Appendix 2

Letter to Prosecutor’s Office

Your letter should be sent by certified mail, and this is the text that should follow:

District Attorney’s Office (and address)

Re: Wrongful Death Claim of (victim’s name)

Offender Name:

Date of Loss:

Date of Birth:

Dear District Attorney:

Thank you for your investigation and continued work in prosecuting this matter. Please be advised that I have been retained to serve as legal counsel to the family of (victim’s name). On behalf of the victim’s family, please know that the family is very grateful for your valuable and skilled services. I am writing at this time to formally request the records, information, and victim notifications available through your agency to crime victims under (the state where the case is being tried and the name and section number of its victim’s rights law, as found in Appendix 1).

Please promptly provide the following information and/or notifications:

* Written information regarding victims’ rights.
* Decisions made regarding the filing of felony charges and an explanation of charges filed.
* Decisions made regarding the filing of lower charges than the charge for which the person was initially arrested and whether the lower charge may result in a lower bond.
* Information regarding the internal file number assigned by your office to the case along with the name, address, and phone number of the deputy district attorney and of the courtroom to which the case is assigned.
* Advance written notice of the date, time, and place of every critical stage in the case and the opportunity to be present and, where appropriate, heard in court.
* Notification of any pending motions that may substantially delay your prosecution.
* The opportunity to consult with the family regarding any reduction of charges, negotiated pleas, diversion, or dismissal.
* Information regarding the function of the Pre-Sentence Report, the name and phone number of the probation office preparing the report, and the right to make a victim impact statement.
* Information regarding the option to use a form provided by your office to make a victim statement and information regarding policies giving the defendant a right to view the victim impact statement and information regarding the process by which the family will be given the ability to be present and heard orally and/or in writing at sentencing.
* Provide the family with the opportunity to speak with the prosecutor before the case is resolved and to be informed of the resolution.
* Provide the family’s information to the court to ensure the family’s participation in restitution proceedings along with an explanation of what is recoverable.
* Inform the family of the availability of: support available for crime victims and their immediate family members, including transportation to court; financial assistance; referral to community services; childcare, elder care, and disabled assistance; intercession with creditors and employers; translation services; and address protection.
* Inform the family on what to do in case of intimidation or harassment by the suspect and provide information about protection services including victim address confidentiality.
* Keep the family informed of when the offender is released from custody, permanently transferred from a county jail, is paroled, or escapes.
* Allow the family to view all or a portion of the pre-sentence report from the probation department.
* Ensure that the family receives a free copy of the initial incident report.

Regarding the critical stages of the criminal case please keep the family fully updated regarding the following events during the prosecution:

* The filing of charges, or decision not to file charges
* The preliminary hearing
* The arraignment of a person accused of a crime
* Any hearing on motions concerning evidentiary matters or pre- or post-plea relief
* Any disposition of the complaint or charges against the person accused
* The trial
* Any sentencing hearing or re-sentencing hearing
* Any attack on a judgment or conviction
* Any hearing regarding a reopened case due to lost or destroyed evidence
* The filing of any complaint, summons, or warrant by the probation department for failure to report to probation or because the location of a person convicted of a crime is unknown
* The decision to enter into a diversion agreement

We are very grateful for your cooperation in keeping us informed of the status of prosecutorial work in this matter. If we can assist you or your investigation in any way, or if you have any questions or concerns, please contact my paralegal (name and contact information), and we will set a call with the members of our team handling this matter.

Thank you in advance for your professional assistance.