

DC 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 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 DISTRICT OF COLUMBIA
CRIMINAL DIVISION – [UNIT NAME, IF APPLICABLE]

DISTRICT OF COLUMBIA,)	Case No. [FILL IN]
)	
Plaintiff,)	NOTICE OF APPEARANCE FOR
)	COUNSEL FOR CRIME VICTIM
vs.)	[INSERT NAME/PSEUDONYM IF
)	APPROPRIATE] AND ASSERTION
[NAME OF DEFENDANT],)	OF RIGHTS
)	
Defendant.)	
_____)	

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 crime victim [Name/Pseudonym] and requests

¹ [Practitioner's Note: If the victim is a child or is an adult who wants to proceed without disclosing his/her/their identity, consider using a pseudonym. Consider adding the following footnote and modifying as needed: All references herein to the crime victim shall refer to [Pseudonym] to protect [her/his/their] privacy in accordance with [her/his/their] 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"); *Roe v. Doe*, 73 A.3d 132 (D.C. 2013) (noting that the trial court allowed both parties to proceed by pseudonym in case in which plaintiff claimed defendant negligently infected plaintiff with sexually transmitted infection); see also 18 U.S.C. § 3771(a)(8) (granting crime victims the "right to be treated with fairness and with respect for the victim's dignity and privacy"); D.C. Code § 23-1901(b)(1) (granting crime victims the right to be treated with "fairness and with respect for [his/her/their] dignity and privacy" throughout the judicial process).]

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/her/their] rights pursuant to all applicable law, including, but not limited to, all rights under the Crime Victims' Bill of Rights, D.C. Code §23-1901 *et seq.*, and the Crime Victims' Rights Act, 18 U.S.C. 3771.²

Those rights include:

- The right to “[b]e treated with fairness and with respect for the victim’s dignity and privacy” (D.C. Code § 23-1901(b)(1); 18 U.S.C. 3771(a)(8));
- The right to “[b]e reasonably protected from the accused” (D.C. Code § 23-1901(b)(2); 18 U.S.C. 3771(a)(1));
- The right to “[b]e notified of court proceedings” (D.C. Code § 23-1901(b)(3); 18 U.S.C. § 3771(a)(2) (“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.”));
- The right to “[b]e present at all court proceedings related to the offense, including the sentencing, and release, parole, record-sealing, and post-conviction hearings, unless the court determines that testimony by the victim would be materially affected if the victim heard other testimony or where the needs of justice otherwise require” (D.C. Code § 23-1901(b)(4), -1904(a); *accord* 18 U.S.C. § 3771(a)(3));
- The right to “[c]onfer with an attorney for the prosecution in the case which does not include the authority to direct the prosecution of the case” (D.C. Code § 23-1901(b)(5); 18 U.S.C. § 3771(a)(5) (“The reasonable right to confer with the attorney

² Victims’ rights found in 18 U.S.C. § 3771 require the court to ensure that rights are afforded in “any court proceeding involving an offense against a crime victim” 18 U.S.C. § 3771(b)(1). This statute is directly applicable to the Superior Court of the District of Columbia pursuant to 18 U.S.C. § 3771(e)(3).

- for the Government in the case”));
- The right to “[a]n order of restitution from the person convicted of the criminal conduct that caused the victim’s loss or injury” (D.C. Code § 23-1901(b)(6); *see also* 18 U.S.C. § 3771(a)(6) (“The right to full and timely restitution as provided in law”));
 - The right to “[i]nformation about the conviction, sentencing, imprisonment, detention, and release of the offender, and about any court order to seal the offender's criminal records” (D.C. Code § 23-1901(b)(7));
 - The right to “submit, prior to the imposition of sentence, a written victim impact statement containing information concerning any emotional, psychological, financial, or physical harm done to or loss suffered by the victim” (D.C. Code §23-1904(b); *see also* 18 U.S.C. § 3771(a)(4) (providing “[t] he right to be reasonably heard at any public proceeding in the district court involving release, plea, [and] sentencing”));
 - The right to “offer at the defendant's release or parole hearing a written statement of the victim's opinion whether the defendant should be granted release or parole” (D.C. Code §23-1904(d); *see also* (18 U.S.C. 3771(a)(4)(providing “[t] he right to be reasonably heard at ...any parole proceeding.”));
 - The right to “make a statement at the defendant's sentencing and record-sealing hearings” (D.C. Code §23-1904(e)); and
 - “The right to proceedings free from unreasonable delay” (18 U.S.C. § 3771(a)(7)).³

³ [Practitioner’s Note: If the victim is a child who will give testimony, the child’s attorney may move the court to designate the case as being of special importance, which will separately provide the victim with speedy trial rights. *See* D.C. Code Ann. § 23-1903. The designation requires the court to expedite the proceeding and ensure that it takes precedence over any other and to consider the child’s age and potential adverse impacts on the child by granting a requested continuance. *Id.*]

The victim has standing to assert and seek enforcement of [his/her/their] constitutional and statutory rights. *See* D.C. Super. Ct. R. Crim. P. 60(b)(2) (stating “A victim’s rights described in these rules may be asserted by the victim, the victim's lawful representative, the attorney for the government, or any other person as authorized by 18 U.S.C. § 3771(d) and (e) or D.C. Code §§ 23-1901 to 1906.”); 18 U.S.C.A. § 3771(d)(1) (“The crime victim or the crime victim’s lawful representative, and the attorney for the Government may assert the rights described in [18 U.S.C. 3771(a)].”).

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

RESPECTFULLY SUBMITTED,

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

Attorney for the crime victim [Name/Pseudonym]