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April 26, 2016

Hon. Susan L. Carlson
Acting Supreme Court Clerk
P.O. Box 40929
Olympia, WA 98504-0929

supreme@courts.wa.gov

**RECEIVED
SUPREME COURT
STATE OF WASHINGTON
CLERK'S OFFICE**

Apr 27, 2016, 8:18 am

RECEIVED ELECTRONICALLY

Re: Proposed Rules CrR8.10 and CrRLJ 8.13

Dear Clerk Carlson:

I am writing in opposition to proposed rules CrR 8.10 and CrRLJ 8.13. The proposed rules appear to be contrary to the intent of Article I, Section 10 of the Washington State Constitution, which requires that justice be administered openly. See *In re Detention of Morgan*, 180 Wn.2d 312, 325 ¶ 27, 330 P.3d 774 (2014). The proposed rules take the view that public confidence will be impaired if jurors learn what really happened in their cases. That view is illogical.

Jury service allows citizens to see what really happens in a justice system that is surrounded by myths and exaggerations promoted by entertaining shows on television. Citizens who participate in the system can see what's right and what's wrong with the system and provide the input necessary for change. Jurors need to know, as do all members of the public, how the system works, what effects things like the exclusionary rule have on their justice system, and what their stake is in the system. Depriving our citizens of knowledge of the effects of rules and procedures doesn't instill confidence in a legal system, nor does it allow the public to advocate needed changes.

The proposed rule leaves open the effect on other rights. What is the impact on the First amendment right of elected officials? There appears to be no limitation of the proposed rule. This rule appears to apply not only when an elected official is speaking directly with a discharged former juror as well as when the elected official is speaking to any group, including the public at large, that may contain a discharged former juror or potential juror.

The proposed rule has no logical remedy for violations. The proponents indicate the rule is motivated by concern they have as to the impact the information may have upon the discharged former juror's performance of his or her duty in subsequent cases, not that the defendant in the

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case that the juror sat on would be prejudiced by the disclosure. Would dismissal of charges in the case in which the prosecutor violates the rule be the remedy?

Once a juror has completed service in a particular case, he or she should not be prohibited from learning what happened in proceedings that occurred in open court. They are entitled to know the truth, and prosecutors should not be punished for telling those jurors the truth.

Yours truly,



James L. Nagle
Prosecuting Attorney

OFFICE RECEPTIONIST, CLERK

To: Jim Nagle
Subject: RE: Comment Letter on Proposed Rules CrR 8.10 and CrRLJ 8.13

Received 4-27-16

Supreme Court Clerk's Office

Please note that any pleading filed as an attachment to e-mail will be treated as the original. Therefore, if a filing is by e-mail attachment, it is not necessary to mail to the court the original of the document.

From: Jim Nagle [mailto:jnagle@co.walla-walla.wa.us]
Sent: Wednesday, April 27, 2016 8:11 AM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Comment Letter on Proposed Rules CrR 8.10 and CrRLJ 8.13

Greetings !

Please file the attached letter with the court. Thank you for your assistance.

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