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**Subject:** FW: Proposed amendments to CrR 3.4 (AMENDED)  
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**From:** Seaver, David [mailto:David.Seaver@kingcounty.gov]  
**Sent:** Thursday, September 30, 2021 4:04 PM  
**To:** OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>  
**Subject:** FW: Proposed amendments to CrR 3.4 (AMENDED)

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To the Honorable Justices of the Supreme Court of Washington:

The proposed amendments to CrR 3.4, permitting a defendant to forgo any in-person appearance at his trial, greatly alarm me as a practicing lawyer and as an adjunct professor of criminal procedure. To be sure, one unanticipated side effect of the pandemic has been the realization that the traditional methods by which many legal events have been performed are fairly antiquated, and technological advances allow for time-saving alternatives that are equally valid. A criminal trial, however, is not one of those events. This Court, like so many others, has long recognized the importance to the trier of fact of the physical presence of the accused in the courtroom, and this Court, like so many others, has been loath to permit a trial in absentia to occur without very unusual circumstances being present. Admittedly, a defendant's presence via video link is not identical to his complete absence, but, in reality, it is more of a difference in degree than a difference in kind. Video presence is a remarkably poor substitute for personal appearance, as anyone who has witnessed such a hearing can attest.

There are so many needless problems that can arise in a video-based hearing, ranging from simple technical glitches that delay proceedings to dramatic events happening in other locations that are "beamed in" via teleconferencing cameras and which utterly disrupt the proceedings. I have personally witnessed the challenges presented to out-of-court defendants who need the assistance of an interpreter in real time; translation simply does not work effectively for very long in this medium. Also, the option of virtual appearance is available only to those defendants with the resources to obtain internet service and a device capable of connecting to the web, and is unavailable to our neediest.

Thank you for your consideration of my comments, and I very much implore you to reject the latest proposed amendments to CrR 3.4.

Sincerely,

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