From:	Charles Blackman [taishin1@hotmail.com]
Sent:	Saturday, November 21, 2009 9:31 PM
To:	Faulk, Camilla
Subject:	Public Comments on Proposed Changes to IRLJ 3.1(b)

To the Clerk of the Supreme Court: The proposed changes to IRLJ 3.1(b) reflect the increasing use of media, such as "red light" cameras, in infraction cases. Including such media in mandatory discovery listed in IRLJ 3.1 is appropriate. Clarifying the suppression standard – when prejudice must be shown, and when it need not be – is useful and clear as well. But the proposed change also removes, without comment, the sentence "no other discovery will be required." (The sentence appears twice and is removed both times.) The limiting sentence should be retained precisely because the discovery that is required is listed specifically. It is appropriate then to follow that mandatory list with the statement that nothing more will be required. There is a reason the limiting sentence is in the current rule. Without it, there would be discovery demands on governments for such things as the underlying software and manuals for radar and laser "guns," for officer personnel records, the number of tickets the citing officer wrote in the last month or on that particular shift, and so on. Permitting such demands on the prosecuting authority undercuts the statement of purpose in IRLJ 1.1(b), "to secure the just, speedy, and inexpensive determination of every infraction case." Moreover, removing the sentence that "no other discovery will be required" is not reflected by any statement of purpose or policy in the GR 9(e) comment accompanying the proposed revisions. And indeed, there is no policy – certainly none consistent with IRLJ 1.1 – that justifies this very major change. Taking out "no other discovery will be required" is a bad idea. The sentence should be retained in the two places where it appears in the current IRLJ 3.1(b). The other proposed changes are sensible and fair. Respectfully submitted this 6th day of November, 2009. Charlie Blackman WSBA 19354

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