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Subject: FW: Opposition to Proposed Changes to CrR 3.4
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From: Craft, Leandra [mailto:LCraft@kingcounty.gov]
Sent: Thursday, September 30, 2021 3:47 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Opposition to Proposed Changes to CrR 3.4

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Good afternoon,

I am writing to **oppose the proposed CrR 3.4** changes that permit Defendants to appear via Zoom for all hearings and stages in criminal case. While well-meaning, these changes can create a number of unintended consequences including:

- Diminishing the defendant's right to counsel by removing the opportunity to simultaneously consult with counsel during the proceedings. If the court has to halt proceedings for a private conversation, it may be to the defendant's or the State's detriment. Interruptions to consult with counsel also will irritate the jury and delay the proceedings.
- The defendant's remote presence would not satisfy the confrontation clause. It will be difficult to assure that courts obtain sufficient waivers before allowing remote presence.
- Defendant taking screen shots or photos of jurors or witnesses.
- Connectivity issues that could potentially lead to a vulnerable witness or child testifying all over again.

Finally, these proposed changes present huge social justice, access to justice, and equity concerns by permitting those with access to high-speed internet 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.

Best,

 Leandra Craft (she/her)



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