



April 27, 2011

H. STEWARD MENEFEE  
Grays Harbor County Prosecuting Attorney

102 W. Broadway, Room 102  
Montesano, Washington 98563  
360-249-3951  
SCAN 234-5231  
FAX 360-249-6064

CHIEF CRIMINAL DEPUTY  
Gerald R. Fuller

OFFICE ADMINISTRATOR  
Randi Toyra

SENIOR DEPUTIES  
Jennifer L. Wieland  
Rebecca L. Bernard  
James G. Baker  
William A. Leraas  
Kraig C. Newman  
Katherine L. Svoboda  
Megan M. Valentine

DEPUTIES  
Gordon Wright  
Edgar M. Korzeniowski  
Lacey Blair  
Erin C. Jany

BY RONALD R. CARPENTER

CLERK

2011 APR 28 P 2:01

RECEIVED  
SUPREME COURT  
STATE OF WASHINGTON

The Justices of the Washington Supreme Court  
c/o Ronald R. Carpenter, Clerk of the Supreme Court  
Washington Supreme Court  
P.O. Box 40929  
Olympia, WA 98504-0929

RE: Criminal Rule 4.11

Dear Justices of the Washington Supreme Court:

I am writing to express my dissidence to proposed Criminal Rule 4.11, which would require witnesses to submit to an audio recording of their pre-trial interviews.

As a prosecuting attorney and former police officer, I have firsthand knowledge of how difficult it often is for witnesses to come forward and participate with a criminal prosecution. This is particularly true with cases involving accusations of physical abuse such as domestic violence assaults and other cases in which family members are witnesses against the accused.

To require witnesses be audio recorded during pre-trial interviews would undoubtedly dissuade already reluctant and traumatized witnesses from coming forward and participating with a criminal prosecution. Additionally, this rule would likely discourage even the most steadfast of witnesses who would then feel like they were the criminal, being interviewed as part of a police-like interrogation or otherwise being accused of being untrustworthy. As such, the lack of any witnesses coming forward and participating with a criminal prosecution would cause many criminal cases to not be pursued and the process of justice would be unnecessarily retarded.

Therefore, I would encourage the Justices of the Washington Supreme Court to vote against proposed Criminal Rule 4.11, thus preventing the further victimization and discouragement of witnesses who are merely part of a criminal case by circumstance and who would otherwise be encouraged to "do the right thing" in coming forward and participating with a criminal prosecution.

Very truly yours,

ERIN C. JANY  
Deputy Prosecuting Attorney  
for Grays Harbor County