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Subject: FW: Opposition to Proposed Changes to CrR 3.4
Date: Friday, October 1, 2021 11:26:15 AM

From: Osman, Melissa [mailto:mosman@kingcounty.gov]
Sent: Thursday, September 30, 2021 10:46 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Opposition to Proposed Changes to CrR 3.4

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To Whom It May Concern:

I am writing in opposition to the proposed changes to CrR 3.4 that permit defendants to appear via Zoom for all hearings and stages in criminal cases. While the use of new technology in the court system can be an important step forward, the proposed changes to CrR 3.4 unduly expand allowances for defendant appearance in way that will negatively impact victims and witnesses, defendants, and the efficiency of the court process.

Allowing defendants to appear remotely for all stages of their case, including trial, sends a confusing and frustrating message to victims of crime and witnesses that, while defendants may appear virtually from anywhere with an internet connection, they must take the time and make the effort to appear in person and provide their oftentimes stressful or painful testimony. A codified prioritization of the ease at which defendants may appear over other court participants will likely lead to decreased victim and witness participation and alienation from the criminal justice system. Further, the likely delays or even retrials resulting from inevitable technology issues that interfere with the defendant's appearance, participation, or understanding, will unfairly impact victims and witnesses who are made to further interrupt their lives to appear for court or wait for resolution.

Defendants are not best served by video appearances, particularly at crucial case stages like trial or when entering a plea. Assessing the voluntariness of waivers, the understanding of processes, and allowing for communication with counsel are all made more complicated by remote appearance. An act as simple as a defendant leaning over to their attorney to ask a question becomes a delay for a separate and private conversation that effectively brings the Court's efficiency to a halt. Further, allowing only those with the financial means to have both a device capable of Zoom and a stable enough internet connection, as well as the privileged ability to move through the court system without language barriers or other interference to communication, to participate remotely

disproportionally impacts already marginalized communities, including BIPOC and non-English speaking participants.

Finally, the Court's interest in moving through cases efficiently is not served by allowing such broad opportunity for remote appearance. I regularly appear on calendars that have adopted some amount of Zoom participation since the beginning of the pandemic and can express from personal experience that video appearances have not increased the efficiency of hearing those cases. Options for presenting information or allowing everyone to be visible are limited, hearings take longer, accommodations are made that are not in line with best practices, like /s/ signatures on important forms, and tech issues happen frequently. Allowing for Zoom appearance at all hearings would only further congest the court's process.

I respectfully request that the proposed changes not be adopted.

Sincerely,

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