

## Tracy, Mary

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**From:** Blaine Gibson <Blaine.Gibson@co.yakima.wa.us>  
**Sent:** Wednesday, April 02, 2014 11:00 AM  
**To:** Tracy, Mary  
**Subject:** RE: Comments to Proposed Rule Changes

Dear Ms Tracy,

Here is what I previously sent to the Supreme Court. I submitted the same comment for both CrR 2.3 and CrRLJ 2.3.

I support the proposed rule change in principle because the rule should clearly allow for use of modern technology in the process of requesting and authorizing warrants. However, I also believe this would be a good time to make a more thorough examination of the rule to see if it can be better and more clearly organized. For example, the following concepts are contained in a just one paragraph (c):

1. A warrant may issue only on probable cause.
2. Only certain forms of evidence may be considered by the court.
3. How the evidence be provided to the court.
4. A record of the evidence considered by the court must be created and preserved.
5. Portions of the record must be transcribed in the event of a challenge to the validity of the warrant.
6. What a warrant must contain.
7. How the court's authorization of the warrant may be communicated to the requesting party.

It may make more sense to break the paragraph into subparts, along the lines of FRCrP 41.

I urge the court to forward this rule to the WSBA Court Rules Committee for their review and suggestions.

Judge Blaine G. Gibson  
Yakima County Superior Court