

**Faulk, Camilla**

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**From:** Bruce Finlay [brucef@hctc.com]  
**Sent:** Monday, June 11, 2007 6:24 PM  
**To:** Faulk, Camilla  
**Subject:** Comment on Proposed rule CrRLJ 4.1(g)

Dear Ms. Faulk: As I read the proposed rule, an attorney would waive any defect in a citation or complaint if he or she appears for a defendant in writing or in open court (a good addition here, as many prosecutors and judges were reading the rule to require a *written* notice of appearance) and thereby allows a defendant to retain counsel and avoid the necessity of an appearance to plead not guilty. However, in my experience, the defense attorney seldom if ever has a copy of the complaint or citation at the time when he or she files the notice of appearance document, and so there is no practical or effective time-efficient way to avoid waiving any claims of defect in the charging document. Therefore, I would object to the waiver language.