From:	OFFICE RECEPTIONIST, CLERK
To:	Tracy, Mary
Subject:	FW: Comment on Proposed Rule Change to CrR 3.4
Date:	Wednesday, December 11, 2019 10:47:29 AM

From: James Herr [mailto:jamesh@mazzonelaw.com]
Sent: Wednesday, December 11, 2019 10:45 AM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Comment on Proposed Rule Change to CrR 3.4

Good Morning,

I am firmly in support of the proposed rule change to CrR 3.4. I have seen numerous cases where my clients repeatedly come to court for a scheduled hearing, only for the State's witnesses (typically officers) to have some excuse for not coming to court, and the hearing is reset yet again. The judge (and certainly not the prosecutor) do not show the slightest concern for my clients' life and commitments. Likely, this stems from the extremely narrow worldview of the players involved—white-collared salaried workers are not thinking about what happens to an hourly worker, living paycheck to paycheck, when they miss an entire day of work. For someone making $15 an hour (or far less outside of Seattle), missing an 8 hour shift is a significant pay cut, not to mention other regular costs like childcare and travel costs for defendants coming from out of county (many of whom rely on public transit). Beyond the concerns of my clients' wellbeing, the administration of the courts is better served by this proposed rule. Trial court calendars for pretrial and omnibus are clogged with the number of defendants needing to appear. It is not uncommon that defendants need to wait outside the courtroom because the seats are full and there is no standing room left. In my experience, those courtrooms that handle things like agreed continuances by a quick order (without wasting time for the parties to approach and make a record) are able to process the number of cases much more quickly and efficiently.

I am sure the prosecutors of this state will oppose such a rule—after all, a key tool of the prosecutors is to wait for the defendant to miss his 39th hearing and then file a bail jumping charge. Bail jumping often carries a higher sentence than the underlying charge, and prosecutors appear to love using the threat of bail jumping sentences to coerce defendants into pleading guilty. Such designs are repulsive on their face, and are at odds with a court system concerned with justice. After all, the concern should be the underlying conduct and whether the defendant committed the crime, not whether the defendant had a perfect attendance record (this isn't elementary school). With this change, the courts will be focused on the defendants' appearance at necessary hearings, not unnecessary ones, and all parties will benefit (except maybe prosecutors, who may lose out on a coercive tool to force guilty pleas. Oh no.)

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From: OFFICE RECEPTIONIST, CLERK
To: Tracy, Mary
Subject: FW: Comment Regarding Court Rule Change 25700-A-1283 for Court Rule CrR 3.4
Date: Thursday, March 5, 2020 2:18:08 PM
Attachments: James Herr - CrR 3.4.pdf

Hi Mary, he would like his comments submitted under a different rule. ☺

From: James Herr [mailto:jamesh@mazzonelaw.com]
Sent: Thursday, March 5, 2020 2:09 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Comment Regarding Court Rule Change 25700-A-1283 for Court Rule CrR 3.4

Good Afternoon,

I submitted the attached comment regarding proposed changes to CrR 3.4, but it appears to have been filed under a different proposed change to CrR 3.4. Could you please submit my comment under Rule Change 25700-A-1283 instead?

Thank you very much,
James

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