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Subject: FW: Opposition to the Proposed CrR 3.4
Date: Thursday, September 30, 2021 4:49:29 PM

From: Connell, Bianca [mailto:bconnell@kingcounty.gov]
Sent: Thursday, September 30, 2021 3:58 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Opposition to the Proposed 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 via Zoom for all hearings and stages in criminal case.

This proposed court rule poses SEVERAL dangers if enforced, here are a few examples:

- If the Defendant is ordered to be remanded and they are not present in court, they can remain out of custody and continue to pose a danger to the community. With the limited resources of law enforcement who may not be able to make an arrest immediately, it is likely they will remain out until they are arrested on another offense.
- Its not fair to victims or witnesses who are still forced to come into court to face humiliation and the overall inconvenience, while the defendant gets to remain in the comfort of their home. If there is a mistrial (which can easily happen with this rule) many victims and witness will have to come back to court to go through the same trauma. This trauma can be avoided.
- This will disproportionately impact communities of color and impoverished communities. This rule assumes everyone has access to internet and electronics. During the pandemic we saw through Zoom voir dire large cross sections of our community who could not serve as jurors because they did not have access to internet. Most of our defendants are indigent and its unlikely they will have access to the luxury of internet.
- For motions that require the defendant to be present such as finger print motions. This will now create three hearings when one was necessary. One to argue the actual motion, one to find good cause for the defendant to be present, and a last motion for the defendant to come in and have their fingerprints taken. This will waste judicial resources in a time when its scarce and limited. This is one example of motions that the defendant

is necessary for.

- For criminal cases this is not an appropriate proposal. This limits the defendant's ability to engage in the criminal justice system while the constitution goes to great lengths to ensure protection of their rights. For example, the defendant will not have a right to counsel. The defendant will not be able to review documents or exhibits in court. They will not be able to ask questions of their attorney when they need to speak privately. During plea hearings, we always ask if threats or promises were made to the defendant to make them to plea. If they are not in court, we have no way to ensure someone is in the room forcing them to plea to the charges.
- Many times, coming to court is the only opportunity the defendant has to get updates on their case and speak to their lawyers. If that requirement is taken away, this also takes away the defendant's ability to assist in their defense and have their own voices be heard.
- This does not take into account defendants who may be illiterate or have a low understanding of court procedures.

These changes will put the community and victims at risk. It will disproportionately harm impoverished communities and communities of color. These changes will prevent the defendant from effective assistance of counsel and prevent the defendant from participating in their defense. This rule will benefit few and harm many.

Do not permit these changes.

Sincerely,

/S/ Bianca Connell