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Subject: FW: Proposed CrR 3.4 Amendments
Date: Thursday, September 30, 2021 4:49:15 PM
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From: McCurtain, Jocelyn [mailto:Jocelyn.McCurtain@kingcounty.gov]
Sent: Thursday, September 30, 2021 3:48 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Proposed CrR 3.4 Amendments

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To Whom It May Concern:

I am writing in **opposition to the proposed CrR 3.4** changes that permit Defendants to appear via Zoom for all hearings and stages in criminal case. As one of the Supervisors in King County District Court, I observe zoom calendars every day in District Court. There are countless issues allowing defendants to be present via zoom at all stages of the proceeding.

- 3.5/3.6 Motions: Defendant's must be physically present in courtrooms for motions. Defendants have the right to meaningfully communicate with their attorney throughout the testimony of witnesses. Further, they have to be properly advised in person of their right to testify at these hearings. Allowing them to appear via zoom does not enable them to meaningful partake in these proceedings. Furthermore, as the State, we are required to properly identify a defendant, that who an officer came into contact with is who is present in the courtroom. Video hearings are not conducive to this and in fact, I have observed defendants simply refuse to turn on their video or to remove their mask to allow for the identification.
- Pleas and Sentencing: A defendant must knowingly, intelligently and voluntarily enter a plea. In order to ascertain whether a defendant truly comprehends the plea documentation and has a meaningful opportunity to ask questions of their counsel and the Court, they should be physically present in the courtroom. For sentencing, at times the State requests no contact orders for the protection of victims in addition to orders to surrender weapons. I have seen defense counsel claim that due to lack of a physical signature on this form, the NCO was not

properly served. The defendant should be present for this process.

- Victim, witness, and juror privacy concerns: There is nothing to stop a defendant from screenshotting the victims, witnesses, or jurors if they are able to appear via zoom. The risk of this alone should require the physical presence of a defendant in Court.
- Review Hearings: At times, the State has to request a sanctions in the form of remand and bail. If a Court orders this with someone on zoom, there are significant concerns they will not appear to turn themselves in therefore putting the community at risk.
- Connectivity Issues: Though the Court is working on bettering the technology in the courtroom I have observed countless hearings that suffer from technology issues, including defendants not properly connecting to zoom. This results in countless witnesses wasting their time coming to Court when hearings have to be moved do to tech issues. This is a waste of resources.

Finally, this 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 where ever 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.

Do not permit these changes.

Sincerely,



Jocelyn McCurtain (She/Her)

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