

From: Sherri Marie Carr [mailto:carrsmarie@gmail.com]
Sent: Friday, April 8, 2022 3:17 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Clerk of the Supreme Court RE Proposed Rule Changes

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Dear Washington State Supreme Court Clerk Lennon:

While going through the proposed rules for consideration on the Washington State Supreme Court website, I wonder if attorneys given active death penalty case(s) should also have to do other limited number of cases, per the rules. Whether they have ever tried a death penalty case before, have tried a few, or are adept at death penalty cases, I come to the same quandry: should attorneys be diverted from focusing solely on the defense of someone who has their life is at stake?

In a current case where someone is set to be executed in Texas on the 27th, the lawyer that represented her had never tried a death penalty case before, reportedly. Based on that case there are so many doubts on whether that person received a fair trial.

Instead of a person to potentially have to go through appeals, or at least resort hope a Governor would grant clemency, etc., shouldn't we help that person receive a fair, just trial at their inception into the death penalty stage - and potentially save years and heart ache for them, and everyone involved, be providing them with defense that is able to focus solely on saving that person's life, instead of having multiple other responsibilities/cases to attend to at the same time?

"The proponent recommends suggested new General Rule (GR) 42[1], which is intended to bring Washington State into alignment with the ABA Ten Principles of a Public Defense Delivery System (2002) and to ensure the independence of the public defense system from judicial influence and control." - on the [Washington State Supreme Court](#).

I would clarify this within CrR 3.1 STANDARDS FOR INDIGENT DEFENSE, "1 active death penalty trial court case at a time plus a limited number of non-death-penalty cases compatible with the time demand of the death penalty case and consistent with the professional requirements of standard 3.2" - specifically what does "a limited number of" equate to, especially when someone is handling a death penalty trial court case at the same time - most particularly if they are not very experienced in that type of representation. Should lawyers that have never tried a death penalty case before, or have only tried a few, also have to do a limited number of other cases, at the same time? Even if a lawyer is adept in that area, should they have to do other cases while handling an active death penalty case?

Link for the full proposed rule: <https://smex-ctp.trendmicro.com:443/wis/clicktime/v1/query?url=https%3a%2f%2flnk.d.in%2fdbN9SNEd&umid=6e34eeba-e1b8-47ac-b69d-d69f2e23378a&auth=c302d29ff7906effa60127fd92782ca6bfab614f-1a06658ad33b73468e327f9f9f00315ac8980e31>
and other proposed rules: <https://smex-ctp.trendmicro.com:443/wis/clicktime/v1/query?url=https%3a%2f%2flnk.d.in%2fdicvijt&umid=6e34eeba-e1b8-47ac-b69d-d69f2e23378a&auth=c302d29ff7906effa60127fd92782ca6bfab614f-oae2b27668b3f3ce4d6249c530coefdc8b926746>

Link for CrR 3.1 STANDARDS FOR INDIGENT DEFENSE
<https://smex-ctp.trendmicro.com:443/wis/clicktime/v1/query?url=https%3a%2f%2flnk.d.in%2fdCky2XQF&umid=6e34eeba-e1b8-47ac-b69d-d69f2e23378a&auth=c302d29ff7906effa60127fd92782ca6bfab614f-f4eaf992d48bc69eeb06d4f93525e032dba32c00>

For the [American Bar Association](#)'s Ten Principles of a Public Defense Delivery System (2002): <https://smex-ctp.trendmicro.com:443/wis/clicktime/v1/query?url=https%3a%2f%2flnk.d.in%2fd7bkk7kQ&umid=6e34eeba-e1b8-47ac-b69d->

[d69f2e23378a&auth=c302d29ff7906effa60127fd92782ca6bfab614f-dd9fbec9a5ec3999154a211fb55bdec6a6ce801b](https://smex-ctp.trendmicro.com:443/wis/clicktime/v1/query?url=https%3a%2f%2finnocenceproject.org%2f83%2dtexas%2dstate%2drepresentatives%2durge%2dboard%2dof%2dpardons%2dparoles%2dspare%2dmelissa%2dlucio%2f&umid=6e34eeba-e1b8-47ac-b69d-d69f2e23378a&auth=c302d29ff7906effa60127fd92782ca6bfab614f-6e429b12ecdd955758bb46cf7e2c7c56040fd10e)

Referencing Lucio's original attorney, "James White (R–Hillister) focused on the poor representation Lucio received. 'Everyone has a right to a competent defense in our state. Melissa didn't get that. When you have lawyers handling a capital murder who haven't even tried a criminal case before, that's a problem, so it's no surprise that many of our Fifth Circuit's judges found she didn't get a fair trial.'" Source: <https://smex-ctp.trendmicro.com:443/wis/clicktime/v1/query?url=https%3a%2f%2finnocenceproject.org%2f83%2dtexas%2dstate%2drepresentatives%2durge%2dboard%2dof%2dpardons%2dparoles%2dspare%2dmelissa%2dlucio%2f&umid=6e34eeba-e1b8-47ac-b69d-d69f2e23378a&auth=c302d29ff7906effa60127fd92782ca6bfab614f-6e429b12ecdd955758bb46cf7e2c7c56040fd10e>

Thank you for your time, consideration, and all y'all do.

Take care,

Sherri Marie Carr

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