

From: [OFFICE RECEPTIONIST, CLERK](#)
To: [Linford, Tera](#)
Subject: FW: Opposition to changes in CrR 3.4
Date: Friday, October 1, 2021 11:25:04 AM
Attachments: [image001.png](#)

From: Shindo, Maya [mailto:mshindo@kingcounty.gov]
Sent: Thursday, September 30, 2021 4:58 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Opposition to changes in CrR 3.4

External Email Warning! This email has originated from outside of the Washington State Courts Network. Do not click links or open attachments unless you recognize the sender, are expecting the email, and know the content is safe. If a link sends you to a website where you are asked to validate using your Account and Password, **DO NOT DO SO!** Instead, report the incident.

Good afternoon,

I am writing in opposition to the proposed changes to CrR 3.4.

I have spent most of my time in criminal prosecution with King County during this Covid-19 pandemic. Much of the time was spent on Zoom hearings and while I do see benefits to virtual hearings, to expand the rule to let defendants appear remotely for testimonial motions, trials, pleas and sentencing is not only inequitable and not efficient, but it also diminishes the legitimacy of the criminal justice system.

The proposed changes are meant to make the court system more efficient; however, in my experience, hearings often got delayed due to technological issues, usually due to bad connection with the defendant resulting in choppy audio, freezing video, delayed audio or video, or loss of connection altogether. This often led to the matter being reset multiple times, resulting in the Court ordering the defendant to appear in person. This meant multiple hearings were required for one matter. And these were for short, procedural hearings. To allow this on an expanded basis to include substantive hearings would result in increased repeat hearings or resets, utilizing more time and resources from the court, the State, and defense, that are all already stretched thin with the backlog due to the Covid-19 pandemic.

These proposed changes will also create an inequitable divide, giving individuals who are privileged enough to have the resources to appear remotely, where others who do not have the means to do so, have to appear in person. This also applies to witnesses and victims, who are not given the same privilege to appear remotely. We ask victims to come to court and often relive their experience in the name of due process; but what does it say to victims and witnesses when we are telling them they are required to appear in person at motions or trial but the defendant does not? Argument has been made against allowing victims and witnesses to testify remotely citing to violation of the confrontation clause. I would raise that question here: how would the confrontation clause be satisfied if the defendant is not present in court during testimony? Also, the defendant is at a disadvantage if they are not present in court during substantive hearings as they would not be able to readily consult

with their attorney or have access to exhibits presented in court. Defendants that appear remotely and wish to consult with their attorney, will require the court to pause the hearing and give the defendant and counsel time and privacy to consult with one another. This will lead to delays to the detriment of the defendant, because it may leave a negative impression with jurors during trial due to the delays.

My colleagues have expressed similar concerns and in a much more eloquent manner than I. DPA Yessenia Manzo has outlined the issues that face non-native English speakers should these changes be adopted more clearly; DPA Casey Parks notes extremely concerning issues adoption of these changes will raise in regards to victims of violent crimes. I urge you to please take my colleagues comments to heart and reject the proposed amendment.

Thank you for your time.



T. Maya Shindo (she/her)

Deputy Prosecuting Attorney,
Violent Economic Crimes Unit - Filing
Maleng Regional Justice Center
401 4th Avenue N | Kent | WA | 98032
Office: (206) 263-6863
Email: mshindo@kingcounty.gov

****Please note that this email may be subject to public disclosure pursuant to RCW Ch. 42.56.***