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PROSECUTING ATTORNEY



King County

Office of the Prosecuting Attorney  
CRIMINAL DIVISION  
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April 30, 2019

Clerk of the Supreme Court of the State of Washington  
P.O. Box 40929  
Olympia, WA 98504-0929

**Re: Washington Association of Criminal Defense Lawyers Proposed Changes to CrR  
3.7, 3.8, 3.9, 4.7, and 4.11/CrRLJ 3.7, 3.8, 3.9, 4.7, and 4.11**

Dear Clerk of the Supreme Court,

I am writing to urge you to reject the above-referenced additions and revisions to the Criminal Court Rules for Washington State Superior Courts and Courts of Limited Jurisdiction proposed by the Washington Association of Criminal Defense Lawyers (WACDL). I am a Senior Deputy Prosecuting Attorney in the Criminal Division of the King County Prosecuting Attorney's Office and have 17 plus years of experience as a criminal prosecutor. Much of my career has been devoted to prosecuting sexual assault and violent crime cases. The proposed rules and rule changes appear to create new substantive rules governing the admissibility of eyewitness identifications and statements of defendants that go well beyond settled case law requirements, devalue the safety concerns (not to mention statutory and Constitutional rights) of witnesses and victims by requiring them to be recorded, presume the dishonesty of law enforcement officials in the absence of recordings, place undue and financially unworkable burdens on law enforcement by requiring creation of recordings and maintenance/storage in virtual perpetuity of same, create irreconcilable conflicts with the Public Disclosure Act and Washington privacy statute, and allow defendants virtually unfettered access to sensitive materials (including medical records, mental health and counseling records, CPS records, sexually explicit images, autopsy photos, pictures of injured victims, etc.) with no meaningful redactions or oversight of said redactions by courts or prosecutors. I am deeply troubled that these radical and sweeping proposals have apparently been accelerated to the public comment stage, thus indicating this Court is giving serious consideration to enacting them, without first soliciting meaningful and systematic input from *all* affected stakeholders, including law enforcement, prosecutors, victim advocates and rights groups, judges, etc.

I urge the Court in the strongest possible terms to reject WACDL's one-sided, harmful proposals, and I join with all who have written to urge rejection. In doing so I adopt in full the criticisms and objections stated in particular by Dan Satterberg, Donald Raz, John Castleton, Andrea Vitalich, and Kimberly Thulin. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Terence R. Carlstrom". The signature is written in a cursive, flowing style.

Terence R. Carlstrom, WSBA #32249  
Senior Deputy Prosecuting Attorney  
Homicide and Violent Crime Unit

**Tracy, Mary**

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**From:** OFFICE RECEPTIONIST, CLERK  
**Sent:** Tuesday, April 30, 2019 2:25 PM  
**To:** Tracy, Mary  
**Subject:** FW: Proposed CrR 3.7 et. al.  
**Attachments:** 20190430131621519.pdf

-----Original Message-----

From: Carlstrom, Terry [mailto:Terry.Carlstrom@kingcounty.gov]  
Sent: Tuesday, April 30, 2019 2:23 PM  
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>  
Subject: Proposed CrR 3.7 et. al.

To Whom it Concerns:

Attached you will find a letter in opposition to the proposed additions and revisions to the criminal rules for both Superior Court and for courts of limited jurisdiction.

Terry Carlstrom  
Senior Deputy Prosecuting Attorney  
Homicide and Violent Crime Unit  
King County Prosecuting Attorney's Office  
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