

**Faulk, Camilla**

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**To:** Bausch, Lisa  
**Subject:** RE: Proposed Changes to RAP 16.7

**From:** Lenell Nussbaum [<mailto:nussbaum@seanet.com>]  
**Sent:** Wednesday, February 05, 2014 11:50 AM  
**To:** OFFICE RECEPTIONIST, CLERK  
**Subject:** Proposed Changes to RAP 16.7

Dear Supreme Court:

I write to urge the Court to revise RAP 16.7 with the alternative revisions posted with the explanations by David Zuckerman.

The alternative revisions reflect the realities of by far the majority of Personal Restraint Petitions. They are prepared and filed by pro se litigants. People locked in prison may have meritorious claims but no ability to obtain "admissible" evidence to support them. These proposed revisions permit them to present their claims and reliable evidence, and if the Court agrees it is reliable, they may have the means by which to obtain and present it in an admissible form.

Such procedures are essential to claims of favorable evidence withheld by the State and ineffective assistance of counsel. The Innocence Project frequently has presented such claims to exonerate the wrongfully convicted in recent years. Under the current rules, prisoners and even their attorneys have no method to obtain evidence from the State or from their prior attorneys. Our courts cannot adequately determine which claims are meritorious if they require impossible procedural hurdles.

Mr. Zuckerman's explanation of the reasons for these revisions is compelling.

I urge the Court to adopt these revisions.

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