

Tracy, Mary

From: OFFICE RECEPTIONIST, CLERK
Sent: Tuesday, April 30, 2019 1:54 PM
To: Tracy, Mary
Subject: FW: Comment on proposed changes to CrR/CrRLJ 3.7, 3.8, 3.9, 4.7, 4.11

From: Elbert Aull [mailto:eaull@snocopda.org]
Sent: Tuesday, April 30, 2019 1:51 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Comment on proposed changes to CrR/CrRLJ 3.7, 3.8, 3.9, 4.7, 4.11

Good afternoon,

I would like to express my support for the proposed changes to CrR 4.7, CrR 3.7, CrR 4.11, and their corresponding rules in courts of limited jurisdiction. I am an attorney in the Felony Unit at the Snohomish County Public Defender Association. I have come to believe that if we are to address the main issue facing the criminal justice system in the Era of Mass Incarceration—our loss of the public's trust—we must support a process that is more open to fair and intellectually honest critique from citizens. That means advocating for transparency when it comes to the tactics employed by police, providing a fair opportunity for the accused to review the evidence against him or her, and taking precautionary measures to ensure comments by defendants (as well as victims and witnesses for the state) are not taken out of context during trial.

I also want to extend my support to the proposed change to CrR 3.8 and CrR 3.9. The statistics regarding false identification testimony are disturbing. The Innocence Project has found that eyewitness misidentification is the greatest contributor to wrongful convictions later overturned by DNA testing. The change to rule CrR 3.8 is in line with reform recommendations from the National Academy of Sciences and the Innocence Project. It should not be controversial to propose a rule change that will improve the reliability of the criminal justice system. Sacrificing reliability at the altar of convenience is not consistent with the values we should uphold as lawyers in a Democracy.

I urge the Court to adopt the proposed rule changes.

Thank you,

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