

Faulk, Camilla

From: Ray Hui [rhuilaw@owt.com]
Sent: Tuesday, January 08, 2008 10:25 AM
To: Faulk, Camilla
Cc: 'Raymond Hui'
Subject: Public Comment on Proposed Court Rule 4.1 Arraignment

My name is Raymond Hui. I am a Prosecutor for the City of Richland and City of West Richland. I would like to comment on the following rule:

4.1(f) The prosecuting attorney shall read the indictment or information to defendant, unless the reading is waived, and a copy shall be given to defendant.

This rule is unworkable for most cities; especially small cities with limited prosecuting resources for 2 reasons: (1) prosecutor does not attend most arraignments (2) prosecutor does not have this information at arraignment.

- (1) Prosecutor does not attend most arraignments: In my jurisdiction, the arraignment is a combined docket of 5 different jurisdictions using the one courtroom and judge. The reason the combined docket is court efficiency (works very well). However, these arraignments are not attended by any of the prosecutors. The judge conducts the hearing. The judge reads the indictment to the defendant. I see no reason for a prosecutor to attend this hearing simply to read a document to the defendant and provide him a copy. This can simply be accomplished by having the judge read the indictment to the defendant.
- (2) Prosecutor does not have the information at arraignment: The prosecutor has no means to provide a copy of the indictment to the defendant. Most arraignments are held the next judicial day and the city does not have the means to generate copies in such a short period of time. The court has the original indictment file by the police officer at the time of the arrest however the prosecutor/city does not have a copy.

My Recommendation: The same safeguards can be accomplished if the court or judge reads the indictment to the defendant. The court (which can be a court clerk) or judge has to be at the arraignment and they have access to the information (unlike the prosecutor that normally isn't at the arraignment and can't get the indictment information). Currently in our jurisdiction, this is the way it is done and it works well. The defendant still gets the information necessary to make an informed decision.

My Recommendation on this section would read: "The court or judge shall read the indictment or information to defendant, unless the reading is waived, and a copy shall be given to defendant."

Please do not take this section lightly. I have been prosecuting for 15 years and the requirement to have the Prosecutor attend every arraignment to read the indictment and provide a copy to the defendant is going to be extremely taxing on the counties and cities with no benefit to the defendant.

Thank you for your consideration,

Raymond Hui (509) 943-0654