

Faulk, Camilla

From: Stephen G. Smith [stephens@sgsmithlaw.com]
Sent: Wednesday, April 27, 2011 4:12 PM
To: Faulk, Camilla
Subject: Recording of Witness Interviews
Attachments: Stephen G Smith.vcf

I am writing in regard to the proposed changes to CrR 4.11 which contemplates allowing defense attorneys to record interviews of witnesses. I have been practicing law for 30 years and would endorse the ability to record interviews I can only express my strongest support for allowing such as they former practice was plodding and laden with delays – ie note taking by my investigator while the witness makes responses and the long pauses that existed in this process. Further I understand that concerns are being expressed that the recording process is intimidating and the potential for abuse in that the recorded statements are disseminated to unrelated parties. These are the least of the worries that should be expressed when the forces of an organized police force come to bear against a citizen whose rights to liberty may be deprived. I cannot imagine a circumstance wherein an uninvolved person would be given or have need to see a copy of a recorded interview once transcribed.

The whole process is intimidating no matter how you cut it and use of a recording device in reality will only cause anyone much less a witness to be more accurate and precise with their comments and this seems to be what we are striving for in any event – from both sides of the table.

The prosecution in their quest for justice and truth should want matters to remain entirely accurate rather than a “horseshoe toss”

Sincerely Yours Stephen G Smith

Stephen G Smith

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