

From: [OFFICE RECEPTIONIST, CLERK](#)
To: [Tracy, Mary](#)
Subject: FW: Comment on Proposed General Rule 38
Date: Thursday, December 5, 2019 4:29:50 PM

From: Blaine Gibson [mailto:Blaine.Gibson@co.yakima.wa.us]
Sent: Thursday, December 5, 2019 4:03 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Comment on Proposed General Rule 38

To: Clerk of the Supreme Court
Re: Proposed General Rule 38
Date: December 5, 2019

Madam Clerk:

It is not clear how Proposed General Rule 38 is supposed to work. If ICE picks up someone who is on the way to a Washington courthouse, how, where, and when would any Washington Court have an opportunity to rule on the validity of the arrest? If a writ is issued, who enforces it, and how?

The court before which the arrestee is brought will rule on the validity of the arrest. This rule is intended to apply to arrests made by federal agents, so those arrestees will be taken before a federal court, if they are taken before any court at all. If the proponents of this rule think a federal court is going to obey a writ issued by a Washington court pursuant to this rule, they are mistaken.

This rule should not be adopted. It will do nothing to protect the people it is intended to protect. What is worse, this rule may lead people to believe they have protection which they do not have.

Blaine G. Gibson
Judge, Yakima County Superior Court