

Tracy, Mary

From: OFFICE RECEPTIONIST, CLERK
Sent: Wednesday, April 10, 2019 12:22 PM
To: Tracy, Mary
Subject: FW: Comment on proposed new CrR 3.7 and 3.8

From: Petersen, Jennifer [mailto:Jennifer.Petersen@kingcounty.gov]
Sent: Wednesday, April 10, 2019 12:11 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Comment on proposed new CrR 3.7 and 3.8

The fact finder is the sole judge of credibility. Proposed CrR 3.7 and 3.8 propose something extraordinary: the suppression of constitutionally valid evidence that a jury may still find credible. CrR 3.7 and 3.8 presuppose that police lack credibility and therefore having an officer say what a defendant said (3.7) or say that a witness identified someone (3.8) are so inherently unreliable that they should be inadmissible, unless there is video proof. In essence CrR 3.7 and 3.8 say that police, because they are police, cannot satisfy hearsay exceptions (party opponent, statement of identification). This undermines the fundamental nature of our fact finding system: allowing the jury to determine credibility.

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