No. 21-351

IN THE

Supreme Court of the United States

COURTNEY WILD,

Petitioner,

v.

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF FLORIDA,

Respondent.

On Petition for a Writ of Certiorari to the U.S. Court of Appeals for the Eleventh Circuit

BRIEF OF SENATOR DIANNE FEINSTEIN AND FORMER SENATORS JON KYL AND ORRIN HATCH AS *AMICI CURIAE* IN SUPPORT OF PETITIONER

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BRIEF FOR *AMICI CURIAE* IN SUPPORT OF PETITIONER

INTEREST OF *AMICI CURIAE*[*]

Amici curiae are Senator Dianne Feinstein and former Senators Jon Kyl and Orrin Hatch. Senators Feinstein and Kyl served on the Senate Judiciary Committee—and Senator Hatch served as its Chairman—when Congress passed the Crime Victims' Rights Act in 2004. Senators Feinstein and Kyl drafted and, along with Senator Hatch, co-sponsored this landmark legislation. As Senator Hatch said at the time, "[n]o one has worked harder" than Senators Feinstein and Kyl "in trying to protect victims' rights"—an issue "of utmost importance to the American people." 150 Cong. Rec. 7294, 7311–12 (2004) (Sen. Hatch) (the Act "will get us back to a point where we will be making headway on victims' rights and protecting the rights of those who have been suffering far too long").

Amici Senators have a strong interest in ensuring that the landmark legislation they drafted and shepherded through Congress is properly construed by the courts, so that crime victims' rights under the Act "are not simply words on paper, but are meaningful and functional." 150 Cong. Rec. at 7295 (Sen. Feinstein);

[*] Pursuant to Supreme Court Rule 37.6, *amici* represent that this brief was not authored in whole or in part by any party or counsel for any party. No person or party other than *amici* or their counsel made a monetary contribution to the preparation or submission of this brief. Counsel of record for all parties received notice of the filing of this brief pursuant to Rule 37.2 and each has consented to its filing.

150 Cong. Rec. at 7303 (Sen. Kyl) ("The enforcement provisions of this bill ensure that never again are victim[s'] rights provided in word but not in reality."). *Amici* Senators respectfully submit that the Court's intervention in this case is badly needed because, if permitted to stand, the decision below will have profoundly grave consequences for crime victims across the Nation.

STATEMENT

If permitted to stand, the decision below will roll back the clock to the days before the Crime Victims' Rights Act was signed into law—back when "victims, and their families, were ignored, cast aside, and treated as non-participants in a critical event in their lives." 150 Cong. Rec. at 7296 (Sen. Feinstein). This Court's intervention is critical to avoid that tragic result, restore nationwide uniformity on an exceedingly important issue of federal law, and vindicate the rights of crime victims across the Nation. Pet. 15–34.

1. In contrast to the panoply of rights and protections afforded criminal defendants, the victims of crime have enjoyed few meaningful rights. As Senator Feinstein observed:

> In case after case we found victims, and their families, were * * * kept in the dark by prosecutors to[o] busy to care enough, by judges focused on defendant's rights, and by a court system that simply did not have a place for them.
>
> The result was terrible—often, the experience of the criminal justice system left crime victims and their families victimized yet again.

150 Cong. Rec. at 7296 (Sen. Feinstein); see also 150 Cong. Rec. at 7298 (Sen. Kyl) ("[I]n many cases, these victims were being victimized a second time[.] * * * They were suffering through the trauma of the victimization and then being thrown into a system which they did not understand, which nobody was helping them with, and which literally prevented them from participati[ng] in any meaningful way.").

In 1990, Congress sought to change that with the Victims' Rights and Restitution Act of 1990 (VRRA), Pub. L. No. 101-647, 104 Stat. 4820. That law requires the government to "identify the victim or victims of a crime" at "the earliest opportunity after the detection of a crime" and inform victims of their rights under the act. VRRA § 503(b) (originally codified at 42 U.S.C. § 10607(b), transferred to 34 U.S.C. § 20141(b)). Those rights include the "right to confer with [the] attorney for the Government in the case." VRRA § 502(b)(5) (originally codified at 42 U.S.C. § 10606(b)(5)).

But the VRRA "does not create a cause of action or defense in favor of any person arising out of the failure to accord to a victim the rights enumerated." VRRA § 502(c); see also VRRA § 503(d) (same).

2. The VRRA's limits in providing meaningful rights to crime victims became apparent in the aftermath of the 1995 bombing of the Alfred P. Murrah Federal Building in Oklahoma City that claimed the lives of 168 victims, including 19 children.

"During pre-trial conference in the case against Timothy McVeigh, the District Court issued a ruling to preclude any victim who wished to provide victim impact testimony at sentencing from observing any proceeding in the case." 150 Cong. Rec. at 7295 (Sen. Feinstein).

The victims appealed, and the Tenth Circuit "rejected, without oral argument, the victims' claims on jurisdictional grounds finding they had no 'legally protected interest' to be present at the trial and had suffered no 'injury in fact.'" *Ibid*. As the Tenth Circuit explained, the victims couldn't enforce their rights under the VRRA because section 502(c) "explicitly denies any private cause of action," and "does not grant standing to seek review of orders relating to matters covered by the Act." *United States* v. *McVeigh*, 106 F.3d 325, 335 (10th Cir. 1997).

3. About ten years after the Oklahoma City bombing, Congress again took up crime victims' rights, enacting a statute named for Scott Campbell, Stephanie Roper, Wendy Preston, Louarna Gillis, and Nila Lynn—murder victims whose families were all denied the rights now guaranteed by the Act. See 150 Cong. Rec. at 7294–97, 7299–7300 (Sens. Feinstein & Kyl); see also Hon. Jon Kyl, Steven J. Twist & Stephen Higgins, *On the Wings of Their Angels: The Scott Campbell, Stephanie Roper, Wendy Preston, Louarna Gillis, and Nila Lynn Crime Victims' Rights Act*, 9 Lewis & Clark L. Rev. 581, 582–83 (2005).

In drafting the Act, Congress had the *McVeigh* case top of mind: "Nowhere was the need for this legislation made more clear than during the trials over the Oklahoma City bombing." 150 Cong. Rec. at 7295 (Sen. Feinstein). As the "Tenth Circuit succinctly stated," the problem with the VRRA was that it "did not give anyone the right to enforce it." Kyl, Twist & Higgins, 9 Lewis & Clark L. Rev. at 587.

What made the Crime Victims' Rights Act "so important, and different from earlier legislation" was

that it "provides mechanisms to enforce the set of rights provided to victims of crimes." 150 Cong. Rec. at 7295–96 (Sen. Feinstein) (previous statutes "don't really work * * * because they fail to provide an effective procedure for victims to assert standing and vindicate their rights"). One of those mechanisms was a "specific statement that the victim of a crime * * * may assert these rights"—"the result is that, for the first time victims will have clear standing to ask our courts to enforce their rights." 150 Cong. Rec. at 7295 (Sen. Feinstein).

Senator Kyl echoed these sentiments. The most important part of Act, he emphasized, was that it granted victims "the right to enforce the[ir] rights"—they "would have legal standing to enforce their rights in court." 150 Cong. Rec. at 7300 (Sen. Kyl). One of the most serious "problems with existing Federal law" was that it "did not grant the victims the standing to sue"—"that had to be corrected here." *Ibid*.

That is precisely what Congress did in the Crime Victims' Rights Act, by "setting forth the rights *and providing a remedy* for the victims of crime." 150 Cong. Rec. at 7301 (Sen. Kyl) (emphasis added). Senator Kyl explained:

> The enforcement provision * * * is critical to this bill. Without the ability to enforce the rights in the criminal trial and appellate courts of this country any rights afforded are, at best, rhetoric. We are far past the point where lip service to victims' rights is acceptable. The enforcement provisions of this bill ensure that never again are victim[s'] rights provided in word but not in reality.

150 Cong. Rec. at 7303 (Sen. Kyl); see also 150 Cong. Rec. at 7295 (Sen. Feinstein) ("These procedures, taken together, will ensure that the rights defined in the first section are not simply words on paper, but are meaningful and functional."); 150 Cong. Rec. at 7312 (Sen. Hatch) ("the bill provides that victims will have standing to sue in Federal court if they are wrongly denied these rights").

4. In drafting the Crime Victims' Rights Act, Senators Feinstein and Kyl set out "to correct * * * the legacy of poor treatment of crime victims" by "build[ing] on" Congress's "earlier attempts" to vindicate victims' rights. 150 Cong. Rec. at 7296, 7303 (Sen. Feinstein). To accomplish that goal, the Act went "one very important step farther—linking rights to remedies." 150 Cong. Rec. at 7296 (Sen. Feinstein).

> It has been said "a right without a remedy is no right at all," and this law would couple victims' rights with victims' remedies in a way that has never been done before in the federal system.

Ibid.; see also H.R. Rep. No. 108-711, at 3–4 (2004) (the Act "amplifies the current rights and sets forth an explicit enforcement mechanism for those rights"); *id.* at 123 (Rep. Sensenbrenner) (the Act provides "a new set of statutory victims' rights" that are "enforceable in a court of law" by "both the prosecutor and the crime victim"); Kyl, Twist & Higgins, 9 Lewis & Clark L. Rev. at 583 ("the Act creates an enforcement mechanism in federal courts so that these rights are truly meaningful").

Congress achieved its goal of "linking rights to remedies" and "giving the victims a right to sue, a remedy," through three provisions. 150 Cong. Rec. at 7296, 7300 (Sens. Feinstein and Kyl).

First, the Act defined the rights it guaranteed to a crime victim, including the "reasonable right to confer with the attorney for the Government in the case" and the "right to be treated with fairness and with respect for the victim's dignity and privacy." 18 U.S.C. § 3771(a)(5), (8); see 150 Cong. Rec. at 7302 (Sen. Feinstein) (to ensure victims could meaningfully participate in the criminal justice system, Congress expressly guaranteed victims "the right to confer with the Government concerning any critical stage or disposition of the case"—a right "intended to be expansive"); Kyl, Twist & Higgins, 9 Lewis & Clark L. Rev. at 603 (emphasizing importance of "permit[ting] the victim to address the court *before* the judge exercises discretion to accept or reject a plea") (emphasis added).

Second, the Act provided that a "crime victim * * * may assert th[os]e rights." 18 U.S.C. § 3771(d)(1); see Kyl, Twist & Higgins, 9 Lewis & Clark L. Rev. at 583 ("This provision's simple yet profound directive * * * is the lynch-pin of the entire law, without which it would be as ineffective as the former VRRA.").

Third, the Act explained how to assert those rights: A victim can file a motion for relief either (1) "in the district court in which a defendant is being prosecuted" or (2) "if no prosecution is underway, in the district court in the district in which the crime occurred." 18 U.S.C. § 3771(d)(3); see Kyl, Twist & Higgins, 9 Lewis & Clark L. Rev. at 618–21 ("It is important for victims' rights to be asserted and protected throughout the criminal justice process."). The Act also instructed that the "district court shall take up and decide any motion asserting a victim's right forthwith." 18 U.S.C. § 3771(d)(3).

Unlike its predecessor, the VRRA—which foreclosed any private "cause of action * * * in favor of any person," VRRA § 502(c)—the Act made clear that it barred only suits "for damages." 18 U.S.C. § 3771(d)(6).[1]

5. Petitioner Courtney Wild "is one of more than 30 women who * * * were victimized by notorious sex trafficker and child abuser Jeffrey Epstein." Pet. App. 2. Ms. Wild was 14 years old and still in braces when Epstein sexually abused her. In March 2007, the government sent Ms. Wild a letter advising her that "as a victim and/or witness of a federal offense" she had "a number of rights"—including under the Act. Pet. App. 4, 369 ("Members of the U.S. Department of Justice and other federal investigative agencies, including the Federal Bureau of Investigation, must use their best efforts to make sure that these rights are protected."). The letter concluded by telling Ms. Wild that her case was "under investigation," she was "entitled to notification of upcoming case events," and she would be notified if "anyone is charged in connection with the investigation." Pet. App. 370.

Instead of treating Ms. Wild and Epstein's other victims "with fairness and with respect," see 18 U.S.C. § 3771(a)(8), the government waged an 18-month campaign that "graduated from passive nondisclosure to (or at least close to) active misrepresentation." Pet. App. 6.

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[1] Compare VRRA § 502(c) ("This section does not create a cause of action or defense in favor of any person arising out of the failure to accord to a victim the rights enumerated in [the VRRA]."), with 18 U.S.C. § 3771(d)(6) ("Nothing in this chapter shall be construed to authorize a cause of action for damages").

Despite executing the non-prosecution agreement with Epstein in September 2007, the government continued to tell Epstein's victims that the "case was 'currently under investigation,'" and that the government was conducting a "thorough investigation." Pet. App. 6; see also Pet. App. 263–66 (Hull, J., dissenting).

One week after Epstein entered his state-court guilty plea, Ms. Wild filed this suit seeking to enforce her rights under the Act. Pet. App. 7. Because there was no federal case pending against Epstein, she filed her motion in the Southern District of Florida—"the district court in the district in which the crime occurred." 18 U.S.C. § 3771(d)(3); Pet. App. 7–8.

As Ms. Wild described it, "I never had a chance for my voice to be heard. * * * My voice was muted by the same government that was supposed to protect me."[2] Were it not for the Act, Ms. Wild would have been "victimized a second time" by a system that "prevented [her] from participati[ng] in any meaningful way." 150 Cong. Rec. at 7298 (Sen. Kyl); see 150 Cong. Rec. at 7296 (Sen. Feinstein) ("The result was terrible—often, the experience of the criminal justice system left crime victims and their families victimized yet again.").

But Ms. Wild persevered. Through a decade of litigation, she successfully prevailed on the district court

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[2] Jane Musgrave, John Pacenti & Lulu Ramadan, *How the Epstein Saga Could've Been Ended Years Ago*, USA Today (Nov. 20 2019), https://www.usatoday.com/story/news/2019/11/20/jeffrey-epstein-saga-couldve-been-ended-attorney-barry-krischer/4237757002; see also Brian Pascus, *Jeffrey Epstein Accuser Courtney Wild: "He Isn't Going to Get Away This Time,"* CBS News (July 16, 2019), https://www.cbsnews.com/news/jeffrey-epstein-accuser-speaks-today-livestream-2019-07-16 (providing video of Ms. Wild discussing this case).

to (1) force the government to admit to and turn over a copy of the secret non-prosecution agreement; (2) reject the government's argument that she had no rights under the Act because the government hadn't charged Epstein with anything; and (3) hold that the government had violated her rights under the Act. Pet. App. 6–10.

6. On appeal, a divided panel held that Ms. Wild—despite suffering "unspeakable horror at Epstein's hands"—had no rights under the Act because "the government never filed charges or otherwise commenced criminal proceedings against Epstein." Pet. App. 187. The dissent would have "enforce[d] the plain and unambiguous text of the CVRA" and held "that the victims had two CVRA rights—the right to confer with the government's attorney and the right to be treated fairly—that were repeatedly violated by the U.S. Attorney's Office in the Southern District of Florida." Pet. App. 245 (Hull, J., dissenting).

7. On rehearing en banc—while expressing its "profoundest sympathy for Ms. Wild and others like her, who suffered unspeakable horror at Epstein's hands, only to be left in the dark—and, so it seems, affirmatively misled—by government attorneys," the full court doubled down on the panel decision, ruling that Ms. Wild had no judicially enforceable rights under the Act because the government never charged Epstein. Pet. App. 2–3.

In the dissents' view, however, the court reached that result only by grafting an extra-textual requirement onto the Act—a requirement that prevents victims from enforcing their rights under the Act unless and until there is "a preexisting indictment and on-

going court proceeding." Pet. App. 99 (Branch, J., dissenting); Pet. App. 184 (Hull, J., dissenting) ("The Epstein victims have no remedy as to the government's appalling misconduct because the [m]ajority rewrites the CVRA to add a blanket post-indictment limitation and reads out of the statute any ability for crime victims to judicially enforce their conferral rights *outside* of a preexisting criminal proceeding.").

The dissents would have held that the Act's "plain text" grants victims (1) "two statutory rights that attach[] in the 'pre-charge' period" and (2) "a statutory remedy—a private right to seek judicial enforcement of their statutory rights." Pet. App. 154 (Branch, J., dissenting); Pet. App. 149 ("the CVRA's plain text, structure, and 'the physical and logical relation of its many parts' provides crime victims with a clear statutory remedy to seek to enforce their statutory rights 'pre-charge'") (quoting Antonin Scalia & Bryan A. Garner, *Reading Law: The Interpretation of Legal Texts* 167 (2012)).

SUMMARY OF ARGUMENT

Our Nation has made great strides toward treating crime victims and their families with greater respect and dignity, and ensuring they are included in criminal justice proceedings that impact their lives so profoundly. The Crime Victims' Rights Act represents a pathbreaking achievement of bipartisan cooperation to address the plight of crime victims across the Nation. The decision below, however, threatens to undo decades of progress toward vindicating the rights and dignity of crime victims. This Court should not let that happen.

If anything, the rights and remedies provided by the Act are even more important today than when the Act was first signed into law. What happened to Courtney Wild and other victims of Jeffrey Epstein is a "tale of national disgrace" made even worse by the fact that the victims were "left in the dark—and, so it seems, affirmatively misled—by government attorneys." Pet. App. 2–3. That grave miscarriage of justice is precisely the type of revictimization that the Act was designed to prevent.

If permitted to stand, the decision below will drastically undercut the rights and protections afforded to crime victims by the Act, and roll back the clock to the days when "victims, and their families, were ignored, cast aside, and treated as non-participants in a critical event in their lives." 150 Cong. Rec. at 7296 (Sen. Feinstein); see Pet. App. 155 (Branch, J., dissenting) (objecting that the majority's "line-drawing is of its own making and does violence to the statutory text"); Pet. App. 184 (Hull, J., dissenting) (warning that the majority's "ruling eviscerates the CVRA").

Courtney Wild and other victims of crime deserve better. The Court should grant the petition and reverse the judgment below.

ARGUMENT

I. CERTIORARI SHOULD BE GRANTED TO PREVENT KEY PROVISIONS OF THE CRIME VICTIMS' RIGHTS ACT FROM BECOMING A DEAD LETTER.

The Act was intended to change—not perpetuate—the status quo of leaving crime victims in the dark regarding the criminal proceedings that have a profound impact on their lives. The Act did so by creating

rights and remedies that enable the victims of federal crimes to be involved during all stages of the criminal investigation—including during plea negotiations that might occur before the filing of formal charges.

Before the Act, "[t]oo often crime victims [were] unable to exercise their rights because they were not informed of the proceedings. Pleas and sentencings * * * all too frequently occurred without the victim ever knowing that they were taking place." 150 Cong. Rec. at 7302 (Sen. Feinstein). Indeed, "in many cases these victims were being victimized a second time[.] * * * They were suffering through the trauma of the victimization and then being thrown into a system which they did not understand * * * and which literally prevented them from participati[ng] in any meaningful way." 150 Cong. Rec. at 7298 (Sen. Kyl); see also 150 Cong. Rec. at 7296 (Sen. Feinstein) ("often, the experience of the criminal justice system left crime victims and their families victimized yet again").

That is precisely what happened here. As Ms. Wild put it, "I never had a chance for my voice to be heard. *** My voice was muted by the same government that was supposed to protect me."[3] Were it not for the Act, Ms. Wild's voice might never have been heard—and Epstein's non-prosecution agreement might never have seen the light of day.

To address this grievous state of affairs, the drafters of the Act emphasized that it "is important for victims' rights to be asserted and protected *throughout* the criminal justice process"—and that to do that, victims need to be "heard at the very moment when their rights are at stake." 150 Cong. Rec. at 7303–04 (Sens.

[3] See *supra* n.2.

Feinstein & Kyl) (emphasis added); see also Letter from Sen. Jon Kyl to Att'y Gen. Eric H. Holder Jr. (June 6, 2011), reprinted in 157 Cong. Rec. 8854, 8854 (2011) ("When Congress enacted the CVRA, it intended to protect crime victims throughout the criminal justice process—from the investigative phases to the final conclusion of a case.").

To accomplish this important purpose, the Act affords crime victims several rights, one of which is "the right to confer with the Government concerning *any* critical stage or disposition of the case"—a right "intended to be expansive." 150 Cong. Rec. at 7302 (Sen. Feinstein) (emphasis added). And to enforce that right, the Act provides "that victims will have standing to sue in Federal court if they are wrongly denied these rights." 150 Cong. Rec. at 7312 (Sen. Hatch). Indeed, one of the "most important[]" changes the Act was designed to make to then-existing federal law was "grant[ing] the victims the standing to sue." 150 Cong. Rec. at 7300 (Sen. Kyl).

The plain text of the Act manifests Congress's intent to create rights and remedies to ensure that the victims of federal crimes are not wholly excluded from the sort of secret, pre-charge plea deal which Jeffrey Epstein received. See Pet. App. 149 (Branch, J., dissenting) ("the CVRA's plain text, structure, and 'the physical and logical relation of its many parts' provides crime victims with a clear statutory remedy to seek to enforce their statutory rights 'pre-charge'"). The existence of those pre-charge rights—including the right "to confer with the attorney for the Government" and the right "to be treated with fairness and with respect"—is clear from the text of the Act and has

been recognized by the Fifth Circuit. *In re Dean*, 527 F.3d 391 (5th Cir. 2008).

As *Dean* explained, "the victims should have been notified of the ongoing plea discussions and * * * allowed to communicate meaningfully with the government, personally or through counsel, before a deal was struck." 527 F.3d at 395 ("In passing the Act, Congress made the policy decision—which we are bound to enforce—that the victims have a right to inform the plea negotiation process by conferring with prosecutors before a plea agreement is reached.").

The decision below, however, drains the statutory text of its meaning by holding that even if these rights do exist (and they do), the Act does not create a cause of action that would enable crime victims to enforce them before charges are filed. The plain text of the Act, however, provides that "if no prosecution is underway," the crime victim may file a "[m]otion for relief" in the jurisdiction where the crime occurred. 18 U.S.C. § 3771(d)(3). The most natural reading of this clause—and the only reading that gives effect to the existence of the pre-charge rights—is, as the dissenters below pointed out, that the Act expressly provides crime victims with a statutory remedy that exists before charges are filed.

This case is an ideal vehicle for this Court's review because what happened here is *precisely* the miscarriage of justice the Act was designed to prevent: "When a case is resolved through a plea bargain without the victim's knowledge or participation, a grave injustice has been committed by the authorities." Kyl, Twist & Higgins, 9 Lewis & Clark L. Rev. at 583, 602

("the Act creates an enforcement mechanism in federal courts so that these rights are truly meaningful"). The Court should grant the petition, give effect to the Act's plain language, and restore the protections the Act affords to crime victims across the Nation.

II. THIS CASE PRESENTS A RARE OPPORTUNITY TO ENSURE THAT THE ACT IS UNIFORMLY INTERPRETED AND APPLIED ACROSS THE NATION.

The only reason the secret agreement at the heart of this case ever saw the light of day is because Courtney Wild had the courage to bring this suit—and the district court agreed with her that crime victims have judicially enforceable rights under the Act even though no federal charges have been brought formally against their abusers. Pet. App. 6–7. Under the court of appeals' decision, however, this suit would "have been dismissed at the very outset back in 2008"—before the secret agreement came to light—because the Act "does not permit stand-alone suits." Pet. App. 97, 99 (Branch, J., dissenting). This "shameful story"—including the government's "active misrepresentation[s]" about the secret agreement—would never have been exposed. Pet. App. 6–7.

This case presents the Court with a rare but crucial opportunity to restore uniformity on an exceedingly important question of law that impacts crime victims across the Nation. The secretive nature of pre-charge non-prosecution agreements means that the erroneous interpretation of the Act adopted below, if permitted to stand, is unlikely to be challenged in the light of a courtroom again. Indeed, the victims in this case only became aware of the agreement because

of a confluence of events unlikely to recur—including the fact that the prosecutors themselves at one point believed they "had statutory obligations under the CVRA to notify the victims of the [non-prosecution agreement], to confer with the victims, and to tell them about upcoming events." Pet. App. 262 (Hull, J., dissenting) (emphasis omitted); see also Pet. App. 100–01 (Branch, J., dissenting); Pet. App. 369–70.

This Court's review is critical to ensuring that victims, prosecutors, and citizens alike understand that the rights and protections afforded to crime victims by the Act cannot be sidestepped by secret non-prosecution agreements entered into before formal charges are filed. This case may represent the best—and perhaps only—opportunity the Court will have to ensure that the Act is interpreted and applied uniformly throughout the Nation to give effect to the Act's provision of rights that attach pre-charge.

As the Fifth Circuit has correctly recognized, "Congress made the policy decision—which we are bound to enforce—that the victims have a right to inform the plea negotiation process by conferring with prosecutors before a plea agreement is reached." *Dean*, 527 F.3d at 395. That has been the law in the Fifth Circuit for nearly 15 years—without any sign of the parade of horribles envisioned by the majority opinion below. Pet. App. 149–54 & nn.29–30 (Branch, J., dissenting). This Court should grant the petition, resolve the conflict between the Fifth and the Eleventh Circuits, and restore uniformity on the exceedingly important question of the proper interpretation of the Crime Victims' Rights Act to afford victims both a right and a remedy.

CONCLUSION

For these reasons, the Court should grant the petition for certiorari.

Respectfully submitted.

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