

## Faulk, Camilla

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**From:** Betsy [bmcgreen@aol.com]  
**Sent:** Sunday, November 27, 2011 6:18 PM  
**To:** Faulk, Camilla  
**Subject:** State Supreme Court Rule Concerning pro se defendants CrR3.1

*Memo: responding to language of Proposed Changes of CrR 3.1 regarding pro se defendants*

It is a giant leap in the right direction that the Court has made this a proposed rule. There is still one sentence that puts the proceeding back in the hand of the defendant and takes away the ability of victims to effectively tell their experience and thereby present a balanced testimony for the jury. That is the sentence that requires the "**agreement of the defendant**" to third party questioning.

I served on the jury of the Salvador Cruz case in November of 2010.

From my one experience of a pro se defendant questioning his rape victims I witnessed the following:

- 1) he repetitively asked questions that drew the same minute details of the assaults from the victims over and over
- 2) he frequently slipped up and asked: "then what did I do?" - rather than asking "what did Mr. Cruz do?"
- 3) although he had translators present the victims repeatedly said they did not understand Spanish and when he spoke to them at the time of their victimization the language used was English. The translation that he required meant that everything was repeated twice. The defendant understood the English response but got to hear it again in Spanish.
- 4) His expression was aggressive, his body language was aggressive. His behavior toward the victims, the prosecutor, the judge, and the jury was aggressive. This presented itself both in physical bravado and frequent muttering under his breath, as well as argumentative confrontation with the judge. He smiled in a way that was not a smile - more a statement of power.
- 5) It was into this environment that young women who had not seen this man for 10 years had to sit and tell of the things he did to them. One young woman attempted to take her life rather than face him. He essentially re-victimized them through the manner of questioning.
- 6) I doubt that his man would ever have agreed to a third party questioning process. He seemed to enjoy his role as interlocutor very much.

I hope that the language of CrR3.1 will be changed so that the determination of how witnesses, who are the victims, will be questioned in this type of trial.

Respectfully,  
Betsy  
Betsy Greenman