

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Criminal Action No. 5:16CR36
(STAMP)

DONNA S. BROWN,

Defendant.

ORDER REGARDING CRIME VICTIMS' RIGHTS

The rights of crime victims under federal law are governed by the Crime Victims' Rights Act, 18 U.S.C. § 3771. This statute sets forth the various rights of "crime victims" including the right to be reasonably heard in any public proceeding in this district court. A "crime victim" is defined as a person directly or proximately harmed as a result of a federal offense.

Section 3771(d)(2) states:

In a case where the court finds that the number of crime victims makes it impractical 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.

In this case, I have been informally advised that there are or may be hundreds of persons who may be deemed crime victims in this case under the federal law.

There were a substantial number of persons attending the plea hearing on October 24, 2016, in this courthouse.

Therefore, I am initiating the following procedures to protect the rights of crime victims while not unduly complicating or

prolonging the sentencing hearing, which I will schedule after I have received the presentence report and allowed time for the filing of objections and sentencing motions and memoranda by counsel:

1. All persons who believe that they are victims of a crime in this case committed by Ms. Brown shall notify the Court on or before **January 17, 2017**, if they wish to be heard at the sentencing hearing, and briefly explain why they are a crime victim and what generally they wish to say at the hearing.

2. If one or more victims wish to appear through counsel, their counsel will be responsible for submitting this notification.

3. If it appears that multiple victims wish to make the same points, this Court may determine to limit the number of victims who speak in order not to unduly complicate or prolong the sentencing hearing.

4. A crime victim who wishes to waive his or her right to be heard at the sentencing hearing and, instead, to submit a written statement may do so by submitting a written victim statement on or before **January 17, 2017**, which states in its caption: "This victim statement is submitted in place of the right to be heard at the sentencing hearing of Donna S. Brown." Victim statements will be available to the Court, to the probation officer assigned to this case, and to counsel for the parties.

5. All notifications of a desire to appear and to be heard and all written victim statements in place of an appearance must be filed with:

Cheryl Dean Riley
Clerk of Court
ATTN: Kim Criswell
P.O. Box 471
Wheeling, WV 26003

and copies mailed by the crime victim to:

United States Probation Office
ATTN: Leslie A. Stocking
P.O. Box 248
Wheeling, WV 26003

and to:

Daniel A. Brown
Assistant United States Attorney
United States Attorney's Office
303 Marconi Boulevard, Suite 200
Columbus, OH 43215

and to:

Bryan R. Faller, Esq.
Porter, Wright, Morris & Arthur, LLP
41 South High Street
Columbus, OH 43215

These notifications and statements shall be filed under seal.

The procedure for sentencing is governed by Federal Rule of Criminal Procedure 32. This Court will allow the defendant to speak and to present any information that may mitigate her sentence. After this, the Court will allow crime victims to be heard, subject to the above limitations. This Court cannot predict when in the course of the hearing it will become appropriate for victims to be heard. Victims who wish to speak should therefore

plan to attend and be available when the opportunity to speak arises.

The responsibility of notifying victims under the statute rests with the United States Department of Justice. Accordingly, the Department of Justice is DIRECTED to publish this order in a newspaper or newspapers of general circulation within the next month. The Court's order will also be posted on this Court's website (www.wvnd.uscourts.gov under the News & Announcements section) dealing with United States of America v. Donna S. Brown.

IT IS SO ORDERED.

The Clerk is directed to transmit a copy of this order to the defendant, to counsel of record herein, to the United States Probation Office and to the United States Marshals Service.

DATED: October 24, 2016

/s/ Frederick P. Stamp, Jr.
FREDERICK P. STAMP, JR.
UNITED STATES DISTRICT JUDGE