

MN 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

STATE OF MINNESOTA
COUNTY OF [NAME]

DISTRICT COURT
[NUMBER] JUDICIAL DISTRICT
COURT FILE NO.:
CASE TYPE: CRIMINAL

PEOPLE OF THE STATE OF MINNESOTA

Plaintiff,

vs.

[NAME OF DEFENDANT],

Defendant.

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

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 [her/his/their] appearance as counsel for the crime victim, [Name/Pseudonym],¹ and

¹ [Practitioner's Note: If the victim is a child, or an adult hoping for privacy, consider using a pseudonym. When using a pseudonym for the victim for the first time, 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, 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"); *State v. Gray*, 413 N.W.2d 107, 111 (Minn. 1987) (recognizing "that there does exist a right of privacy guaranteed under and protected by the Minnesota Bill of Rights"); *see also* Minn. Stat. Ann. § 611A.021 (providing "[a] victim has a right under section 13.82, subdivision 17, clause (d), 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 [her/his/their] rights pursuant to all applicable law, including all rights under the Minnesota Constitution and Minnesota Statutes. The crime victim's rights include:

- The rights to be present at the plea presentation hearing and “to express orally or in writing, at the victim's option, any objection to the agreement or to the proposed disposition” (Minn. Stat. Ann. §§ 611A.03, Subd. 1(2), 611A.0301);
- The rights to be present at the sentencing hearing and “to submit an impact statement to the court at the time of sentencing or disposition hearing” (*id.* §§ 611A.03, Subd. 1(2), 611A.038(a));
- The “right to receive restitution as part of the disposition of a criminal charge or juvenile delinquency proceeding against the offender if the offender is convicted or found delinquent” (*id.* § 611A.04, Subd. 1(a));
- The “right to notice of final disposition of criminal case” (*id.* § 611A.039, Subd. 1));
and
- The “right to notice of release” of the offender (*id.* § 611A.06, Subd. 1)).

request a law enforcement agency to withhold public access to data revealing the victim's identity”); *id.* § 13.82, Subd. 17(b), (d) (requiring law enforcement to “withhold public access to data on individuals to protect the identity of individuals . . . when access to the data would reveal the identity of a victim or alleged victim of criminal sexual conduct or sex trafficking . . . [and] when access to the data would reveal the identity of a victim of or witness to a crime if the victim or witness specifically requests not to be identified publicly, unless the agency reasonably determines that revealing the identity of the victim or witness would not threaten the personal safety or property of the individual”). Minnesota courts allow the use of pseudonyms to protect individuals' privacy. *See, e.g., Doe v. Archdiocese of St. Paul*, 817 N.W.2d 150 (Minn. 2012) (allowing, without discussion, the sexual abuse victim-plaintiff to be identified by a pseudonym in a civil case); *State ex rel. Doe v. Madonna*, 295 N.W.2d 356 (Minn. 1980) (allowing, without discussion, mentally ill patients to be identified by pseudonyms in consolidated cases challenging the constitutionality of the procedures used for prehearing commitment to mental institutions); *cf. State v. Dunson*, 770 N.W.2d 546, 553 (Minn. Ct. App. 2009) (concluding a charging instrument does not have to identify the crime victims by their names).]

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