

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

UNITED STATES OF AMERICA,
Plaintiff,

vs.

[NAME OF DEFENDANT],
Defendant.

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Case No. **[insert case number]**

**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 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 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));

1 NOTE: IF THE VICTIM IS A CHILD, USE INITIALS OR A PSEUDONYM. USE OF PSEUDONYMS MAY BE APPROPRIATE IN OTHER CIRCUMSTANCES, AS WELL. The Child Victims' and Child Witnesses' Rights statute, 18 U.S.C. § 3509, specifically grants courts the authority to issue orders protecting the identities of child victims from public disclosure. *See, e.g., United States v. Carroll*, 105 F.3d 740, 741 n.1 (1st Cir. 1997) (referring to child victim by pseudonym "in compliance with the confidentiality requirements of 18 U.S.C. § 3509(d)(1)"). Federal courts have also used pseudonyms to refer to crime victims outside the context of the Child Victims' and Child Witnesses' Rights Act. *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"). 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) (order) (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).

- 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));
- 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));
- The right to be treated with fairness and with respect for the victim's dignity and privacy (18 U.S.C. § 3771(a)(8)); and
- Any other relief the Court deems just and proper.

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]

CERTIFICATE OF SERVICE

I hereby certify that on [Month] [number], [year] I served a true and correct copy of this document upon all counsel of record electronically via the Court's CM/ECF system.

_____/s/
[Attorney, Esq.]