

Tracy, Mary

From: OFFICE RECEPTIONIST, CLERK
Sent: Monday, April 22, 2019 12:02 PM
To: Tracy, Mary
Subject: FW: Proposed Criminal Rules under CrR & CrRLJ

From: R. Jason Miller [mailto:rjasonmill@gmail.com]
Sent: Monday, April 22, 2019 12:01 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Proposed Criminal Rules under CrR & CrRLJ

Dear Supreme Court of Washington,

I ask that the court adopt all proposed rules and in particular the following:

CrR/CrRLJ 3.7: According to the Innocence Project, since 1989 over 350 people were exonerated by DNA for crimes they were convicted of erroneously. Over a quarter of those people gave false confessions, most of which came young, impressionable defendants. WACDL is simply proposing a rule to avoid this type of tragic result by requiring that interrogations be recorded so as to allow the jury and experts to assess its reliability in a neutral, accurate medium. It will also protect law enforcement from false allegations of coercion. Given the advances in technology, the financial burden of recording information and storing it electronically would be a minimal burden. I ask the court to accept this rule to prevent more citizens, esp. young ones, from being falsely convicted.

CrR 3.9/CrRLJ 3.9: One would think it self-evident how prejudicial using first-time in court IDing of a defendant can be when months, if not years, pass between when a crime is reported and when a trial begins. A D's appearance can change during that period yet he/she are often the only person beside their attorney sitting at the defense table creating a highly suggestive implication to eyewitnesses. The D should be IDed as close as possible to the crime but never for the first time at trial.

CrR/CrRLJ 4.7(a)(3) & (4): This proposal simply asks that the rules reflect the federal requirement under *Brady v. Maryland*, 373 U.S. 83, 83 S.Ct. 1194, 10 L.Ed.2d. 215 (similar subsequent decisions) that the prosecutor provide exculpatory and impeachment material to the defense whether it is in their or law enforcement's hands. Changing the rule will not only provide clarity on constitution requirements, but will serve the purpose of helping the justice system keep innocent people out of prison and other life altering consequences associated with wrongful convictions.

Thank you for your consideration.

Sincerely,

R.J.M.
Member
Columbia Pacific Rain Law, PLLC
Renton, WA

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