

**From:** [OFFICE RECEPTIONIST, CLERK](#)  
**To:** [Linford, Tera](#)  
**Subject:** FW: Comment regarding Proposed June 2021 Amendments: CrR 3.4 – Presence of Defendant  
**Date:** Wednesday, September 29, 2021 2:38:24 PM

---

**From:** Torres, Hugo [mailto:Hugo.Torres@kingcounty.gov]  
**Sent:** Wednesday, September 29, 2021 2:33 PM  
**To:** OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>  
**Subject:** Comment regarding Proposed June 2021 Amendments: CrR 3.4 – Presence of Defendant

**External Email Warning!** This email has originated from outside of the Washington State Courts Network. Do not click links or open attachments unless you recognize the sender, are expecting the email, and know the content is safe. If a link sends you to a website where you are asked to validate using your Account and Password, **DO NOT DO SO!** Instead, report the incident.

As a prosecutor, I have worked on cases that involve victims, witnesses, and defendants of varying economic backgrounds. Yet one thing that equalizes the field amongst participants of different economic capabilities is that when it comes to criminal court proceedings, all the players have to physically come into the court and interact with the system in an equal way—in person, at the court house, before a Judge.

The pandemic has changed the way many things work, and the courts have done an admirable job of trying to adapt to difficult circumstances by allowing participants to appear remotely. This makes sense for the current crisis we are in, but even so it has also highlighted how economic circumstances can impact people differently. Some people have the means to appear remotely with good technological resources and a quiet, secure environment. Others have to rely on public internet or chaotic home environments. I have seen this inequality play out in the remote appearances of defendants, of victims, even amongst lawyers.

As a temporary measure to combat a deadly virus, this inequality is understandable—but as a permanent addition to the way our courts operate? This strikes me as formalizing a disparity, making a choice to institutionalize two types of judicial systems—one system for those well off enough to appear remotely with no impact on the way they interact and are perceived by the justice system, and another for those who must come in person or weigh the burden of appearing remotely through suboptimal means and risking a severe impact on how they view and are viewed by others in a proceeding.

One day, the pandemic will end. We should keep that in mind and avoid making permanent the economic equality that has been highlighted by our current times.

Hugo Torres

King County Senior Deputy Prosecutor  
Economic Crimes Unit