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Subject: FW: Comment on Proposed Amendments to CrR 3.4
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From: Jost, Kelsey [mailto:kjost@kingcounty.gov]
Sent: Thursday, September 30, 2021 3:47 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Comment on Proposed Amendments to CrR 3.4

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Good Afternoon,

I oppose the amendment 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.

While the attempt to modernize the courtroom is appreciated, the proposed amendments would further the separation between the middle/upper class and marginalized communities within our criminal justice system. Virtual hearings require access to devices and reliable internet sources in order to appear. There are many people who do not have access to these items or the means to obtain them. It would be unjust to further this discrepancy as those with devices would not need to appear in person for court; however, those who lack devices and means would need to appear.

- (2) **Remote hearings authorized for all criminal proceedings.** For arraignment, trial, guilty plea, and sentencing, a defendant must have prior court approval.

The authorization for all criminal proceedings to be conducted online will cause many issues:

-A defendant's opportunity to observe, understand, and participate in court is diminished based on their appearance via a screen. If a question arises online, the defendant will have to remember their

question and wait until they have a break and/or are alone with their attorney to inquire or move past it without addressing the issue. This is a non-issue for defendants that appear in person, as the defendant can immediately lean over and ask their attorney a question while in the courtroom. This is incredibly important for every stage of a criminal case, whether it's an arraignment, a motion hearing, a plea hearing, trial, or sentencing. If these issues are not addressed as they come up, they may become an issue later on appeal.

-A courtroom presence assures the defendant is present and focused on what's occurring and prevents any outside court distractions that may occur off screen.

-In a practical sense, it is impossible to remand a defendant into custody if the person appears online.

-Hosting trials online will also give the defendant opportunity to take photos, screenshots, or recordings of jurors and jeopardize their safety.

Do not permit these changes.



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