoint a prosecutor pro tempore.” [To better understand the background of the case and see a copy of the original petition, [read here.](#)]

The Utah Supreme Court called for a response to the petition from the Utah Attorney General's Office and other entities, with response briefs set to be filed in May. But the victims also consulted with legislators and the Attorney General's Office about creating a new review procedure. During the 2019 Utah Legislative Session, H.B. 281 – Prosecution Review Amendments was introduced by Representative Karianne Lisonbee, and unanimously passed in both House and Senate votes. The law provides an opportunity for victims of first-degree felony crimes to have any declination decision made by a local county or district attorney reviewed by the Utah Attorney General's Office.

The petition filed today will be the first time that the new review provisions of H.B. 281 are invoked.

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“For too long victims of crime, particularly sexual assault victims have faced significant hurdles to accessing justice; Utah’s new review process helps remove one of those hurdles by ensuring victims have a meaningful opportunity to have their cases reviewed,” said NCVLI Executive Director Meg Garvin. “I hope that this legislation inspires jurisdictions to re-imagine their processes, so we can continue to support survivors in accessing justice.”

Jane Doe 1 stated: “It was a difficult moment for me to learn that, even though law enforcement believed my disclosure, they were not going to prosecute. It was reassuring for me to see that the Utah Legislature has created a new procedure so that cases like mine can review careful review in the Attorney General’s Office. After I disclosed what happened to me, I found myself alone as my community reacted to the lack of prosecution by blaming me. I appreciate the opportunity to ask for justice to come from the Utah Attorney General’s Office.”

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*Founded in 2000, the [National Crime Victim Law Institute](http://www.NCVLI.org) 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.*