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Subject: FW: Proposed amendment to CrR 3.1
Date: Thursday, September 30, 2021 2:39:19 PM

From: Seth Fine [mailto:dpafine@yahoo.com]
Sent: Thursday, September 30, 2021 2:36 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Proposed amendment to CrR 3.1

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I ask the court not to adopt the proposed amendment to CrR 3.1.

This is the first time that the court has ever attempted to provide for the appointment of counsel without regard to a finding of indigency. Even when there is a constitutional right to appointed counsel, that right is reserved to indigent defendants. For collateral attacks such as proceedings under CrR 7.8, there is not even a constitutional right to counsel. The legislature has provided for appointed counsel in some collateral proceedings -- but never without a finding of indigency. RCW 10.73.150.

Of course, any expenditures for appointed counsel must compete with the myriad other pressing needs for public funds. Does the need for appointed counsel in cases affected by Blake outweigh (for example) the need to provide adequate funding for public education, environmental protection, or care of the mentally ill? Only the Legislature is properly equipped to answer that kind of question. This court should not be providing for expenditures of public fund in the absence of any constitutional requirement or legislative authorization.

Seth Fine