

MT 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

MONTANA [DISTRICT NUMBER]¹ JUDICIAL DISTRICT COURT,
[COUNTY NAME] COUNTY

STATE OF MONTANA,)

Plaintiff,)

vs.)

[NAME OF DEFENDANT],)

Defendant.)

Case No. [FILL IN]

**NOTICE OF APPEARANCE FOR
COUNSEL FOR CRIME VICTIM
[INSERT NAME/PSEUDONYM IF
APPROPRIATE]² 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 [his/her/their] appearance as counsel for crime victim [Name/Pseudonym] and requests

¹ [Practitioner's Note: The case law citations in this sample follow *The Bluebook: A Uniform System of Citation* (20th ed 2015). Certain courts/judicial districts may have adopted local rules that require different citation formats.]

² [Practitioner's Note: If using a pseudonym for the victim, add footnote:] All references herein to the crime victim shall refer to [Pseudonym] to protect [her/his/their] privacy in accordance with [her/his/their] federal and state constitutional rights. *See, e.g.*, Mont. Const. art. II § 10 ("The right of individual privacy is essential to the well-being of a free society and shall not be infringed without a showing of a compelling state interest."); *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. Helfrich*, 277 Mont. 452, 458 n.3, 922 P.2d 1159, 1163 n.3 (1996)(noting that a pseudonym was used in place of the actual name of the victim in the case).

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 Title 46, Chapter 24, Treatment of Victims and Witnesses, of Montana’s statutory code. These rights include:

- The right to “prompt advance notification, if possible, of proceedings relating to the person’s case, including: (a) the arrest of an accused; (b) the release of the accused pending judicial proceedings; (c) the crime with which the accused has been charged, including an explanation of the elements of the offense when necessary to an understanding of the nature of the crime; (d) proceedings in the prosecution of the accused, including entry of a plea of guilty or nolo contendere and the setting of a trial date” (MCA 46-24-203(1));
- The right to consult with the prosecuting attorney “[a]s soon as possible prior to disposition of the case” regarding matters that include “(1) dismissal of the case; (2) release of the accused pending judicial proceedings; (3) plea negotiations; and (4) pretrial diversion of the case from the judicial process (MCA 46-24-104);
- The right “to be present during any trial or hearing conducted by a court that pertains to the offense” unless a statutory exception applies (MCA 46-24-106(1));³
- The right to present a statement in writing or orally at the sentencing proceeding and to have the Court consider that statement (MCA 46-18-115(4)(a),(c));⁴ and
- The right to full restitution (MCA 46-18-201(5).

Dated: _____

RESPECTFULLY SUBMITTED,

[Attorney, Esq.] ([State] Bar # [number])
[Firm/Organization]
[address]
[phone number]
[email address]
Attorney for the crime victim [Name/Pseudonym]

³ [Practitioner’s note: This includes youth court proceedings.]

⁴ [Practitioner’s note: If the court or a party objects to the filing of the notice of appearance on the basis that the victim lacks standing, contact NCVLI for [technical assistance](#).]