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**From:** Larson, Luke [mailto:Luke.Larson@kingcounty.gov]  
**Sent:** Wednesday, September 29, 2021 1:35 PM  
**To:** OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>  
**Subject:** Proposed CrR 3.4 comment

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Good Afternoon,

I am writing to express my opposition to the proposed amendment to CrR 3.4.

Excusing the defendant's presence from trial, sentencing, and plea hearings will erode the court's ability to maintain and ensure fair and just proceedings for all parties involved. There are many technical issues that could arise under the new rule, and even momentary technical glitches put constitutional protections in jeopardy. Simply put, in an effort to streamline court proceedings the new proposal will likely cause additional delay and inefficiency.

Moreover, the rule takes away the defendant's opportunity to meaningfully participate in the judicial process. At trial, the defendant loses the ability to appreciate and understand all the non-verbal nuances that occur within the courtroom during pretrial motions, judicial rulings, and testimony. Defendants will lose the ability to consult with their attorney in real time as judicial proceedings unfold around them. This will lead to further delay or, worse, an inability to consult with counsel during trial.

Finally, the rule only contemplates excusing the defendant's presence while all other witnesses and victims are made to appear in person. If the courts so strongly believe that witnesses and victims should be present in court for trial proceedings then they should also be requiring the attendance of the defendant.

**Luke Larson** | Senior Deputy Prosecuting Attorney  
King County Prosecutor's Office

