

**From:** [OFFICE RECEPTIONIST, CLERK](#)  
**To:** [Linford, Tera](#)  
**Subject:** FW: CrR 3.4 Amendments  
**Date:** Wednesday, September 29, 2021 2:06:25 PM

---

**From:** Sewell, Paul [mailto:Paul.Sewell@kingcounty.gov]  
**Sent:** Wednesday, September 29, 2021 1:57 PM  
**To:** OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>  
**Subject:** CrR 3.4 Amendments

**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.

Thank you for the opportunity to comment on the proposed changes to CrR 3.4. While well-intentioned, the planned amendments to the rule are fundamentally short-sighted and will only result in lessening the integrity of court proceedings.

If a defendant is allowed to appear virtually for trial, the door to a number of unacceptable possibilities will be opened. The ability for in-court participants to identify the defendant will be severely limited and (in some instances) impossible, the trial court will have no way to ensure that the defendant is not being coached by an off-screen third party or reading from notes, and the jury will not be afforded the opportunity to observe the defendant's demeanor while testifying. Additionally, the defendant's remote presence alone will not satisfy the Confrontation Clause, and it will be fundamentally difficult for the trial court to obtain a sufficient waiver – especially if the defendant has appeared remotely for the previous proceedings. It will also erode public trust in the criminal justice system because every other criminal justice system participant to still have to appear in person. Lastly, and perhaps most importantly, the weight and import of the proceedings on the jury and rest of the criminal justice system participants will be diminished because the defendant will be reduced to a face on the screen or a voice on the phone, rather than an actual human being whose liberty is at stake.

I agree that courts should have some discretion to allow participants to appear remotely – which already occurs on a much more limited basis. Events such as trial and sentencing however, are far too important to be watered-down or compromised in this fashion. For these reasons as well as others already stated in the comments, I oppose the amendment.

Thank you.

-Paul Sewell

**Paul G. Sewell** (he/him)  
Senior Deputy Prosecuting Attorney