

**From:** [OFFICE RECEPTIONIST, CLERK](#)  
**To:** [Linford, Tera](#)  
**Subject:** FW: Comments to proposed CrR 3.4 rule Amendments  
**Date:** Thursday, September 30, 2021 8:08:36 AM  
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**From:** Vaught, Elyne [mailto:Elyne.Vaught@kingcounty.gov]  
**Sent:** Wednesday, September 29, 2021 8:39 PM  
**To:** OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>  
**Subject:** Comments to proposed CrR 3.4 rule Amendments

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Hello,

Here is my comment/concern to the proposed rule amendments to CrR 3.4:

**CrR 3.4 (e)**

- (1) Defendant may appear **remotely (video or phone)** as available in the court and allowed by the rule. If out of custody, the defendant is responsible for their own device and internet access.

**My Concern/Comment:** The rule will result in inequitable treatment of defendants with limited means, who will not have devices and reliable internet access to appear remotely for lengthy hearings. Courts will not allow a defendant to rely on a Wi-Fi connection in a public place for purposes of video appearance at testimonial hearings, pleas, and sentencings.

Another concern I have is that if a D is allowed to appear remotely for a plea and/or sentencing hearing, he or she may be able to claim an inadequate wi-fi connection and claim to not have received notice of an ineligibility to possess a firearm. Or if it's a plea, claim that he or she did not hear certain aspects of the plea colloquy to be able to enter into it knowingly, voluntarily, and with a full understanding of the consequences.

Thank you for your time,

**Elyne M. Vaught**



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