

## Faulk, Camilla

---

**From:** Mary High [mhigh@co.pierce.wa.us]  
**Sent:** Friday, April 29, 2011 11:17 AM  
**To:** Faulk, Camilla  
**Cc:** Mary High  
**Subject:** Proposed CrR 4.11

I urge the Court to adopt proposed CrR 4.11. This proposed rule is necessary to permit defense counsel to adequately prepare and represent an accused individual by creating a fair and accurate record of defense interviews. The recording of interviews results in a record that most fairly and accurately reflects the tone, inflection and content of the interview. Law enforcement, prosecutors and victim advocates have for many years engaged in the practice of recording interviews for these same reasons, for example, child forensic interviews are video and audio recorded because of the accurate record produced. It is likewise necessary and appropriate for a defense counsel to be able to accurately relate to his or her client what exactly was said in an interview and how it was said, without any ambiguity, or need for interpretation. A recording that accurately captures the interview eliminates the potential for a dispute as to what was said, how it was said and the context of the statements – pauses, inflections and tone of voice are captured and convey significant meaning that is only reproduced by a recording. An accused is entitled to a fair trial and should not have to fight over whether the defense investigator was an accurate note taker. If the interview is recorded the jury can fulfill its role as the finder of fact and decide for itself whether a witness's statement is "accurately" related during trial. Moreover, an accurate record is an invaluable tool for the attorneys often leading to a resolution that avoids a trial and the stresses attendant to testifying at trial and cross examination. For all of these reasons, the constitutional right to a fair trial and the demands of true justice support the adoption of the rule. Thank you for consideration of my comment. Mary Kay High.