

AK Sample Notice of Appearance

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For additional resources relating to the protection, enforcement and advancement of crime victims' rights, please visit www.ncvli.org and the website of our membership alliance, the National Alliance of Victims' Rights Attorneys & Advocates, www.navra.org.

[Attorney, Esq.] Alaska Bar # [number]
[Address]
[Phone Number]
[Fax Number]
[Email Address]
Attorney for Crime Victim

**IN THE [DISTRICT/SUPERIOR COURT] FOR THE STATE OF ALASKA
AT [FILL IN]**

STATE OF ALASKA,
Plaintiff

vs.

[NAME OF DEFENDANT],
Defendant

[NAME/PSEUDONYM],
Crime Victim.

) Case No. [FILL IN]

)
) **NOTICE OF APPEARANCE OF
) COUNSEL FOR THE CRIME
) VICTIM AND ASSERTION OF
) RIGHTS**

) Hon. [FILL IN]

TO THE CLERK OF [FILL IN] AND ALL PARTIES OF RECORD:

The undersigned, [Attorney Name], Esq., hereby notifies the clerk of this court and all parties of [his/her/their] appearance as counsel for the crime victim, [Name/Pseudonym],¹ and

¹ [Practitioner's Note: If using pseudonyms for crime victims in pleadings for the first time, add a footnote. For example: All references herein to the crime victim shall refer to [Doe I or alternative pseudonym] to protect [his/her/their] privacy in accordance with [his/her/their] federal and state constitutional rights. See, e.g., *Whalen v. Roe*, 429 U.S. 589, 599-600 (1977) (recognizing that the United States Constitution provides a right to personal privacy, which includes an "individual interest in avoiding disclosure of personal matters"); *Roe v. Wade*, 410 U.S. 113, 152-53 (1973) (providing that "a right of personal privacy . . . does exist under the Constitution"); see also Alaska Const. art. I, § 22 (providing that "[t]he right of the people to privacy is recognized and shall not be infringed"); *James v. State*, 84 P.3d 404, 404 n.1 (Alaska 2004) (using pseudonyms instead of the names of the child-victim and child-witnesses "to protect their privacy"); cf. *Kiva O. v. State Dep't of Health & Soc. Servs.*, 408 P.3d 1181, 1183 n.2 (Alaska 2018) (observing in litigation regarding the medication of a child in the custody of the

requests to be notified of all proceedings and to be provided copies of all filings throughout the duration of the case. By and through counsel, the crime victim formally asserts [his/her/their] rights pursuant to all applicable law, including all rights guaranteed by the Alaska Constitution and Alaska Statutes. The crime victim's rights include:

- “[T]he right to be treated with dignity, respect[] and fairness during all phases of the criminal and juvenile justice process” Alaska Const. art. I, § 24.
- “[T]he right to be reasonably protected from the accused through the imposition of appropriate bail or conditions of release by the court” *Id.*
- “[T]he right to receive protection from harm and threats of harm arising out of cooperation with law enforcement and prosecution efforts and to be provided with information as to the protection available” Alaska Stat. Ann. § 12.61.010(a)(4).
- “[T]he right to confer with the prosecution” Alaska Const. art. I, § 24.
- The right to confidentiality of the victim’s “residence and business addresses and telephone numbers” Alaska Stat. Ann. § 12.61.110.
- “[T]he right to obtain information about and be allowed to be present at all criminal or juvenile proceedings where the accused has the right to be present” Alaska Const. art. I, § 24.
- “[T]he right to be allowed to be heard, upon request, at sentencing, before or after conviction or juvenile adjudication, and at any proceeding where the accused’s release from custody is considered” *Id.*
- “[T]he right to be notified that a sentencing hearing or a court proceeding to which the victim has been subpoenaed will not occur as scheduled” Alaska Stat. Ann. § 12.61.010(a)(3).
- “[T]he right to be notified by the appropriate law enforcement agency or the prosecuting attorney of any request for a continuance that may substantially delay the prosecution and of the date of trial, sentencing, including a proceeding before a three-judge panel under [section] 12.55.175, an appeal, and any hearing in which the defendant’s release from custody is considered” *Id.* § 12.61.010(a)(2).
- “[T]he right to make a written or oral statement for use in preparation of the presentence report of a felony defendant” *Id.* § 12.61.010(a)(8).

Office of Children’s Services, over the objection of the child’s mother, that “[w]e use pseudonyms to protect the parties’ privacy”).]

- “[T]he right to appear personally at the defendant’s sentencing hearing to present a written statement and to give sworn testimony or an unsworn oral presentation” *Id.* § 12.61.010(a)(9).
- “[T]he right to restitution from the accused” Alaska Const. art. I, § 24.
- “[T]he right to be informed, upon request, of the accused’s escape or release from custody before or after conviction or juvenile adjudication.” *Id.*
- “[T]he right to timely disposition of the case following the arrest of the accused” *Id.*

[Name/Pseudonym] is a crime victim, as defined by law. *See* Alaska Stat. Ann.

§§ 12.61.900(3), 12.55.185(19)([insert applicable subsection]) (defining “victim” to include

[insert applicable description]). [Insert explanation of how the victim in this case meets the

definition of “victim.”]. Thus, [Name/Pseudonym] properly appears before this court to assert

[his/her/their] rights pursuant to all applicable law, including all rights guaranteed by the Alaska

Constitution and Alaska Statutes.

Respectfully submitted [date]

[Attorney], Esq. Alaska Bar # [number]

[Address]

[Phone Number]

[Fax Number]

[Email Address]

Attorney for Crime Victim