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Subject: FW: Opposition to proposed CrR 3.4 changes
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From: Kling, Brent [mailto:bkling@kingcounty.gov]
Sent: Thursday, September 30, 2021 9:51 AM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Opposition to proposed CrR 3.4 changes

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Good Morning,

I am emailing in an effort to voice my opposition to the amendments being proposed to CrR 3.4.

Specifically, the language proposed in Section (e)(2) would lead to significant issues during critical stages of a criminal case – namely trial and sentencings.

While the global Coronavirus pandemic has forced courts across the county to amend their practices, amending the rules for appearances as proposed creates more problems than it solves. We have already seen how issues with internet access, internet connection speed, and other technical issues have slowed down court proceedings.

The most significant issue created by this rule change, however, is the effect it would have on the voluntariness of waivers of constitutional rights, voluntariness of pleas, and even confirming the identity of a person who appeared (particularly by phone). The rule change will damage a defendant's opportunity to observe, understand, and participate in court proceedings. The reason is that remote participation often makes it difficult to understand what is being spoken – whether those ideas are being conveyed verbally and non-verbally. Physical presence in the courtroom helps to assure that defendants focus on proceedings. While appearing remotely may appear easier, it will likely lead to defendant's not understanding how much of the proceedings they will not fully experience and may not understand. They cannot anticipate technical challenges or distractions that will arise, all of which would ultimately call into question any decisions they make that affect their overall constitutional rights.

Thank you and respectfully,

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