

Tracy, Mary

From: OFFICE RECEPTIONIST, CLERK
Sent: Tuesday, April 30, 2019 10:56 AM
To: Tracy, Mary
Subject: FW: Comment Proposed Rule CrR / CrRLJ 4.11

From: Jon Scott [mailto:jscott@snocopda.org]
Sent: Tuesday, April 30, 2019 10:48 AM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Comment Proposed Rule CrR / CrRLJ 4.11

Section (d) of the this proposed rule should be stricken. The point of recording the interview is to ensure accuracy; as such, there should be no circumstance where the court rules would accept less accurate evidence rather than more accurate evidence. The witness should simply not be allowed to refuse the recording of an interview. If there are specific concerns, those could be addressed either with a protective order, or there the matter could be brought to the court to a deposition if there is some legitimate opposition to audio recording. No court would ever allow a witness to appear in a proceeding and decline to have his or her testimony recorded or reported; why should a witness be allowed to refuse the most accurate means of documenting an interview? The inclusion of Section (d) in the proposed CrR 4.11 makes no sense from a Criminal Justice policy perspective. It is antithetical to the fair and efficient administration of justice.

Jon Scott, ATTORNEY AT LAW
Snohomish County Public Defender Association
425.339.6300 EXT. 255 / fax 425.339.6363