

CO Sample Notice of Appearance

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Attorney for Crime Victim

DISTRICT COURT, [FILL IN] COUNTY, COLORADO
[FILL IN COURT ADDRESS]

THE PEOPLE OF THE STATE OF)	Case No. [FILL IN]
COLORADO,)	
Plaintiff)	NOTICE OF APPEARANCE OF
)	COUNSEL FOR THE CRIME VICTIM
vs.)	AND ASSERTION OF RIGHTS
[NAME OF DEFENDANT],)	
Defendant)	Hon. [FILL IN]
)	
[NAME/PSEUDONYM],)	
Crime Victim.)	
)	

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 1 or alternative pseudonym] to protect [his/her/their] privacy in accordance with [his/her/their] federal 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) ("[A] right of personal privacy . . . does exist under the Constitution."); see also *Martinelli v. Dist. Court*, 612 P.2d 1083, 1091 (Colo. 1980) (en banc) (internal citations omitted) (characterizing the constitutional right to

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 under the Colorado Constitution and Colorado Statutes. The crime victim' rights include the following:

- The “right to be heard when relevant, informed[] and present at all critical stages of the criminal justice process” (Colo. Const. art. II, § 16a);
- The “right to be treated with fairness, respect[] and dignity, and to be free from harassment, or abuse, throughout the criminal justice process” (§ 24-4.1-302.5(1)(a), C.R.S.);
- The “right to be informed, upon written request by the victim, when a person who is accused or convicted of a crime against the victim is released or discharged” from the county jail, parole, another correctional facility or if the person otherwise escaped custody (*id.* § 24-4.1-302.5(1)(c));
- The “right to be heard at any court proceeding” listed in Colorado Statutes, section 24-4.1-302.5(1)(d) (*id.* § 24-4.1-302.5(1)(d));
- The “right to consult with the prosecution after any crime against the victim has been charged, prior to any disposition of the case, or prior to any trial of the case, and the right to be informed of the final disposition of the case” (*id.* § 24-4.1-302.5(1)(e));
- The “right to be informed . . . of the status of any case concerning a crime against the

privacy discussed in *Whalen v. Roe* as a “right to confidentiality” that “encompasses the ‘power to control what we shall reveal about our intimate selves, to whom, and for what purpose’” and establishing a three-part test governing potential disclosure, in the context of a civil dispute where litigants sought access to personnel materials); *People ex rel. Tooley v. Seven Thirty-Five E. Colfax, Inc.*, 697 P.2d 348, 369 (Colo. 1985) (internal citations omitted) (“It is firmly established that the liberty interest protected by the due process clause of the United States Constitution encompasses ‘a right of personal privacy, or a guarantee of certain areas or zones of privacy.’”); *People v. Dunaway*, 88 P.3d 619, 622 n.1 (Colo. 2004) (en banc) (“To protect the child’s anonymity, the younger child, the victim in this case, will be referred to interchangeably as: the ‘child,’ the ‘infant,’ or the ‘baby.’”); *cf. People v. Bryant*, 94 P.3d 624 (Colo. 2001) (en banc) (discussing the importance of victim privacy in the context of information protected by the rape shield law that was reviewed *in camera*); *Doe v. Heitler*, 26 P.3d 539, 541 (Colo. Ct. App. 2001) (internal citation omitted) (“[A] plaintiff [in a civil case] seeking to proceed anonymously must show that he or she has a substantial privacy right that outweighs the ‘customary and constitutionally-embedded presumption of openness in judicial proceedings.’ Among the factors relevant to a determination of whether this showing has been made are: whether the justification asserted by the requesting party is merely to avoid the annoyance and criticism that may attend any litigation or is to preserve privacy in a matter of sensitive and highly personal nature; whether identification poses a risk of retaliatory physical or mental harm to the requesting party or to innocent nonparties; whether the action is against a governmental or a private party; whether the plaintiff would be compelled to admit his or her intention to engage in illegal conduct, thereby risking criminal prosecution; and the risk of unfairness to the opposing party from allowing an action against it to proceed anonymously.”).]

victim, and any scheduling changes or cancellations, if such changes or cancellations are known in advance” (*id.* § 24-4.1-302.5(1)(f));

- The “right to be present at the sentencing hearing” and “to inform the district attorney and the court, in writing, by a victim impact statement” (*id.* § 24-4.1-302.5(1)(g));
- The “right to have the court determine the amount, if any, of restitution to be paid to a victim” (*id.* § 24-4.1-302.5(1)(h)); and
- The “right to promptly receive any property that belongs to a victim and that is being held by a prosecutorial or law enforcement agency unless there are evidentiary reasons for the retention of such property” (*id.* § 24-4.1-302.5(1)(k)).

[Name/Pseudonym] is a crime victim as defined by law. See § 24-4.1-302(1)([insert applicable subsection(s)]), C.R.S. (providing [insert crime(s)] [is/are] defined as [a crime/crimes] for purposes of Part 3. Guidelines for Assuring the Rights of Victims of and Witnesses to Crimes). *[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 Colorado Constitution and Colorado Statutes.

Respectfully submitted [date].

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