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**From:** Dernbach, Jeff [mailto:Jeffrey.Dernbach@kingcounty.gov]  
**Sent:** Thursday, September 30, 2021 2:46 PM  
**To:** OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>  
**Subject:** Comment on Proposed CrR3.4 Change

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I have worked as a prosecutor for King County for over twenty years and most of that time has been doing trial work. I wanted to comment on the proposed change to CrR3.4. My specific concerns are about allowing defendants to appear for trial remotely. The quality of justice will only decrease by conducting trials over TV screens. Allowing defendants to appear for trial remotely would create a number of problems for the Defendant, and the fact finder (either judges or juries). The Defendant would not be able clearly observe what is happening in the courtroom. The court will not be able to determine if the Defendant is having technical problems seeing or hearing the proceedings. The Defendant will not be able to communicate as freely with their own lawyer.

Allowing a defendant to appear remotely would create issues for the finder of fact. It would be difficult to assess credibility when defendants testify, make identifications, or handle exhibits. There are instances where witnesses appear via video. I have had trials where witnesses appear remotely by agreement of parties or done video preservation deposition. However, those are done infrequently and are never as good as live testimony. That degradation of the quality of the judicial process should not be the norm.

Finally, criminal trials are serious matters that have a large impact on the lives of defendant's and victims. They should not be phoned in. The court should not conduct trials in a way that removes the defendant from the process as a living person and replaces them with a two-dimensional screen. That will not improve the quality of decisions in the courtroom.

Jeffrey C. Dernbach  
Senior Deputy Prosecuting Attorney  
King County Prosecuting Attorney's Office