

Tracy, Mary

From: OFFICE RECEPTIONIST, CLERK
Sent: Wednesday, April 3, 2019 9:50 AM
To: Tracy, Mary
Subject: FW: Proposed Rule changes comments

From: Naomi Simila-Dickinson [mailto:naomi.simila-dickinson@piercecountywa.gov]
Sent: Wednesday, April 3, 2019 9:49 AM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Proposed Rule changes comments

To Whom it May Concern:

I am writing in regards to the proposed rule changes, specifically as to the *Brady* fix for 4.7. Overall, I am in favor of the proposed rules, but specifically as to the *Brady* fix, I have deep concerns regarding multiple instances of prosecutor's failing to comply with their duties under *Brady*. I am currently in trial on a matter where I was never given notice of an officer having potential *Brady* impeachment evidence, and discovered the existence of the evidence after trial had commenced after speaking with a coworker. I brought the issue to the attention of the prosecutor, who has still failed to provide the discovery. Another attorney in my office has the same officer on a matter set for trial, and has yet to receive notice of any impeachment discovery – only 1 attorney in my office has received notice regarding the impeachment evidence for this officer. When preparing my motion regarding the issue, a coworker let me review their motion on the issue, outlining a case from 2018 where they received the *Brady* material 2 months after trial. I know of at least two attorneys, who, within the last six months, received *Brady* material on government witnesses 2 years after their clients' matters were resolved. Fixing CrR 4.7 to be in line with the discovery requirements under *Maryland v. Brady* will hopefully put prosecutors on notice, and give recourse to defendants, regarding prosecutors' affirmative obligation to comply with all discovery requirements.

Thank you for your time and consideration,

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