

**Tracy, Mary**

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**From:** OFFICE RECEPTIONIST, CLERK  
**Sent:** Monday, August 20, 2018 12:08 PM  
**To:** Tracy, Mary  
**Subject:** FW: Comment on proposed rules CrR 3.9 and CrRLJ 3.9  
**Attachments:** CrR 3.9-suggested.pdf; CrRLJ 3.9-suggested.pdf

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**From:** Terry Bloor [mailto:Terry.Bloor@co.benton.wa.us]  
**Sent:** Monday, August 20, 2018 12:00 PM  
**To:** OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>  
**Subject:** Comment on proposed rules CrR 3.9 and CrRLJ 3.9

Why should a victim or witness not be allowed to testify? One of the hallmarks of our justice system is to allow witnesses to speak and to challenge their testimony through cross-examination. The rule would prohibit the victim in the following case from identifying the perpetrator: A man is driving a vehicle, spots a random female, forces her in the car and then assaults her. The perpetrator is arrested based on linking him to the vehicle and the general description of the victim. This was an actual case of mine. There is no reason that a witness in this type of case should be prevented from identifying -or not identifying—her abuser.

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1                                   **SUGGESTED NEW CRIMINAL RULE CrR 3.9**

2                                   **CrR 3.9 IN-COURT EYEWITNESS IDENTIFICATION**

3                   **In-Court Identifications.** In-court identifications are inadmissible where the perpetrator  
4                   is unknown to the witness and there has been no prior out-of-court eyewitness  
5                   identification procedure.  
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**SUGGESTED CRIMINAL RULE CrRLJ 3.9**

**CrRLJ 3.9 IN-COURT EYEWITNESS IDENTIFICATION**

**In-Court Identifications.** In-court eyewitness identifications are inadmissible where the perpetrator is unknown to the witness and there has been no prior out-of-court eyewitness identification procedure.