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**OVC**  
**Webinar Transcript**  
**Year in Review**  
**Top Victims' Rights from the Last 12 Months**  
**December 4, 2013**





## Victims' Rights Year in Review: Top Cases from 2012

Presentation by:  
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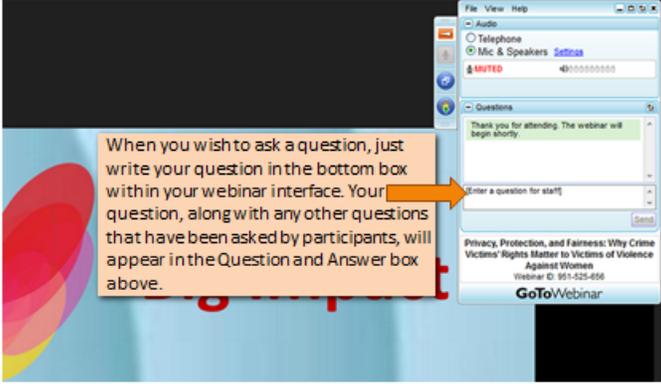
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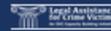
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Goldann Salazar: With that, I am going to...Actually, lastly, we hope that you will join us for future trainings. We still have a couple left for 2013, and we hope that you will stay tuned at [www.ncvli.org](http://www.ncvli.org) and join us in our upcoming Webinars in 2014. And with that, I am going to turn it over to our presenter, Meg Garvin.

## Goals for the Session



1. Provide an overview of some of the key victims' rights cases of 2012;
2. Identify strategies for responding to new legal landscape created by key victims' rights cases of 2012; and
3. Identify open questions of law or issues on the horizon illuminated in the wake of key victims' rights of 2012.

### Goals for the Session

Meg Garvin: Thanks, Goldann. I am glad to have everyone joining us. We have folks all over the country joining us via the Internet today, which is really exciting. I am going to cover in the next hour kind of the highlights from 2013. And I am going to ask Goldann real quickly to switch over and make sure I can take control of the slides. That way I do not have to say “next” to her every time I need to advance the slides. Before I really get started, though, a couple of caveats before I talk about the goals for the session and what you can expect.

Meg Garvin: The first thing is, as I noted as the rolling slides were going through, that we had a grant disclaimer that went through. And those of you who are funded by various funding streams know how important those are. The grant number that was up there was actually incorrect, but what Goldann said was absolutely correct. This Webinar is part of this wonderful Capacity Building Initiative that OVC launched more than a year ago and that OVC TTAC is spearheading, and that we are just really privileged to be a part of. I would really encourage you to check out our Web site about that initiative as well as OVC TTAC's.

Meg Garvin: So now, what are the goals for the session and what are not the goals for the session? So first, what are we not going to do? Because I think that is really important. What we are not going to do is identify tons of themes or overarching principles from 2013 that will govern. What we are going to do instead is talk about specific cases and maybe elicit some themes and things on the horizon from those cases. And you are subject a little bit to the National Crime Victim Law Institute (NCVLI) cherry-picking of cases. What I mean by that is obviously we have a lens through

which we see victims' rights. And these cases were selected by NCVLI's legal team as being kind of the new and noteworthy from 2013, many of which are actually online on NCVLI's Web site under "New and Noteworthy" where we routinely publish summaries of cases, where we push those out quarterly to our National Alliance of Victims' Rights Attorneys (NAVRA) members. So we know we have a lens, but we think it is the right lens to talk about how we advance victims' rights.

Meg Garvin: So then what are we going to do? Well, there are really three things that we are going to do over the course of the next hour. First, I am going to provide an overview of some of the key cases, obviously the ones through that lens. The second thing is some strategies for responding to those cases in terms of both litigation and practical things in terms of your day-to-day work. We have both lawyers and advocates on the line. So as you start to see different things in these cases that I am identifying, feel free to shoot those through the chat section that Goldann highlighted for you on your screen and we will share those with each other and we will talk about those. You can also go online to NAVRA's Web site and there is a forum there that you can have conversations with your colleagues across the country online about strategies for responding to these cases. And then the third thing that we are going to do is identify some open questions of law or things that NCVLI sees on the horizon perhaps for victims' rights. And again, we are going to do that through a series of specific cases. I think I have 12 to 15 cases identified in here that we are going to use.

### **Poll #1**

Meg Garvin: Okay, so Poll #1. Normally what would happen right now is this really dynamic thing would come up on your screen and you would actually take a poll. Unfortunately, that is not going to happen, so I am going to ask everyone, believe it or not, I know you are sitting in your own offices right now all by yourself thinking you can multitask. But I am going to ask you to participate in poll questions even though you are not doing it manually. So take the time to actually answer these because they frame the conversation a little.

Meg Garvin: So, Poll #1. Should a crime victim ever have to pay a portion of the damages that result from him or her being a victim of crime? I am going to say that again since it is not actually on your screen. Should a victim ever have to pay a portion—any portion—of the damages that result from that person being a victim of crime? Okay, so that is the question. Think about the answer because our courts are thinking about the answers to that question. And they are coming out in interesting ways.

## *In re Amy Unknown (Paroline)*, 701 F.3d 749 (5th Cir. 2012)



- **Facts**
  - Amy was raped by her uncle when she was 8 and 9 years old; he was arrested and convicted but now thousands of possession cases regarding the child abuse images that he distributed on the Internet are under way.
  - Amy requested and received 3.4 million in damages from possessor of several of her images in one such case.
- **Discussion/Holding**
  - Victims of the distribution/possession of child abuse images are entitled to full restitution under 18 U.S.C. § 2259.
  - 2259's proximate result language only applies to the final catch-all category of loss.
- **Why it matters**

### ***In re Amy Unknown (Paroline)*, 701 F.3d 749 (5th Cir. 2012)**

Meg Garvin: The first case I am going to highlight is *In re Amy*, or it is also known as *Paroline*, the *United States v Paroline*. The case that is on your screen, the citation, came out of the 5<sup>th</sup> Circuit. And this decision actually issued in 2012. So you might ask, why am I covering it in 2013? And the answer is, because this case has been going on since 2009. And it will be heard by the United States Supreme Court on January 22, 2014. I believe it is the 22<sup>nd</sup>. Could be the 21<sup>st</sup>, but that is on our Web site. This case is significant for so many reasons. Among those reasons, it is the first time a victim of crime will be heard before the United States Supreme Court by his or her own attorney on a victims' rights enforcement issue. So this is a landmark moment for victims' rights enforcement. James Marsh and Paul Cassell are representing Amy who is a victim of child abuse imagery. Possession of child abuse images. That is a clumsy term and I and NCVLI know it. But the term that is more colloquially used, and that is used by the Court, is child pornography. And so this case is also important for us to start really thinking about the words we use when we describe victimization.

Meg Garvin: Amy was raped when she was eight or nine years old—eight and nine years old, excuse me—by her uncle. And part of her abuse was specifically designed to create imagery that then was distributed. And that term, child pornography, really does not do justice to the images and to what they represent. These are pictures of Amy's rape and we need to all be cognizant and force our courts to be cognizant of what we are actually talking about and not sanitize it. So Amy was raped. Her uncle was arrested, prosecuted, convicted. But in this wonderful and horrible age of the Internet, those images have been distributed. Amy is one of the most traded...The images of Amy's rape are among the most traded images online. She, Amy requested restitution, which as everyone on this line knows but I am going to say anyhow, is money from the perpetrator to the victim. So when a perpetrator is convicted, he or she is ordered to pay restitution, hopefully, by the Court. And that is money that the defendant should pay the victim to compensate the victim for losses, damages, resulting from the crime. So in this case Amy requested \$3.4 million. And at first blush you might think, my God, that is so much money. But take a second look at this.

Meg Garvin: Amy has, multiple people have evaluated Amy. Amy cannot hold a job. Amy needs lifetime counseling. When Amy walks down the street—this is from Amy’s own victim impact statement—when Amy walks down the street anywhere in this country, she wonders, “Is the person I am passing someone who has seen me being raped?” And that is her daily existence. So her doctors, her mental health providers, have all put together a packet of information that is submitted to the Court with restitution that says, the lifetime cost of Amy’s victimization is \$3.4 million. And Amy’s lawyer has asked for that amount in every case that has been brought against those individuals who possess or distribute Amy’s images. And that is the important thing here. It is not about the money from her uncle only. It is anyone who possesses. So what is before the United States Supreme Court is this question of, should someone who just possess—and I am using “just” the way the Court would—just possesses. They did not create the child abuse images. They are not the ones who initially raped Amy. They just downloaded the image and they are looking at it. Should they have to pay? And if so, how much should they have to pay?

Meg Garvin: So what the Court is really grappling with is how much and who has to pay for victimization. The 5<sup>th</sup> Circuit Court of Appeals in 2012, in this case, held that, yes, victims in child abuse possession cases are entitled to their full restitution under *18 U.S.C § 2259*, that they do not have to show causation in the same way you would have to do in other cases for most of the damages they have to collect. And for the lawyers on the line, this case is summarized on NCVLI’s Web site, so all of the legal arguments are in our briefing in this case because we have been amicus in this case since 2009 at every level of the Court. But the bottom line is, what level of causation do you have to show, and what amount of recovering restitution do you get? So what the Court is really grappling with is who pays for victimization. And the answer to this case is going to have significant impact for all victims of crime because the way this Court analyzes what you have to prove will contribute to cases brought under the Violence Against Women Act; cases brought under the Crime Victims’ Rights Act (CVRA). Both of those are federal. But also state courts will start looking at what level of causation do you have to show. And the really interesting thing is we say and Amy says, if you possessed it, you contributed. You are part of a scheme that contributed to Amy’s ultimate victimization. And Amy does not have to show that \$12 of her counseling costs are attributable to you. What the defense is saying, and to be very honest, what part of the prosecution team has been saying along the way is, well, you do have to show that \$12 was attributed to this possessor. And in light of the fact that Amy has received more than, I believe, 1,500 notifications of prosecutions of cases involving her images, that is a burden that she and no other victim can really meet.

Meg Garvin: So why this case matters is it is really fundamental about who pays for victimization in this country. Is it a convicted perpetrator, or is it the victim him or herself? So I encourage you to stay tuned on this one. Again, the case will be heard by the United States Supreme Court in 2014. The briefs of this case are online at NAVRA which is NCVLI’s Bar Association. We are happy to send those to folks also. And just keep in mind that no matter what the outcome in this case, this is a significant moment for victims because, again, for the first time ever a victim has her own lawyer arguing about her own rights in front of the U.S. Supreme Court.

***State v. Algeo*, --- P.3d ---, 354 Or. 236 (Or. Oct. 3, 2013)**



- **Facts**
  - At D's restitution hearing (convicted of 1 count of driving under the influence of intoxicants and two counts of assault in the 4<sup>th</sup> degree) the court found that the victims were jaywalking and therefore mostly at fault for the collision. Applying civil comparative fault principles, court ordered D to pay restitution in an amount equal to 10% of victims' economic damages.
  - Victims sought appellate review.
- **Discussion/Holding**
  - Court held that there is no state constitutional right to "full restitution" but failed to reach whether civil principles of comparative fault are appropriate in a criminal restitution case.
- **Why it matters**

***State v. Algeo*, ---P.3d ---, 354 Or. 236 (Or. Oct. 3, 2013)**

Meg Garvin: So the second one related to Poll Question #1 which was, if you recall, who pays for the damages resulting from being a victim, is an Oregon case. *State v. Algeo*. And I apologize if I am saying that name incorrectly. In this case, at defendant's restitution hearing, so the defendant was convicted of one count of driving under the influence and two counts of assault in the fourth degree. And, actually, a plea was involved in this case. So defendant admits that and takes responsibility for an assault and driving under the influence. Now comes the restitution hearing. Again, the question of who pays. Who pays for this victimization? And in the...At the restitution hearing the defendant...I'm sorry, I'm stuttering. An accident reconstructionist—that is the term I am looking for—was put on as evidence. And part of that evidence was, oh, well, these victims, the people hurt by the drunk driver, they were jaywalking. So that should be considered. That is what the accident reconstructionist said. And in fact, the accident reconstructionist said, in fact, not only were they the ones that were jaywalking and that should be considered, but they were mostly at fault for their own victimization. That is what the accident reconstructionist said.

Meg Garvin: So keep this in mind. Drunk driver admits to driving drunk, hits someone, and the accident reconstructionist says it is going to be the victim's fault. The judge buys into that argument. The judge in this case reaches out of criminal law across the field to civil law and says, I am going to use this idea that is used very often in criminal law that says, comparative fault applies. And what comparative fault is you look and see who is responsible, which portion, and you only get to recover that portion that you were innocent of, that you did not contribute to. And the Court does that and says, okay, so I am just going to give these victims 10 percent. That is all the restitution they are going to get. So, wonderfully, we were able to get these victims here in Oregon a pro bono lawyer—that is a pitch for all of you who have not yet taken a pro bono case—to appeal this Court's decision. And a couple of things are important out of this case. The first one is about restitution. The second one is about this comparative fault idea. And the third one is about, please, please, please, as you are drafting legislation, be careful.

Meg Garvin: So to the first one—what did the Appellate Court say? It goes to language. The Court said, here in Oregon, that although the Oregon Constitution says you have a right to receive restitution, because it does not say you have the right to receive full restitution, there is no substantive right to restitution in the Oregon Constitution. And this was and is alarming to us in Oregon because we worked on drafting that language very carefully and disagree with the Court's interpretation. But that is why language matters. What the Court said is, you have a statutory right to full restitution, but you did not argue the case under the statute. You argued it under the Constitution, so we cannot answer your question.

Meg Garvin: So that lesson for us is the lesson that we preach to all of you all of the time, because you have to argue everything so that the Court can decide the case. But what we are left with is no Constitutional right to restitution, substantive right to restitution. You can receive it once it is ordered under the Constitution in Oregon. But more importantly, we are left with this idea that comparative fault stands. So we need to be looking for cases and be very cautious in the year ahead about other jurisdictions and other courts in Oregon injecting notions of comparative fault into the criminal case. Because if we start injecting comparative fault into the criminal case we need to be nervous about where it will stop, because of all of the legacies that come with it. So, for instance, in a rape case, if a woman wears a skirt that is too short, right? The legacy and the myths of sexual assault say, oh, well, she caused it. Would that inform comparative fault analysis? We certainly would hope not. But those historical legacies are really hard to overcome. So Algeo is useful to us because it goes to the point of courts are grappling with who has to pay for victimization, and because of this concern about comparative fault. And then, finally, because language matters.

Meg Garvin: So a couple of questions have come in about these first cases. I am just going to address them as I go, if at all possible. The first question that came in is: Who is going to pay? Where does the money actually come from if a restitution order is issued and most offenders do not have money to pay? Well, a couple of things. One, restitution orders, the idea of a restitution order, you order the full amount of loss. So the full amount that a victim is out of pocket should be ordered, or that will be out of pocket because their victimization is ordered. Then you establish in a second analysis a payment plan. It may only be \$25 a month for the rest of the defendant's lifetime that he or she pays. But it is some monthly or some amount of payment. The second thing in response to that question is some perpetrators cannot pay. In the child abuse imagery cases, many of the perpetrators can actually pay the full amount of restitution. Then you might say, well, you are never going to collect, or why do we want \$25 a month from a perpetrator for a victim? Well, first of all, it is the victim's decision whether he or she wants the \$25 a month moving forward. But also it is a statement. You know, we need to be saying who should pay for victimization. It really should not fall on the victim. So when society says that the perpetrator owes the money, that, in and of itself, is a useful moment for us. Then we have the reality moment of, how do we make sure the victim is not in practice paying for it? And that is a whole other question, a whole other Webinar. So that we will have to talk about. But, ideally, we go after it and we set up a payment plan where victims can get it, even over a lifetime.

## **Poll #2**

Meg Garvin: Okay, so the next set of cases involves another poll. So again, in your offices, raise your hand or answer, or go over to the chat box and answer. Poll #2 is, have you ever worked with a victim who was either afraid to testify or who lived far away from the courthouse? And go ahead and shoot some of your answers over. So the question again, have you worked with a victim who was afraid to testify or who lived far from the courthouse? Okay, and I am picturing all of you answering that question. And now we are going to talk about a couple of cases that talk about those questions.

## Three “Accommodation” Cases



- *People v. Spence*, 151 Cal. Rptr.3d 374 (Cal. Ct. App. 2012)
  - *State v. Dye*, 283 P.3d 1130 (Wash. Ct. App. 2012);
  - *People v. Tohom*, --- N.Y.S.2d ---, No. 2011-07111, 2013 WL 3455673,(N.Y. App. Div. July 10, 2013)
- 
- Facts
  - Discussion/Holding
  - Why they matter

### Three “Accommodation” Cases

Meg Garvin: So, the first one is actually three cases. I am not going to discuss all of them. I am not going to go through the facts and the holdings of all of them. But three cases issued last year, or in the last 12 months really, dealing with “accommodations”. And I put “accommodation” in quotes here and I will explain that. But the accommodation at issue was a facility dog. A dog there to help support the victim while testifying. These three cases with *People v. Tohom*—and I do not know if I said that correctly. The New York case being the most recent, and citing to the other two, all address the question of whether a victim, whether that be a vulnerable victim, a child victim, could have a facility dog with them when they testified. And then, if so, how do you analyze that? And, wonderfully, they all came out on the same side which is, yes, you absolutely, without infringing on defendants’ Constitutional rights, can have a facility dog present.

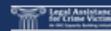
Meg Garvin: Now, the cases. A couple of things about the cases. The unfortunate thing in the cases is none of them were decided on victims’ rights, meaning none of them cited their relevant victims’ rights provisions. *People v. Spence* out of California did not cite Marsy’s Law, which is unfortunate because Marsy’s Laws are Constitutional provisions that trigger fairness, dignity, and respect and protection. And it would have been good to get some good case law. *State v. Dye* in Washington, despite NCVLI’s amicus participation citing victims’ rights, also neglected to cite on. The reason that matters is in the long run we really need cases that start to interpret victims’ rights, [unclear] victims’ rights. But, that aside, these cases come out the right way, and really, really importantly, *People v. Tohom*, *Dye*, and *Spence*, all discuss whether you have to make a showing, and if so, what showing? Do you have to have a pretrial hearing of necessity in order for a victim to have a facility dog? And there is a lot of discussion in here about what you do and do not have to show. But bottom line is they come down on the side of it does not have to be a full-blown evidentiary or expert hearing on why a victim gets to have a facility dog.

Meg Garvin: Hence, us putting the term “accommodation” in quotes at the top of this. And the reason is we really do not want to be setting up. We want lots of things for victims that help ease the impact of testifying in court. We want lots of things that help them access justice by making it

not as intimidating. But we do not want to set up case law that requires us to have pretrial motion practice and hearings that set high evidentiary burdens in order to get these “accommodations”. And so, well, for instance, closed circuit TV, you have to have a pretrial hearing and you have to meet a necessity burden. In these cases, the facility dog decision was left to the discretion of the trial judge without the need for one of those necessity hearings. And that is critical because we do not want victims having to go through more in order to get these “accommodations”.

Meg Garvin: So great cases. If you have not yet learned a lot about facility dogs, or you do not have one in your jurisdiction, I encourage you to do a couple of things. One, go online and find Courthouse Dogs, because that is an organization in Washington that does a lot of work with these, and/or go on NCVLI’s Web site and check out one of our recent Webinars in which we had an entire training about what are courthouse dogs, what are facility dogs, what is the difference between a facility dog and a therapy dog, and learn how you might be able to integrate this into your practice.

### *United States v. Jahani*, 2012 WL 6107097 (D. Colo. Dec. 10, 2012)



- **Facts**
  - Defendants were charged with a number of crimes and the government sought to move the trial from Denver to Grand Junction on the basis that untold number of victims would be inconvenienced (citing the Crime Victims’ Right Act provision affording victims the right to be present).
- **Discussion/Holding**
  - Trial court denied the motion, noting that Rule 18 analysis controlled and victims were only one part of the analysis, that Ds had shown Denver was more convenient, but government had failed to specifically identify any victim who would be inconvenienced.
- **Why it matters**

### ***United States v. Jahani*, 2012 WL 6107097 (D. Colo. Dec. 10, 2012)**

Meg Garvin: Okay, so the second thing related to Poll #2, which was the being afraid or distant, is this great case and bad case—it goes in both directions—out of the Federal District Court of Colorado. So *United States v. Jahani* was decided just a year ago. So this came in under the 12-month mark even though it is not 2013. In this case, the defendants were charged with a number of crimes. And the government sought to move the trial from Denver to Grand Junction, arguing that a number of victims would be inconvenienced if it was held in Denver. And the government did cite the Crime Victims’ Rights Act. So *18 U.S.C. 3771*. And its provision, the victims have a right to be present, that was cited in the briefing. So the good, bad, and ugly of this case for all of us is that the Trial Court did a couple of things. And this is a Trial Court decision. The Trial Court denied the motion. So the trial stayed in Denver, or at least based on this decision, it stayed in Denver.

And the judge did it on the Rule 18 analysis, which is when and when can you not change venues and change locations. And so the good part of this is that the Trial Court said, hey, the government did not put on sufficient evidence that the victims would be inconvenienced. It used generalities. It did not talk about the specific harm to them. And based on that, when I do my weighing analysis of the other interested, or the other component parts of Rule 18, I cannot hold that we should move this. So the positive of this for all of you out there litigating is, hey, we need to make sure that we have detailed reasons that the convenience of the victim is based in detailed facts presented to the Court, and then the Court will consider it when it is discussing venue for cases.

Meg Garvin: Now the bad part. And it is a really bad part. The Court out and out rejected the government's argument that the Crime Victims' Rights Act should quote "impact the Court's interpretation of Rule 18". What does that mean? It means that the Court looked at the rule of venue and location and said, I get to decide solely on Rule 18 and I do not have to consider the Crime Victims' Rights to be present, to be treated with fairness, dignity, and respect, and the other six rights, because there are eight total in the CVRA. That is a problem for us and it is a problem moving forward because the CVRA is a statute to absolutely inform the analysis of Court rules, evidentiary rules, and other things. And similarly, State Victims' Rights Provision, statutory or Constitutional, should absolutely inform analysis.

Meg Garvin: So, the good of this is we now know how to litigate venue. The bad of this is that this Trial Court implied that CVRA does not impact its analysis, or specifically the right to be present. So a call to action to many of you—if you are looking at doing this, please reach out for technical assistance on these types of cases so that we can really make sure the issue is framed to deal with this Trial Court decision, and to make sure that we are factoring how Victims' Rights complain to venue decisions. And also if you see a case like this come down, we need to seek Appellate review so that we really understand. So this case stands for the proposition that we might have been able to get a case moved for victims' convenience. We may not have litigated it right, but we really need to challenge this Trial Court's analysis. Okay, so those are about convenience for the victims and being in the right, making sure the Trial Court accommodates them in whatever way they need.

### **Poll #3**

Meg Garvin: So now Poll #3. Have you ever had a case in which a victim was sequestered? So we are still on the issue of presence. So have you dealt with a case in which a victim was kept out of the courtroom? And if folks can just take a second and think about that. Have you ever had one of those cases? Looks like we have had a couple of people who are answering in the comments or questions section that they have, which is great. Not great that you had it happen, but great that you have had some experience with this issue.

***People v. Holmes*, No. 12CR1522 (Colo. Arapahoe Cnty. Dist. Ct. Aug. 28, 2013) (order)**



- **Facts**
  - D is charged with shooting and killing or injuring a large number of victims at a movie theatre; charges name 82 different victims.
  - Pursuant to state rule of evidence 615, D moved the court to sequester all of the state witnesses.
  - Separately the state moved to allow all of the victims to be present based upon the victims' state constitutional right to be present.
- **Discussion/Holding**
  - Noting that defendants do not have a constitutional right to exclude witnesses from the courtroom, the court held that excluding victims from the courtroom during criminal stages is not necessary to protect defendant's fair trial rights.
  - Court used a broad definition of "victim."
- **Why it matters**

***People v. Holmes*, No. 12CR1522 (Colo. Arapahoe Cnty. Dist. Ct. Aug. 28, 2013) (order)**

Meg Garvin: Here is my first moment of really like brightness at the end of the tunnel, which is the *People v. Holmes* case out of Colorado. It is, my understanding is this order is being appealed or challenged. I think it is on motion for reconsideration right now in Colorado and I do not think it has been resolved. But this case is important in and of itself. If it is challenged, we will be participating on appeal. But the *People v. Holmes* case is unfortunately the case that all of us became aware of in the news. This is the defendant who shot and killed and injured a large number of folks in a movie theater in Aurora. In fact, the charges name 82 different victims. And the defendant moved to sequester, keep out all of the State's witnesses, which would mean all of those victims because they were also listed on the witness list. And the State in a separate pretrial motion practice moved to allow those victims to be present based on the victims' Constitutional rights to be present.

Meg Garvin: Those of you who have been to an NCVLI training ever in your lives know that this is a right that is near and dear to our hearts, that we really believe that victims should have 100 percent choice of whether they are present or not in a courtroom. And they can...They should be able to make that decision up until the minute of something happening. And, in fact, in the middle of it they should be able to leave. But they should not be barred from a courtroom ever under a Rule of Sequestration.

Meg Garvin: So what did the Court do in *People v. Holmes*? In a beautifully crafted decision, the Court analyzed the Victims' Rights, the Rule of Sequestration, and Defendants' Federal Constitutional Rights and said victims get to be there. And it is a very, very well-crafted, thoughtful decision on the necessary careful analysis of all the interests that play in a courtroom. Victims' Constitutional Right to be present, State Sequestration Rules, and Defendants' Federal Fair Trial, and other Constitutional Rights. And the Court said, there is no reason to keep victims out of the

courtroom. So it is a really well-crafted decision that empowers victims to be there if they so choose. And again, we are not talking about when they are subpoenaed to testify. It is just observing justice in action and it is a great case.

Meg Garvin: Again, my understanding is it is being—a motion for reconsideration has been filed. I believe that is currently where it stands, at least based on the docket online that I can find. So wait and see if this changes, but regardless, those of you litigating this issue, know that we have a recent decision that comes out very nicely, that it has careful, thoughtful analysis in it that you can cite, and also that NCVLI has cases from all over the country that go the right way on this. And there is absolutely no reason that a victim should ever be sequestered from a courtroom.

#### Poll #4

Meg Garvin: Okay, so Poll #4. I have another one for you. So have you ever had a case in which a victim was foreign-born and was seeking a T or a U Visa or a VAWA self-petition? So basically, a foreign-born victim in your criminal case and on the side has maybe an immigration lawyer who is seeking a T Visa for trafficking, a U Visa for their victimization, or VAWA self-petition for qualifying offense. So if any of you have dealt with essentially an immigrant crime victim population. If you have, this next case is really, really relevant to you. So we are going to talk about it, not in detail again, but just a few of the highlights from the case that you need to be aware of.

**State v. Valle, 298 P.3d 1237 (Or. Ct. App. 2013)**



**Facts**

- D appealed from his conviction on charges of 1st degree sodomy and 2nd degree sexual abuse, arguing that the trial court erred in excluding evidence that the child-victim had applied for a U Visa.

**Discussion/Holding**

- Court agreed with D and remanded for a new trial.
- Court noted that a party is entitled to impeach a witness with evidence regarding bias or interest and that this is "particularly true for a defendant in a criminal case[.]"
- The court stated "Simply put, [the child-victim] had applied for an opportunity to stay in the country on the ground that she had been abused; based on that fact, a jury could reasonably infer that she had a personal interest in testifying in a manner consistent with her application for that opportunity."

**Why it matters**

#### **State v. Valle, 298 P.3d 1237 (Or. Ct. App. 2013)**

Meg Garvin: So this case is also an Oregon case, *State v. Valle*, or *Valle*, I am not sure how to say it, that issued in 2013. Defendant appealed. He was convicted of first degree sodomy and second degree sexual assault, but he appealed saying that his trial rights, his rights were denied because the Trial Court excluded evidence that the child victim had applied for a U Visa. So this is a minor victim who applies for legal status in the United States through a U Visa, which is immigration

relief to allow victims of crime to stay in the country and have legal status. And the Court discusses this. And ultimately, the Court agrees with defendant. The Court agrees that he should have been, defendant should have been allowed to cross examine the victim about her U Visa application and the fact that she had applied.

Meg Garvin: So what is really interesting about this case is not facially how it came out. It is that we could have predicted this outcome. The outcome that you need to have access to information that allows you to impeach or cross-examine someone is well established. That is the idea of right is that if someone gets a plea deal to testify against their cohort, you are going to get to say, "Did you get a plea deal?" And examine them on that. So the notion that you get to get this information is not new. What is important about this case is two-fold. First, that the Court said that even though there was no evidence in the record that this victim thought the U Visa was contingent on her testimony, that you still get the fact of the U Visa. So the showing of why you would get to get evidence and to cross-examine on U Visa or T Visa or VAWA self-petition is very low. You are going to get it. So that is the first thing to know. The second thing to know is that the practice here is really important. This is about the fact of the application. So the very basic, yes, we applied for the T or U Visa or VAWA self-petition, that defendant gets to know. But the defendant does not have to have access to all of the underlying supports. So the victim statement that goes to the Vermont Center to support the application, the defendant does not get that unless it is already in the hands of the prosecution under Brady.

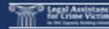
Meg Garvin: So our interpretation of this is when you ask for certification from law enforcement, give them the minimum and give the prosecution the minimum. So what they have in their control is the fact of the application, but not the victim statement that totally supports it. Because if they get all of that, that is all going to be turned over to defendant. And then when this cross-examination comes up that *State v. Valle* says you get, all they are going to be able to ask is, "Is not it true that you applied for a U Visa?" Answer, yes. "Is that impacting your testimony?" Answer, no. Right? That is a much better way to deal with this. That is fine. But if they have the entire statement of the victim, the examination will go very differently. "Is it not true in your application for a U Visa you said that the first time he hit you it was not as bad, that it progressed and got worse? Is that true? Because in your statement to the police you said it was horrible the entire time, right?" And then we have different statements that you get to be cross-examined on which is far worse than impeachment. So really be careful. Know that the defense is going to get it, that the defense is going to get to cross-examine on it. It being the fact of application. But do not give too much over to the prosecution so that there is no Brady obligation to turn it all over. Okay. So that was the T U Visa.

# Scope of Prosecutorial Control

## Scope of Prosecutorial Control

Meg Garvin: Okay, Scope of Prosecutorial Control. There is no poll here but you can all raise your hands if you want.

### *United States v. Meregildo*, 2013 WL 364217 (S.D.N.Y. Jan. 31, 2013)



- **Facts**
  - D and other members of gang were indicted. While incarcerated and awaiting trial one of the co-D's, who had become a cooperating witness, posted status updates on Facebook. Defendant moved to compel the government to obtain the posts, arguing that now that co-D was a cooperating witness he was part of the prosecution team and Brady applied.
- **Discussion/Holding**
  - Court rejected the argument saying law "does not require the gov't to act as a private investigator and valet of the defendant, gathering evidence and delivering it to opposing counsel."
- **Why it matters**

### ***United States v. Meregildo*, 2013 WL 364217 (S.D.N.Y. Jan. 31, 2013)**

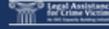
Meg Garvin: Two cases on Scope of Prosecutorial Control that came out of 2013 that are of interest. The first one is this federal case out of the Southern District of New York. And as you read the facts here, if you go look up the case, you are not going to see any victims talked about in this case.

But it is important for victims nevertheless. In this case, defendant and other members of the gang were indicted. While defendant is incarcerated, so one of many defendants, he becomes a cooperating witness against the other defendants, okay. He gets someone on the outside to set up a Facebook page for him under a fictitious name. And then, as I was re-reading this case last night, the facts are amazing to me. He has a cell phone somehow that allows him to post from prison on this Facebook page. Really fascinating. Ultimately, the prison finds out and gets that phone back. But he is posting on Facebook both about his incarceration and the crime, as well as his capacity to turn on other defendants. Folks in the community, so potential defendants, and the existing defendants. So basically, his Facebook page is really active. And the other defendants find out about it. They want access not only to the fact of the Facebook page, but ultimately, to all of the posts on the Facebook page. And they say, Court, go have the government get this stuff for us, right? So basically this case is about defendant saying in order to put on my defense, I need this Facebook page. But I believe government should have to get it for me because this guy is a cooperating witness. And that logical leap between that, the defendant was trying to make is cooperating witnesses are part of the prosecution team. Therefore Brady attaches. Therefore the government should have to get me this.

Meg Garvin: So I am going to break that down one more time. Defendant is saying when there is a cooperating witness, cooperating with the prosecution, that cooperating witness is, in essence, part of the prosecution team and, therefore, because the prosecution has a Brady obligation which says you have to turn over evidence to the defense, the prosecution should have to go get evidence from any cooperating witness and turn it over. And the Court wonderfully rejected this argument and cited a different case. And I do not have the full citation here, but cited another court saying this, that the law does not require the government to act as a private investigator and valet of the defendant—that is a great line. The law does not require the government to act as a private investigator, valet of the defendant, gathering evidence and delivering it to opposing counsel.

Meg Garvin: Okay, so this is all about defendants. Why does it matter? It matters for those of you out there litigating victims' rights or working on victims' issues because we have seen defense ask the prosecution be compelled to get evidence from the victim. We have seen this most often in the defense asking the courts and courts sometimes ordering prosecution to get Facebook pages, diaries, the access codes or passwords—excuse me—the passwords for various social media. Basically defense says to the Court, we need this information but we cannot get it. The Court says, I am going to order the government to get it. The government then in many cases will object, which is good, and should now be citing this case. In other cases will not object and will go to the victim and say, hey, the Court has asked me to get this from you. Will you give it to me? Or sometimes, hey, the Court has ordered me to get this. I need you to turn it over to me. And then victims not understanding the lay of the land and the law and the scope of their rights, turns it over. This case stands for the proposition that government, you have a leg to stand on to say I do not have to do this. And two, if victims or a victim you are working with is asked by the State to turn over something that really defendant is the one who wants, you can say you do not have authority to get the from me. So we can use this case in a number of ways. So this is about the limits on the government's authority.

**Barnett v. Antonacci, --- So. 3d ---, No. 4D12-2939, 2013 WL 4525322 (Fla. Dist. Ct. App. Aug. 28, 2013)**



- **Facts**
  - D was charged with 3 counts of fraudulent transactions and 1 count of 2nd degree grand theft.
  - The state filed a nolle proesse, dismissing all 4 counts.
  - Victim filed a petition for a writ abating the nolle proesse based upon rights to be informed, present, and heard.
- **Discussion/Holding**
  - Writ Denied.
  - To harmonize victims' constitutional rights with the separation of powers doctrine the court concluded "a prosecutor's decision to file charges or discontinue prosecution with a nolle proesse is not a 'stage' of the criminal proceeding".
- **Why it matters**

***Barnett v. Antonacci, --- So. 3d ---, No. 4D12-2939, 2013 WL 4525322 (Fla. Dist. Ct. App. Aug. 28, 2013)***

Meg Garvin: Okay, now a big, big “ugh” case out of 2013. “Ugh” being bad for those of you who do not know Meg-speak. This is a bad, bad case. Defendant was charged with three counts of fraudulent transaction, one count of second degree grand theft, and the State filed a nolle proesse, meaning to dismiss everything. So a nolle proesse translated, right, the Latin I believe is not going to prosecute anymore. Basically will not prosecute. And it said voluntary motion by the State. No one moved to dismiss the case. State just said we are not going to do this anymore. Okay. State does that and the victim in the case files a petition for writ to abate the nolle proesse saying, when you did that you did not notify me and I did not have the chance to be present and heard. So this is the victim doing what NCVLI asked for victims to do all the time, which is if you want it, ask for a do-over. Because you cannot have proceedings that violate the victim’s right to be notified, present, and heard.

Meg Garvin: Here is what the Florida case Court did. The Court denies the writ and says this. In order to harmonize the Constitutional rights with separation of powers, the Court concludes that prosecution decision to file charges or discontinue via nolle proesse is not a quote “stage of the criminal proceeding. And victim’s right to be notified, present, and heard in Florida attached to criminal proceedings.” Okay. So this is a hurdle for us and because, right, when counts are dismissed or nolle proessed through motion of the prosecution, we believe that victims should have the right to, A, confer about that. But then be heard on the idea that this is not in the interest of justice. This Court says in Florida, when it is a straight-up nolle proesse you cannot do that. So in Florida we need to do some new work and figure out, is there a way to challenge this? Is there a way to set up a new appeal? In other jurisdictions when we are seeking a do-over of a non-prosecution, so a nolle proesse, we are going to have to really think about that nationally how to litigate it.

Meg Garvin: Here is the worst part about this decision. The Court went beyond where it needed to and said, not only do these rights not allow the victim to do this, but I am going to now affirmatively

interpret these rights and say they only attach to proceedings in court. So the problem there is when things are done just on motion practice or done even potentially by telephone, arguably, although I think we can overcome that one. But mostly when it is done on the papers, this Court implies that victims' rights to be notified, present, and heard in Florida do not attach. And the Court hung that on this idea of present. And what I will say to the national community on this line is that I think that failure in the Court's decision comes from our failure to educate courts that presence does not always mean physical presence. Presence means being able to participate. So we have quite a few hurdles out of this Barnett decision in Florida. So if you see a nolle prosequere happening in your jurisdiction, really reach out for technical assistance. While we certainly do not think that victims' rights trump prosecutors' decisions on what charges to file and when to file them, we do think victims have to be heard, and should be heard by the Court and the prosecutor.

## Poll #5

Meg Garvin: Goldann, let me know along the way that I had inadvertently put in two Poll #4s, so those of you who fell asleep at the wheel might be like, oh, we are only on Poll #4. But really, I mis-numbered. This one question to all of you. Do you think judges now finally understand violence against women issues? So domestic violence, sexual assault. Do you think they get it? Do you think our communities really understand violence against women now? I am giving you a second to either answer or stop laughing. I imagine most of you who work on violence against women issues are even stunned that I would even ask that question. But there are a couple of cases in which it is really coming to the fore that I think folks should be aware of; that we think folks should be aware of.

### *United States v. Castleman*, 695 F.3d 583 (6th Cir. 2012)



- **Facts**
  - D pleaded guilty to misdemeanor domestic assault under TN law, which requires as an element bodily injury; subsequently he was charged with a violation of 18 U.S.C. § 922(g)(9), which prohibits anyone "who has been convicted in any court of a misdemeanor crime of domestic violence" from possessing a gun. The misdemeanor crime of DV is defined as requiring the "use or attempted use of physical force."
  - The district court dismissed the count in the indictment, reasoning that the misdemeanor domestic assault conviction did not qualify under 922(g)(9) because "bodily injury" could be caused without physical force.
  - The government moved for reconsideration and appealed.
- **Discussion/Holding**
  - The court determined that TN's domestic assault statute didn't categorically qualify as a misdemeanor crime of DV; and affirmed.
- **Why it matters**

### ***United States v. Castleman*, 695 F.3d 583 (6<sup>th</sup> Cir. 2012)**

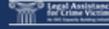
Meg Garvin: The first one is *United States v. Castleman*, out of the 6<sup>th</sup> Circuit. Again, you will note at the top that this is a 2012 case. But what is important about this case is, once again, this is a United States Supreme Court case. The Supreme Court is reviewing this right now. Some briefing is in. And I would encourage folks to go look at the SCOTUSblog and find some of the briefs. I

know that the National Network to End Domestic Violence, the National Domestic Violence Hotline, Domestic Violence Legal Empowerment and Appeals Project, Legal Momentum, took the lead on a particular amicus in which a myriad of other [unclear] from across the country joined, putting before the Court some of the domestic violence issues that that Court needs to be aware of. Because what is going on in this case is a really interesting—again language matters—interesting connection between state law and federal law.

Meg Garvin: So defendant pled guilty to a misdemeanor domestic assault under Tennessee law. That charge requires bodily injury. Okay, so keep that in mind. He pleads guilty to something that requires bodily injury. Later, he is found in possession of weapons and he is charged with a federal crime which prohibits someone who is convicted in any court of a misdemeanor crime of domestic violence from possessing a gun. So the federal law says if you have been convicted of a misdemeanor crime of domestic violence, you cannot have guns. And this guy had a gun, so he gets prosecuted there, too.

Meg Garvin: The federal definition of a misdemeanor crime of domestic violence says you have to have physical force. User attempts to use physical force. The Court ends up analyzing and saying this Tennessee law of misdemeanor domestic violence that requires bodily injury may or may not require force. Physical force. So basically you can have bodily injury without physical force is what the Court said. And that is the issue up on appeal. And the Court...There is some really bad language in here really minimizing the full panoply and scope of domestic violence and intimate terrorism. Completely dismisses the idea that anything other than very severe physical force comes into play in domestic violence cases. The reason this case is on the screen in front of you, the reason we are highlighting it are a couple of things. Yes, there are a lot of nuance between the gun dispossession law at the federal level and state crimes. But two things to keep in mind. One, when you are drafting state laws, be sure you are looking at the federal laws that interplay with them to make sure that we get some of our vocabulary right. That is one thing. Two, more practically, and I think more urgently, there is a split of authority on this type of issue. This issue and the country, which is why the U.S. Supreme Court has it. Those jurisdictions that do not, that come out the way Castleman came out, I believe do not fundamentally understand the scope and magnitude of domestic violence or intimate terrorism because they are not understanding the multiple and myriad forms of violence and what that looks like. So that issue is going to come to play in this case and future cases. So that was a domestic violence case.

***State v. MacBale*, --- P.3d ---, No. CC CR1100933, SC S060079 (Or. July 25, 2013)**



- **Facts**
  - D, who was charged with sexually assaulting a former employee, requested an evidentiary hearing under state rape shield statute and asked that such hearing be held in open court.
- **Discussion/Holding**
  - Concluding that rape shield statute's in camera procedure does not violate state constitution's open courts clause nor does it violate defendant's rights to a public trial.
  - Court observed that "a rape victim who is examined about the details of her personal sexual background may be less likely to be forthcoming if forced to discuss the matter in open court."
- **Why it matters**

***State v. MacBale*, --- P.3d ---, No. CC CR1100933, SC S060079 (Or. July 25, 2013)**

Meg Garvin: Now, as a rape shield case, *State v. MacBale*, this is a case that does not have a lot of general applicability across the country, but for those of you litigating rape shield issues, the briefing in the case could be very useful to you. This was a case under Oregon law in which the defendant was saying that rape shield hearings should be held in open court. That you do not get to have them in camera. Right. In camera means that the public is not in there. And this was based on really nuanced Oregon law and was decided under very nuanced Oregon law and tradition. So it does not have a lot of precedential value or even persuasive value outside of Oregon. But the Court does discuss why rape victims, sexual assault victims in general, should not be examined in public and about their background, about their sexual histories, and why it matters to do that in private. That component of it, the way the Court articulates it, the way the Court balances that interest against other interests, that part of the decision should influence the way you litigate because this Court got it. So whereas the Castleman Court I am not sure gets it, this Court got it, at least with regard to the issue presented to it.

# Standing – oh standing

*People v. Brothers*, --- P.3d ---, No. 12SA156, 2013 WL 2340633 (Colo. May 28, 2013)



- **Facts**
  - D was charged with a number of offenses, including sexual assault on a child by one in a position of trust.
  - Prior to the preliminary hearing, defendant subpoenaed the child-victim's parents, seeking that they appear at the preliminary hearing and bring the child-victim with them. The prosecution moved to quash but the trial court refused to consider the motion until the preliminary hearing. The prosecution sought review in the supreme court.
- **Discussion/Holding**
  - Court affirmed that the prosecution had standing to move to quash the subpoena and held that when a child-victim could suffer harm "simply by being required to attend the preliminary hearing," it is an abuse of discretion to fail to consider the motion in advance of the hearing.
- **Why it matters**

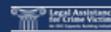
### ***People v. Brothers*, --- P.3d ---, No. 12SA156, 2013 WL 2340633 (Colo. May 28, 2013)**

Meg Garvin: Okay, the last topic area is standing. So we are almost done. So if you have any questions, be sure to send them along. I am looking at the ones that have come in so far. This is the last of the issues. Two standing cases of interest that came down this last year. The first one is *People v. Brothers* out of Colorado. And this is an interesting question of standing for the prosecution. And this, I believe, you will be seeing more and more in the years ahead, is when can a prosecutor assert and seek review on a victims' rights issue. When does the prosecutor have standing to do something? Here the defense was charged with offenses including sexual assault. Prior to the preliminary hearing, the defense subpoenas the child victim's parents saying, come to the preliminary hearing and bring the kid with you, bring the child with you. The prosecution, based on Victims' Rights, moves to quash that subpoena saying, do not let them have to come to the

preliminary hearing. Make the decision beforehand, right? Because it is absolutely nonsensical to come to the preliminary hearing and then have the subpoena quashed. So the prosecution was saying, A, they should not have to come to the preliminary hearing, but B, let us decide this all up front so they do not come and then be told they do not have to be there. The Trial Court did not rule on the prosecution's motion initially. And, you know, as is true of time, we start getting closer and closer to the preliminary hearing. And the prosecution cannot get the Trial Court to rule on it, so the prosecution seeks review in the Supreme Court, State Supreme Court.

Meg Garvin: And the really good things out of this decision are two-fold. First, the Court affirms that the prosecution has standing on behalf of the victims, or on behalf of the victims' rights, or the interest of justice idea, to move to quash the subpoena. So that means in certain situations prosecutors can take these actions, including the Appellate piece. Also held that when a child victim can suffer harm simply from being required to attend a hearing, it is an abuse of discretion to fail to consider the motion in advance of the hearing. So there are two parts to this decision that matter to those of us that litigate on these issues. First, prosecution can have standing. Second, when you file a motion—and I know I have just been talking with some folks in Ohio as well as a couple of other places. You cannot get courts to rule on your motions. This case—victims motions—this case stands for the proposition that if a court is not ruling on it, it might be an abuse of discretion. And again, factually this case grounds that in if the child victim is going to suffer harm, right? But I think we can extrapolate from that for other times and make arguments that when a court is just sitting on your victims' rights motions, that, in and of itself, could be an abuse of discretion. And so, and again, we know that discretionary standard of review is not ideal, but this case at least gets us that far. So that is a really good standing case.

*Airman First Class (E-3) LRM v. Lieutenant Colonel Kastenberg*, NO. 13-5006 (C.A.A.F. July 18, 2013)



- Facts
  - D was charged with raping a female Airman.
  - Victim was appointed counsel who entered appearance and asked for copies of motions filed under Rules 412, 513, and 514. Military judge held that the victim had no standing to move for copies of motions, to be heard through counsel, or to seek any exclusionary remedy.
  - Victim sought appellate review first to the Air Force Court of Criminal Appeals and then the US Court of Appeals for the Armed Forces
- Discussion/Holding
  - Noting that there are "many examples of civilian federal court decisions allowing victims to be represented by counsel at pretrial hearings," held that the victim had the right to be heard through counsel on legal issues rather than as a witness at 412 and 513 hearings.
- Why it matters

***Airman First Class (E-3) LRM v. Lieutenant Colonel Kastenberg*, NO. 12-5006 (C.A.A.F. July 18, 2013)**

Meg Garvin: And, wonderfully, I am ending on a highlight. This is both the most wonderful and slightly disheartening case. But really we are going to end on the wonderful part of it. This is the military case that the NCVLI has been talking about all year long. As many of you know, the Air

Force was the first among the military branches to stand up as Special Victims Counsel Program, which means that every sexual assault victim in the Air Force has the right to have his or her own private attorneys. So they have their own victims' rights lawyer. And as of November 1, the other branches of the military have similar attorney programs set up. They are not quite the same, but the Air Force's model we hope will inform those programs.

Meg Garvin: In this case, defendant is charged with raping a female airman. The victim on essentially day two, I think, of the program was appointed counsel. That counsel entered his appearance on behalf of the victim and filed a number of motions, essentially saying, hey, I am the victim's lawyer. I am filing my notice of appearance. And I want to participate or at least see what is happening with regard to Rule 412, that is rape shield, and 513 and 514 proceedings. Those are mental and physical health records subpoenas.

Meg Garvin: All right, so we have all of those and the military judge at the Trial Court level says, hey, attorney, you have no standing. And not only do you not have standing, but I do not even think the victim has standing. So this case gets litigated all the way through the Appellate Court and it goes up and the first Appellate Court says, we are not going to decide a couple of issues. We do not think you have standing, and they decide a few things. Ultimately, it makes it to the Court of Appeals for the Armed Forces. And in this really wonderful decision—does not go quite as far as we want—but they basically say, of course, the victim has standing to be heard and can have a lawyer do that on his or her behalf. So this is a really positive case. The briefing in this case by all participants, ranging from the Special Victim Counsel, the Appellate Court, NCVLI's amicus brief, the other amicus briefs, is so thorough and thoughtful on when and why victims have standing, and when and why Victim Counsel is an appropriate and good thing, that I encourage all of you to read the briefing in this case and to understand the lay of the land with regard to standings. So when can a victim be heard on his or her rights? And when can a counsel be present in a case? And what is the scope of that counsel's role?

Meg Garvin: This, I think, is just the first of many Appellate Court cases in the military. But it is a really, really important one and I applaud the folks who litigated this case, and the Air Force for even thinking of having Victim Counsel. That is all the positive. The downside and what I think we need to keep in mind for 2014 is we are not done. We are not done with the issue of standing, meaning we are still fighting the fight. These are personally held civil rights that victims have and that they get to assert them in court. So be heartened that we have a good case out of the Air Force. But know that the battle is not done. So if you are fighting this issue in your jurisdiction, please reach out and ask for help.

## Questions? Comments?



### Questions? Comments?

Meg Garvin: So I am just looking over the last set of questions and I think they are all very specific questions that we will answer offline because they go to specific jurisdictions. So if you do have any questions about any of these cases or other cases, I am going to encourage you to reach out to us and ask those of us. I am also really cognizant of the time, so I do not want to go beyond our time. But do send us e-mails. If you are working on a case, ask us the questions on the case. We will help in whatever and any way we can.

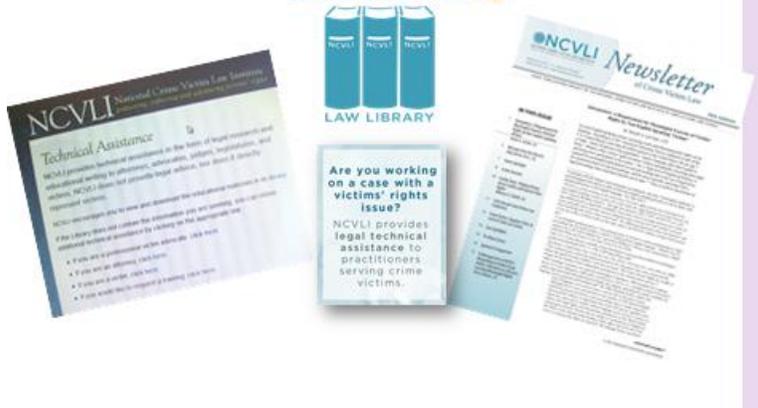
Meg Garvin: I think the keys to take away from the Year in Review are that we have made some progress. We need to litigate carefully and choose our language carefully. Violence against women issues, we still have to educate our courts to really understand what violence means and how it manifests. And we need to know when prosecutors can do things, when victims can do things, and how to seek quote/unquote “accommodations” for victims. So some really good cases from this last year, and I think lessons for the year ahead that we hope we can partner with you on in order to litigate 2014 even better.

Meg Garvin: So with that, I will turn it over to Goldann to just wrap up a few things and make sure you guys get your final information from her. Goldann?

## For More Information



[www.ncvli.org](http://www.ncvli.org)



### For More Information

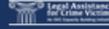
Goldann Salazar: Great. Thank you. So I am just going to cover a few more points quickly in wrapping up, and that is just some of our resources. So we have tons of resources on [www.ncvli.org](http://www.ncvli.org), including our publications.

Meg Garvin: Goldann, I am not sure...I cannot hear you right now, so I am not sure if other folks can. Can other folks hear Goldann? Maybe if folks would answer in the chat line.

Goldann Salazar: Can you hear me now?

Meg Garvin: Okay. I am going to go ahead and jump in and wrap this up, Goldann, just because I do not know if folks can hear you. So let me take back over for a second. If you want to ask for help or if you have questions, first things first. Go to our law library at [www.ncvli.org](http://www.ncvli.org), and you can access information there. We have a myriad of legal publications. You would not believe all the stuff that is there now, including prior trainings. And technical assistance, you just go online and you can ask questions there.

## Contact Information



National Crime Victim Law Institute  
Tel: 503-768-6819  
[ncvli@lclark.edu](mailto:ncvli@lclark.edu)  
[www.ncvli.org](http://www.ncvli.org)

### Contact Information

Meg Garvin: Here is our contact information. The most important thing on this screen is [www.ncvli.org](http://www.ncvli.org).

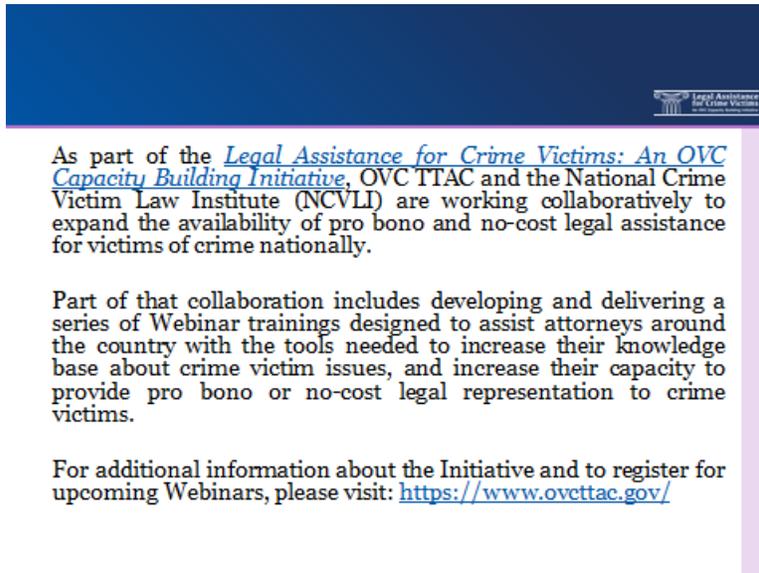
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### Completion Code

Meg Garvin: Here is your Completion Code for those of you who need it to get credit for having attended. And as Goldann noted, you will receive an e-mail that has the PDF or the PowerPoint as well as the completion certificate that you then just plug that code into.

A slide with a dark blue header containing a logo for "Legal Assistance for Crime Victims" and the text "OVC TTAC". The main body of the slide is white with a light purple vertical bar on the right side. The text on the slide is as follows:

As part of the *Legal Assistance for Crime Victims: An OVC Capacity Building Initiative*, OVC TTAC and the National Crime Victim Law Institute (NCVLI) are working collaboratively to expand the availability of pro bono and no-cost legal assistance for victims of crime nationally.

Part of that collaboration includes developing and delivering a series of Webinar trainings designed to assist attorneys around the country with the tools needed to increase their knowledge base about crime victim issues, and increase their capacity to provide pro bono or no-cost legal representation to crime victims.

For additional information about the Initiative and to register for upcoming Webinars, please visit: <https://www.ovcttac.gov/>

Meg Garvin: And then finally, just wrapping up again, this was a part of a really important initiative that OVC has launched that OVC TTAC and NCVLI are participating in. Please stay tuned for future things, both publications and Webinars, because really the vision here is to make sure that nationally there are well-trained, no-cost legal assistance providers out there for every victim all across this country. So with that, we will wrap up. Thanks for joining.

[End.]