

Tracy, Mary

From: David A. Larson <David.Larson@cityoffederalway.com>
Sent: Wednesday, February 12, 2014 9:38 AM
To: Foster, Denise
Subject: Warrant Rule Changes

I am submitting comments regarding CrR 2.2, CrR 2.3, CrR 3.2.1, CrRLJ 2.2, CrRLJ 2.3, and CrRLJ 3.2.1. I am concerned about the term "through any other reliable means" because it is subject to inconsistent interpretation. What is considered reliable? How reliable does it need to be? Who determines if it is reliable? I may believe that a certain method is reliable when I issue a warrant, but another judge reviewing that warrant may believe that the method I chose was not reliable. There is simply no objective standard to determine reliability.

I suggest that the following language would provide the desired flexibility yet also provide a higher degree of certainty when issuing the warrant: ***"...through any other reliable means. The "reliable means" required for issuance of the warrant may be defined by local rule of the court issuing the warrant. The manner of issuing a warrant will be considered reliable if the issuing court's local rule is followed."***

Thank you.

Judge David Larson
Federal Way Municipal Court