FOR IMMEDIATE RELEASE
October 4, 2021

NCVLI Stands with Jeffrey Epstein Victim, Courtney Wild, Filing an Amicus Curiae Brief Seeking Review by the United States Supreme Court

Calls Upon the Court to Decide Whether Victims Can Be Erased from Their Own Case

Today the National Crime Victim Law Institute (NCVLI), joined by partners, filed as Amicus Curiae (“friend of the court”) in support of Courtney Wild’s Petition for a Writ of Certiorari with the United States Supreme Court. For more than twelve years, Courtney Wild, a survivor, has challenged the non-prosecution plea that was negotiated and agreed to in secret, and that purported to give Jeffrey Epstein and his co-conspirators immunity for his abuse of more than 30 minor victims, including Wild. She has consistently argued that in reaching the agreement, the United States Attorney violated her rights under the federal Crime Victims’ Rights Act (CVRA) – 18 USC § 3771; specifically her rights to confer and to be treated with fairness.

Meg Garvin, Executive Director of NCVLI stated, “The CVRA was passed nearly 17 years ago with clear Congressional intent – ensure that victims of federal crime are no longer treated as mere witnesses to or evidence in their own case. We are asking the Supreme Court to weigh in and decide whether the law means what it says.”

The case is before the Supreme Court after years of litigation. The case began by addressing the fundamental question of whether the rights to confer with the government and to be treated with fairness under the CVRA can attach pre-charge. In 2011, the federal district court agreed that they did; holding that Wild’s rights were violated by the government’s actions to enter a secret non-prosecution agreement and that the only remaining issue was what remedy to afford to the victims. Then, in summer 2019, Epstein died. Despite the fact that the litigation was between Wild and the government, in September of 2019, the district court dismissed the case as moot. Wild sought review of that narrow issue and NCVLI joined that fight, filing an amicus curiae (“friend of the court”) brief with the Eleventh Circuit Court of Appeals.

In April 2020, despite the narrowness of the issue presented to the Eleventh Circuit Court of Appeals, a panel of that court, in a 2-1 split ruling, denied Wild’s petition for review. The denial was not because the issue was moot but instead the court returned to what had been previously decided and now held to the contrary -- that crime victims’ CVRA rights do not attach pre-charging. The Court ruled this way despite recognizing that the government’s treatment of the victims is a “tale of national disgrace.”

Earlier this year, in an effort to preserve the power of the CVRA, to fight for justice not just for Epstein’s victims but for all victims nationally, and to not allow the court to contribute to the “national disgrace,” NCVLI once again filed as amicus curiae in support of Wild’s petition for rehearing en banc (meaning by the full 11th Circuit). In June, the Eleventh Circuit, in a fractured opinion, ruled against the victims but changed rationales again. This time, the Eleventh Circuit...
deemed that the victims had no avenue to pursue a claim for violation of rights—in essence no right of action.

Today’s amicus filing argues that the Eleventh Circuit’s decision is contrary to the plain language and purpose of the CVRA and is based on erroneous legal analysis. Garvin stated, “If allowed to stand, the decision will allow countless victims to be erased from the federal justice system with no way to seek relief,” she went on “We support the call for the Supreme Court to take up and decide this case so that erasure of victims is not legacy of the CVRA.”

NCVLI is joined as co-amici by seven nonprofit organizations dedicated to protecting victims’ legal rights: Arizona Voice for Crime Victims Inc. (AVCV); Loyola Law School’s Rights in Systems Enforced Clinic; Michigan Coalition to End Domestic & Sexual Violence (MCEDSV); Network for Victim Recovery of DC; Ohio Crime Victim Justice Center (OCVJC); and South Carolina Victim Assistance Network.

Read the full Amicus Curiae Brief here.

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Founded in 2000, the National Crime Victim Law Institute is a national resource for crime victim lawyers and advocates to support the assertion and enforcement of victims’ rights in criminal and civil processes. NCVLI continues to be the only national organization whose mission is focused on enforcement of victims’ rights in the courts.