

# CA 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](http://www.ncvli.org) and [www.navra.org](http://www.navra.org), the website of our membership alliance, the National Alliance of Victims' Rights Attorneys & Advocates.

[Attorney Name] ([State] Bar # [number])  
[Firm/Organization]  
[Address]  
[Phone]  
[Email address]

Attorney for the Crime Victim

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF [FILL IN]**

PEOPLE OF THE STATE OF CALIFORNIA, )  
)  
Plaintiff, )  
)  
vs. )  
)  
[NAME OF DEFENDANT], )  
)  
Defendant. )  
)

Case No. [FILL IN]

**NOTICE OF APPEARANCE FOR  
COUNSEL FOR CRIME VICTIM  
[INSERT NAME/PSEUDONYM IF  
APPROPRIATE<sup>1</sup>] AND ASSERTION  
OF RIGHTS<sup>2</sup>**

<sup>1</sup> [Practitioner's Note: If the victim is a child or an adult hoping for privacy, consider using a pseudonym. *See, e.g.*, 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"). When using a pseudonym for the victim in a legal brief for the first time, considering adding the following footnote and modifying as needed:] All references herein to the crime victim shall refer to [Jane Doe/John Doe] to protect [her/his] privacy in accordance with [her/his] constitutional and statutory rights. *See 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"); Cal. Const., art. I, § 28(b)(1) (affording crime victims the right to be treated with "respect for his or her privacy and dignity"); Cal. Const., art. I, § 1 (affording all people the "inalienable" rights to "pursu[e] and obtain[] safety, happiness, and privacy"); 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"); *see also People v. Gokcek* (2006) 138 Cal.App.4th Supp. 8, 12, fn. 2, *as modified* (Feb. 28, 2006) ("We do not disclose the minor victim's name and refer to him as 'the minor,' not out of disrespect, but to afford the victim a measure of privacy."); *see generally Protecting Victims' Privacy Rights: The Use of Pseudonyms in Criminal Cases*, NCVLI Violence Against Women Bulletin (Nat'l Crime Victim Law Inst., Portland, Or.) Oct. 2013, *available at* <http://law.lclark.edu/live/files/15549-protecting-victims-privacy-rights---the-use-of>.]

<sup>2</sup> [Practitioner's Note: In some jurisdictions, this notice should also be accompanied by a Declaration of [Attorney Name] that confirms the representation of the crime victim under penalty of perjury.]

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] appearance as counsel for crime victim [Name/Pseudonym] and 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 victim also formally asserts [his or her] rights pursuant to all applicable law, including, but not limited to, all rights under California Constitution, article I, § 28(b) (also known as “Marsy’s Law”) and Penal Code § 679.02 *et seq.* Those rights include:

- The right to be treated with fairness and respect for the victim’s privacy and dignity, and to be free from intimidation, harassment, and abuse, throughout the criminal or juvenile justice process (Cal. Const. art. I, § 28(b)(1));
- The right to be reasonably protected from defendant and persons acting on defendant’s behalf (Cal. Const. art. I, at § 28(b)(2));
- The right to have the victim’s and the victim’s family’s safety considered in fixing the amount of bail and release conditions for defendant (Cal. Const. art. I, at § 28(b)(3));
- The right to prevent the disclosure of confidential information or records to defendant, defendant’s attorney, or any other person acting on defendant’s behalf, which could be used to locate or harass the victim or the victim’s family or which disclose confidential communications made in the course of medical or counseling treatment, or which are otherwise privileged or confidential by law (Cal. Const. art. I, at § 28(b)(4));
- The right to refuse an interview, deposition, or discovery request by defendant, defendant’s attorney, or any other person acting on defendant’s behalf, and to set

- reasonable conditions on the conduct of any such interview to which the victim consents (Cal. Const. art. I, at § 28(b)(5));
- The right to reasonable notice of and to reasonably confer with the prosecuting agency, upon request, regarding, the arrest of defendant if known by the prosecutor, the charges filed, the determination whether to extradite defendant, and, upon request, to be notified of and informed before any pretrial disposition of the case (Cal. Const. art. I, at § 28(b)(6));
  - The right to reasonable notice of all public proceedings, including delinquency proceedings, upon request, at which defendant and the prosecutor are entitled to be present and of all parole or other post-conviction release proceedings, and to be present at all such proceedings (Cal. Const. art. I, at § 28(b)(7));
  - The right to be heard, upon request, at any proceeding, including any delinquency proceeding, involving a post-arrest release decision, plea, sentencing, post-conviction release decision, or any proceeding in which a right of the victim is at issue (Cal. Const. art. I, at § 28(b)(8));
  - The right to a speedy trial and a prompt and final conclusion of the case and any related post-judgment proceedings (Cal. Const. art. I, at § 28(b)(9));
  - The right to provide information to a probation department official conducting a pre-sentence investigation concerning the impact of the offense on the victim and the victim's family and any sentencing recommendations before defendant's sentencing (Cal. Const. art. I, at § 28(b)(10));
  - The right to receive, upon request, the pre-sentence report when available to defendant, except for those portions made confidential by law (Cal. Const. art. I, at §

28(b)(11));

- The right to be informed, upon request, of the conviction, sentence, place and time of incarceration, or other disposition of defendant, the scheduled release date of defendant, and the release of or the escape by defendant from custody (Cal. Const. art. I, at § 28(b)(12));
- The right to restitution (Cal. Const. art. I, § 28(b)(13)); and
- The right to the prompt return of property when no longer needed as evidence (Cal. Const. art. I, at § 28(b)(14));

Marsy's Law specifically provides for assertion and enforcement of these rights by counsel for a victim. *See* Cal. Const. art. I, § 28(c)(1) ("A victim, the retained attorney of a victim, a lawful representative of the victim, or the prosecuting attorney upon request of the victim, may enforce the rights enumerated in subdivision (b) in any trial or appellate court with jurisdiction over the case as a matter of right. The court shall act promptly on such a request.").

Dated this [number] day of [Month], [year].

RESPECTFULLY SUBMITTED,

/s/  
\_\_\_\_\_  
[Attorney, Esq.] ([State] Bar # [number])  
[Firm/Organization]  
[address]  
[phone number]  
[email address]

*Attorney for crime victim* [Name/Pseudonym]