

Faulk, Camilla

From: suzanne-elliott@msn.com on behalf of Suzanne Elliott [suzanne@suzanneelliottlaw.com]
Sent: Thursday, April 28, 2011 9:48 AM
To: Faulk, Camilla
Subject: CrR 4.11

Members of the Court:

I write in support of the proposed amendments to CrR 4.11. I have read many of the comments already posted. I want to address three points. As you are all aware, my practice is limited to representing defendants in criminal actions.

First, I have been in practice for almost 30 years. I have never been a party to an interview of a witness or victim that was intended to embarrass or harass that person. In fact adopting such a strategy would never benefit the defendant. The very last thing a defense attorney wants to do in such a setting is make it *more* difficult to try or settle a case.

Second, I have read transcripts of trials where there is a great deal of debate about who said what to whom and when. Although I see that some law enforcement officials oppose the amendment to the rule, they clearly understand the importance of an accurate record of pretrial interviews. They record their interviews of victims, witnesses and, most importantly, the defendant on a regular basis. Special assaults units around the state routinely videotape child victim interviews. In reality the objection is not to the recording itself but rather that it must be done when requested by the defense.

Third, it seems to me that very few people, including plaintiffs, defendants, witnesses, are ever happy to be involved in civil or criminal litigation. Most people find the process stressful, inconvenient and pretty unpleasant. But in civil cases, depositions of those dragged into court by someone else's actions are accepted and routine. No one even questions that recorded pretrial statements help focus trial issues or settle civil case. And, they can be a useful in efficiently resolving criminal cases as well.

Please amend the rule. Thank you.

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