

Tracy, Mary

From: OFFICE RECEPTIONIST, CLERK
Sent: Tuesday, April 30, 2019 4:24 PM
To: Tracy, Mary
Subject: FW: Proposed Changes CrR 4.11(d)

From: Jamila Taylor [mailto:jamila.taylor@nwjustice.org]
Sent: Tuesday, April 30, 2019 4:24 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Proposed Changes CrR 4.11(d)

Proposed CrR 4.11(d) Witness Consent. There is no basis to make a negative inference of some sort of bias or any motive if a witness chooses not to be recorded. Let the jury determine the credibility of the witness on their own without any instruction based on the witness being recorded or not being recorded. This rule invites the courts to a jury instruction to presume that a victim is untrustworthy if s/he has refused consent to be recorded, something for which the victim has a right to do. The examination on the refusal can lead to arguments that are unsupported by fact, a presumption of bias against the witness and lead to irrelevant inquiries. Further, the court may be ill-suited to address the cultural reasons a victim might refuse to be recorded as well.

Jamila E. Taylor (pronounced JAH-MEE-LAH)
Statewide Advocacy Coordinator, Victims of Crime Act (VOCA) / Attorney

and

Mary Welch
Statewide Advocacy Coordinator, Family Law

Northwest Justice Project
124 4th Ave, Suite 240
Kent, WA 98032
Phone: (253) 480-6125
Fax: (253) 852-6050
E-mail: jamila.taylor@nwjustice.org

NOTICE: This communication may contain privileged or other confidential information. If you have received it in error, please advise the sender by reply mail and immediately delete the message and any attachments without copying or disclosing the contents. Thank you.