

**From:** [OFFICE RECEPTIONIST, CLERK](#)  
**To:** [Linford, Tera](#)  
**Subject:** FW: Comment Regarding Proposed Amendment of CrR 3.2 and CrRLJ 3.2 - Oppose  
**Date:** Wednesday, April 28, 2021 9:55:40 AM

---

---

**From:** Moscowitz, Jason A. [mailto:JAMOSCOWITZ@spokanecounty.org]  
**Sent:** Wednesday, April 28, 2021 9:53 AM  
**To:** OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>  
**Subject:** Comment Regarding Proposed Amendment of CrR 3.2 and CrRLJ 3.2 - Oppose

**External Email Warning!** This email has originated from outside of the Washington State Courts Network. Do not click links or open attachments unless you recognize the sender, are expecting the email, and know the content is safe. If a link sends you to a website where you are asked to validate using your Account and Password, **DO NOT DO SO!** Instead, report the incident.

I write to express opposition to the proposed amendments of the respective rules 3.2, specifically in regards to the provision which strips the individual courts of the discretion to release or not release a defendant on their own recognizance. The proposal, as written, would require a defendant who has a significant history of failures to appear to be released with no effective means of ensuring their future appearance before the court. Courts already routinely release defendants who commit victim crimes, and so the necessity of making such release mandatory is questionable. This rule will impact judicial economy negatively and result in cases dragging on for significant periods of time due to defendants not appearing, late appointment of defense counsel (which cascades continuances), and the acquiring of more charges during the pendency of cases. These consequences are to everyone's detriment, defendants included. I have seen defendants at first appearances with 50+ failures to appear. Under this rule, despite defendants' demonstrated lack of taking court seriously by a history of non-appearance, they would be released, and their cases would likely languish in the warrant stack. Having warrants also results in new offenses when the individual is taken into custody and creates risk of things like attempts to elude from police and violent arrests.

The discretion on this issue should remain with the individual courts, who are in the best position to analyze the totality of the circumstances and make defendant-specific determinations. I urge you not to implement the proposed change to this portion of the rules 3.2. I do not oppose the amendment regarding allowing additional discretion by the first appearance court on setting bond amounts.

v/r

**Jason A. Moscowitz,**  
**Deputy Prosecuting Attorney**  
**Spokane County**

509-477-2864

CONFIDENTIALITY NOTICE: This e-mail, including any attachments, is confidential and may include privileged information. If you are not the intended recipient, or believe you have received this e-mail in error, please do not copy, print, forward, re-transmit, or otherwise disseminate this e-mail, its contents, or any of its attachments. Please delete this e-mail and notify the sender that you have received it in error. Thank you.

ADVISORY: Spokane County is required to comply with the Public Records Act, Chapter 42.56 RCW. This act establishes a strong state mandate in favor of disclosure of public records. As such, the information you submit to the County via email, including personal information, may ultimately be subject to disclosure as a public record.