

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Chief Judge Philip A. Brimmer

Criminal Case No. 21-cr-00198-PAB

UNITED STATES OF AMERICA,

Plaintiff,

v.

1. KBM GROUP, LLC,

Defendant.

ORDER

This matter is before the Court on the Government's Motion for Alternative Victim Notification Under 18 U.S.C. § 3771(d)(2) [Docket No. 4] filed on June 14, 2021.

The Crime Victims' Restoration Act ("CVRA") provides that victims of a crime have the right to "reasonable, accurate, and timely notice of any public court proceeding" involving the crime at issue, the right to "be reasonably heard at any public proceeding in the district court involving release, plea, [or] sentencing," and the right "to confer with the attorney for the Government in the case." 18 U.S.C. § 3771(a)(2), (4)-(5). The CVRA requires the government to "make [its] best effort[] to see that crime victims are notified of, and accorded, the rights described in subsection (a)." 18 U.S.C. § 3771(c)(1). "In a case where the court finds that the number of crime victims makes it impracticable to accord all of the crime victims the rights described in subsection (a), the court shall fashion a reasonable procedure to give effect to this chapter that does not unduly complicate or prolong the proceedings." 18 U.S.C. § 3771(d)(2). The CVRA

“places no limitations on the alternative procedures which a Court may fashion other than that the procedures be reasonable to effectuate the Act and that they not unduly complicate or prolong the proceedings.” *United States v. Bondarenko*, 2018 WL 1413972, at *2 (D. Nev. Mar. 21, 2018).

The government moves under 18 U.S.C. § 3771(d)(2) “for an order authorizing it to comply with the Crime Victims’ Rights Act of 2004, 18 U.S.C. § 3771(a) (the “Act”), by using reasonable alternative measures for notifying millions of potential victims” in this case and “believes it would be ‘impracticable’ under Section 3771(d)(2) to provide personal notification by mail to millions of potential victims.” Docket No. 4 at 1-2.

The government seeks an order authorizing victim notification by publishing information about the case on the Department of Justice’s publicly accessible website. *Id.* at 2. With respect to the website posting, the government states that it will provide a statement about victims’ rights, regularly updated information about the case, and will direct victims to the Claim Administrator, who will report directly to the government. *Id.* at 2-3.

The Court finds that alternative notification procedures are appropriate in this case. Wherefore, it is

ORDERED that the Government’s Motion for Alternative Victim Notification Under 18 U.S.C. § 3771(d)(2) [Docket No. 4] is **GRANTED**. It is further

ORDERED that the government may provide notice to the alleged crime victims by publishing information about the case on the Department of Justice's publicly accessible website.

DATED June 29, 2020.

BY THE COURT:



PHILIP A. BRIMMER
Chief United States District Judge