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Subject: FW: Proposed CrR 3.4 amendments
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From: Kim, Nami [mailto:Nami.Kim@kingcounty.gov]
Sent: Thursday, September 30, 2021 2:58 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
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To the Court:

I would like to note my objection to a proposed new rule allowing defendants to appear remotely for trial, guilty pleas and sentencings. The technological hurdles to those three essential hearings are huge, and the consequences for not getting them done correctly equally so. Everyone – victims, witnesses, jurors, parties – must appear in person for trial lest the defendant’s rights be diminished. But allowing a defendant to appear by Zoom diminishes the gravity, importance and dignity of these proceedings. It also diminishes the ability to truly ensure the voluntary and knowing participation of that defendant, which will lead to countless appellate issues and only make the criminal justice process longer, slower and without finality. The entire process will be slower, not expedited. Child victims would potentially have to testify again, because of appellate challenges to the process. The defendant is also being granted a privilege to appear remotely for all hearings, while no other participants (including witnesses and victims) are given the same opportunity. Those who seek justice in our State – including victims and witnesses – will inevitably question why the defendant receives this privilege, and the statement being made about their own comparative value in the process. It is often difficult enough to compel victims of violent crime into court, but having to do so while the defendant can stay at home sends a powerful message, and will deter even more people from participating in the criminal justice process. From a practical standpoint, how can a jury be expected to judge the credibility of the defendant equally as those live, in-person witnesses on a Zoom call? How does this not send a message that the need to judge the defendant’s credibility is somehow less important than for everyone else who testifies/participates? How does the court remand a defendant into custody if he/she is convicted, and not create a situation where there is every reason to evade consequence? For pleas and sentencings, the problems are also myriad. In my experience, private discussions/questions with defense counsel happen frequently during these proceedings, and the ability for those parties to confer meaningfully plays a crucial role in establishing the validity of those proceedings. It will be incredibly difficult to ascertain knowledge of

important court orders (NCOs, etc) and statutorily required notice requirements (sex offender registration, firearm prohibition). Those last two examples in turn lead to criminal charges themselves, ensuring/encouraging more cases of that type to be charged, leading to bloat and not reduction of cases. Thank you for consideration of these comments.

Nami Kim

Senior Deputy Prosecuting Attorney

King County Prosecutor's Office | Registered Sex Offenders – Special Assault Unit