

Tracy, Mary

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Sent: Tuesday, April 23, 2019 3:01 PM
To: Tracy, Mary
Subject: FW: 2019 4 23 Proposed Rules

From: Edward Dunkerly [mailto:eldunkerly@yahoo.com]
Sent: Tuesday, April 23, 2019 2:59 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: 2019 4 23 Proposed Rules

I support the rules summarized below - it's about time, recording is required in Washington.

CrR 4.7 The purposes of these amendments are (1) to create CrR 4.7(a)(2)(iv), requiring the prosecuting attorney to provide all eyewitness identification procedures to the defense; (2) amend CrR 4.7(a)(3) and (4) to bring the rule into accord with Brady v. Maryland, 373 U.S. 83, 83 S. Ct. 1194, 10 L. Ed. 2d 215 (1963), and its progeny; and (3) to amend CrR 4.7(h)(3) to permit defense counsel to provide properly redacted discovery to defendants

CrR 3.7 Custodial and non-custodial interrogations of persons under investigation for any crime are to be recorded by an audiovisual recording made by use of an electronic or digital audiovisual device, with certain enumerated exceptions.

CrR 3.8 The purpose of the rule is to improve the reliability of eyewitness identification evidence by recording the eyewitness identification procedure, thereby allowing for subsequent review.

CrR 3.9 The purpose of the rule is to exclude in-court identification of an accused where there has been no prior out-of-court eyewitness identification procedure and the perpetrator is unknown to the witness. Such in-court eyewitness identifications are suggestive, often unreliable, unduly prejudicial, burden shifting, and improper opinion evidence. This rule is not intended to presume that in-court identifications are admissible if there has been an out-of-court eyewitness identification procedure.

CrR 4.11 The purpose of the rule is to improve the reliability of evidence by permitting the recording of pretrial interviews, thereby creating a more accurate record of the interview. Counsel for any party, or an employee or agent of counsel's office, may conduct witness interviews by openly using an audio recording device or other means of verbatim audio recording, including a court reporter.

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