

## Faulk, Camilla

---

**From:** JohnStine [john@stinelaw.comcastbiz.net]  
**Sent:** Wednesday, December 29, 2010 12:41 PM  
**To:** Faulk, Camilla  
**Subject:** Proposed rule 4.11

I hope the Court will adopt the proposed rule to allow recording of witness interviews. It is the only way to ensure that prior statements of a witness are accurately presented at trial if need be. The other option for a party is to hire an investigator (usually at public expense) to take notes of the interview. If the witness later makes an allegedly inconsistent statement at trial, what could be better than an actual recording of the earlier statement to settle the matter? An investigator is simply attacked as being a biased "shill" for the defendant if he or she is called to testify from notes about the interview. Also, a recording allows the tone and inflection of a question and answer to be heard, which is sometimes as telling as the statement itself.

I believe it is particularly necessary to record interviews with law enforcement or expert witnesses. These witnesses are frequently given more credibility by the average juror, thus it becomes even more important to an accused to have concrete evidence with which to attack their credibility. The rule should be applied to every witness in a case. It seems most of the comments against the rule are concerned with "revictimizing" a crime victim. Having a statement recording by an unobtrusive electronic device should be less threatening to a person than having a live court reporter or private investigator sitting in the room during the interview. At a minimum, the rule should allow recording of all non-victim witnesses in a case. The police and experts should have nothing to fear from an accurate recording of their statements in a case. Thank you for your consideration. John Stine, WSBA #26391.