

From: [OFFICE RECEPTIONIST, CLERK](#)
To: [Linford, Tera](#)
Subject: FW: Opposition to CrR 3.4 proposed new rule
Date: Thursday, September 30, 2021 8:07:37 AM

From: Freedheim, Amy [mailto:Amy.Freedheim@kingcounty.gov]
Sent: Wednesday, September 29, 2021 6:18 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Opposition to CrR 3.4 proposed new rule

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To the Washington State Supreme Court:

I am writing **in opposition to the proposed CrR 3.4** permitting Zoom appearances for defendants in every hearing.

We need to know a Defendant is who they say they are and understands criminal proceedings at all stages. There are problems at Arraignment for defendants who have never been Booked. Having Defendants sign off on Conditions of Release and understanding those conditions. At Violation Hearings, if a Judge determines that a Defendant shall be immediately remanded, there is no ability to do that. At a Plea Hearing, ensuring that a Defendant is intelligently and voluntarily waiving rights and signing off on a Plea. And again shall be Remanded under certain conditions.

At Trial if the Zoom sound is lost or a visual cuts out, a Defendant can later say they were prejudiced. Even if a whole section of testimony needed to be repeated, then the witness is required to be re-questioned. If it is a victim of a violent crime or any vulnerable victim there is additional trauma involved that is unnecessary and cruel. A Defendant can claim conductivity problems and delay or alter a trial, even in the middle of testimony.

If a Defendant testifies, conductivity issues could effect the ability to evaluate accurately the credibility of their testimony. At Sentencing, ensuring the Defendant is the one connected to the felony J&S through fingerprints and serving the Defendant in the Courtroom with certain Orders is extremely imperative.

And through out, please do not discount the Victims Rights under our State Constitution and through Legislation. Victims in criminal cases have a right not merely to be heard but to appear at every hearing the Defendant is required to be at. This is because a victim has a right to ensure the Defendant is held accountable for their actions. The right to face the Defendant at a Sentencing

Hearing is an important Right that our State has upheld. This proposed rule would negate and render hollow the Victim's Rights Act.

A problem in criminal cases and Zoom is that the Judge can do little to control filming and photos that may be taking place of the witnesses, the jury, the defendant, or the victims. Evidence is displayed on Zoom that may be extremely sensitive. It is dangerous in some cases for a witness or victim to have their testimony sent out on social media. It can be traumatic or harmful if photos or other evidence is recorded. And no law or admonition from a Judge can reign in that kind of abuse. But having several sets of eyes in a courtroom (bailiff, judge, attorneys and even audience members) has stopped filming and photographing in a courtroom. The Court must be able to control this especially in a criminal case.

Zoom appearances by Defendants will NOT reduce caseloads or time. Permitting unlimited Zoom appearances by persons charged with criminal offenses is so very problematic and alarmingly dangerous.

Sincerely,
Amy

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