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**Subject:** FW: proposed changes to CrR 3.4  
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**From:** Cashman, Dana [mailto:Dana.Cashman@kingcounty.gov]  
**Sent:** Thursday, September 30, 2021 12:11 PM  
**To:** OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>  
**Subject:** proposed changes to CrR 3.4

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I am writing to say that I think the proposed changes to CrR 3.4 will have many unintended and devastating impacts on the integrity of the criminal justice system. Not only will defendant's not be able to fully participate in the proceedings, which impact their constitutional rights, and will undermine the obligations of the court and the prosecutor to ensure that a defendant's rights are protected, it will eviscerate any ability to keep adequate, accurate criminal justice records. When a defendant never has to appear, we may never get booking photos and finger prints to verify that we have the correct individual for a criminal case. We won't have the ability to get finger prints on a J&S to prove up prior criminal convictions. Identity Theft is extremely common, and while it is frustrating to have one's credit damaged by an identity thief, it is far more devastating for an innocent person to have what appears to be prior criminal convictions. With no personal appearance at any time during a criminal proceeding we will have no way to prevent this from occurring. Nor will we have way to determine who was convicted of a particular crime.

Even the current rule which allows a defendant to appear via his attorney is problematic. It is impossible to know which defendants are still in touch with their attorneys. We have no way of knowing which cases really are on track for trial and which aren't. This alone wastes countless court time hours and time spent by prosecutors preparing for trials where a defendant failed to maintain contact with their attorney.

To eliminate the personal appearance of a defendant from their own criminal proceedings also eliminates the gravity and importance of the criminal justice process. A defendant may simply ignore the court proceedings if they choose too. This can't be what was intended by the many constitutional protections offered to the participants in a criminal trial.

**Dana Cashman** | Senior Deputy Prosecuting Attorney  
Co-Chair VECU/MRJC, King County Prosecuting Attorney

Maleng Regional Justice Center | 401 Fourth Ave N | Kent, WA 98032

Work: (206) 477-1172