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**From:** Han, Lorie [mailto:lh@kingcounty.gov]  
**Sent:** Friday, October 1, 2021 12:00 AM  
**To:** OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>  
**Subject:** Comments to CrR 3.4 Proposed Changes

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Good evening,

I am a Deputy Prosecuting Attorney at King County Prosecuting Attorney's Office and am writing in regard to the proposed amendments to CrR 3.4.

The proposed change to CrR 3.4 appears to be well-intentioned but short-sighted with many potential far-reaching consequences, including, but not by any means limited to, the actual process for establishing that the person who is appearing on video is actually the defendant being charged; establishing voluntariness of important hearings such as pleas and sentencings; implications involving the Confrontation Clause, right to counsel, and other constitutional rights; issues that would specifically impact populations that need the assistance of interpreters; victims or members of the public not being afforded the same considerations; and the need for immediate technical support for remote appearances with technological issues or equipment failure. These are a few of a huge list of consequences that could result from this proposal.

Specifically, the proposal appears to incorporate an assumption of not only reliable internet access, but the access to the required technological equipment. Many people do not have the privilege of regular access to reliable internet or laptops or phones equipped with a camera. During this unprecedented pandemic where remote appearances had been implemented to limit COVID exposure, I have personally been part of many discussions where the issue has simply been that a person does not have the financial means to access internet or access to even a smartphone, a privilege that many of us take for granted in this day and age. This proposal would disproportionately impact a population that does not have the privilege of the same access.

The benefits of a remote appearance on its own being implemented immediately are far outweighed by the potential far-reaching consequences that could result from this proposal if this proposal is

implemented without careful, extensive, and meticulous consideration of its impact on **all** parts of criminal proceedings. This proposal warrants further time and consideration.

Thank you for your time.

Respectfully,

Lorie J. Han  
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