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From: Pippin, Lucy [mailto:lpippin@kingcounty.gov]
Sent: Thursday, September 30, 2021 9:56 AM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
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Remote hearings authorized for all criminal proceedings. For arraignment, trial, guilty plea, and sentencing, a defendant must have prior court approval.

Particularly for trial and guilty pleas, this proposed amendment will degrade a defendant's opportunity to observe, understand, and participate in court proceedings:

1. Remote participation often makes it difficult to comprehend both the words spoken and meaning conveyed nonverbally, particularly if any of the parties require an interpreter.
2. At any testimonial hearing or trial, remote participation will create problems with sharing documents and exhibits. It will be virtually impossible to assure that the defendant has the same access to exhibits, pre- and post-admission, as if present in court.
3. The amendments diminish the right to counsel – the defendant will not have 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. As a result, remote defendants will be reluctant to (or unable to) consult with counsel to the extent physical presence allows.
4. The amendments authorize a defendant to testify remotely, which would deprive the fact-finder of the chance to observe the defendant's demeanor. It also would allow coaching to occur off-screen without detection by the fact-finder or the court. The defendant could refer to notes that are not apparent remotely.

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