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Subject: FW: Opposition to changes in CrR 3.4
Date: Thursday, September 30, 2021 4:49:48 PM
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From: Nolan, Bethany [mailto:bnolan@kingcounty.gov]
Sent: Thursday, September 30, 2021 4:23 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Opposition to changes in CrR 3.4

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To Whom It May Concern:

I am writing in **opposition to the proposed CrR 3.4** changes that permit defendants to appear remotely for all hearings and stages in criminal case. Allowing defendants to appear remotely is not conducive to equitable, legitimate, and safe testimonial hearings, trials, pleas, or sentencings.

Potential problems include:

- Key issues, including social justice, access to justice, and equity concerns are covered eloquently by Yessenia Manzolt's comment. I wholeheartedly agree with and support everything she wrote.
- Connectivity issues: These issues can delay proceedings and prolong the process for victims, defendants, and witnesses.
- Identification Issues: The State is required to have a witness identify the defendant. If a defendant and/or witness appear remotely, there is a higher likelihood of misidentification due to visibility issues like screen size if a defendant and/or witness are using a mobile phone. I have also witnessed defendants not being able to make their video work which could prolong a case or potentially lead to a court admonishing a defendant with technical difficulties. In addition, we may be asking defendants to remove their masks for identification when they are not in a safe place to do so.
- Notice Issues: I have witnessed arguments that notice was not proper because a defendant's wet signature was not on a No Contact Order due to them appearing

remotely.

- Potential tampering issues: It is not possible to know for sure who is in a room with anyone speaking in court remotely. For example, there was a news story about the Coby James Harris case in Michigan this year that was picked up nationwide regarding a prosecutor noticing while a victim was speaking on Zoom that the defendant was in the same location (<https://www.youtube.com/watch?v=xgz3Tx69zXk>). Allowing anyone to appear remotely for testimonial hearings or trials increases the likelihood of intimidation and coaching.

These are just a few of the issues that I hope you consider. I urge you not to adopt the changes proposed to CrR 3.4.

Sincerely,
Bethany Nolan



Bethany Nolan (She/Her)

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