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Subject: FW: Opposition to changes in CrR 3.4
Date: Thursday, September 30, 2021 3:40:57 PM
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From: Godwin, Hannah [mailto:hgodwin@kingcounty.gov]
Sent: Thursday, September 30, 2021 3:29 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Opposition to changes in CrR 3.4

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To Whom it May Concern:

I am writing to strongly urge the Court **against implementing the proposed CrR 3.4 changes**. While our courts have made impressive strides with technology in the COVID-19 era, it is still a work in progress. It is nowhere near at the stage where it can ensure accessibility to justice for all. I have handled hearings, such as arraignments and pleas, on Zoom and it rarely proceeds smoothly. Often, the video feed is slow, choppy, and unclear. Other times, individuals will log on with their cell phone and not mute themselves, interrupting the current proceeding for others and making it difficult for all parties to remain on the same page. Many times, the defendant may not be looking at the camera and may be talking to other individuals at the same time or are completing other activities, such as driving or smoking a cigarette. In my experience, there is simply not the same appreciation for the gravity of criminal matters on Zoom as there is in person.

It cannot be assumed that the technology will be functioning properly at all times. I am significantly concerned that issues can be raised on appeal purely based on Zoom's technology. What happens if the defendant's Zoom shuts down? Or if the feed of the court proceedings lags during critical witness testimony—could this violate the confrontation clause? A defendant's constitutional right to a fair trial is of utmost importance. It cannot be guaranteed with the technology as it currently exists.

It also presents huge social justice, access to justice, and equity concerns by permitting those with access to high-speed internet, broadband, and computers to appear via Zoom from wherever they please and those who do not have those items to appear in person. This will have the greatest impact on communities of BIPOC and immigrants and those disenfranchised.

Thank you,

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Hannah Godwin

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