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**Subject:** FW: Opposition to proposed CrR 3.4 changes.  
**Date:** Thursday, September 30, 2021 9:56:09 AM

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**From:** Sanchez, Philip [mailto:Philip.Sanchez@kingcounty.gov]  
**Sent:** Thursday, September 30, 2021 9:49 AM  
**To:** OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>  
**Subject:** Opposition to proposed CrR 3.4 changes.

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The proposed changes to CrR 3.4 potentially threaten the constitutional safeguards put in place to protect the rights of the accused. If a defendant/juvenile respondent are permitted to appear remotely for motions and/or trial proceedings, it presents new and several dangerous paths of injustice of the entire system. If present in court, a defendant/juvenile respondent can quickly and easily consult with their attorney before making significant and informed decisions (right to counsel). They are able to share notes with their attorney and/or advise their attorney of any concerns about the proceedings. Their right to counsel *should not* become reliant upon technology which is what the proposed change creates. If a defendant is muted, their screen frozen, their objections delayed, their internet connection fails, or their other technical difficulties occur during trial, their ability to participate or to confront witnesses is significantly in jeopardy. Will witnesses or victims need to re-testify? Is testimony being recorded by the defendant/juvenile respondent from their remote location? Will there be additional delays and court costs due to technical difficulties? Some of these examples already occur for pretrial hearings or plea hearings. While the proposed rule change may seek to improve the health and safety of the defendant/juvenile respondent, it does so at risking their constitutional rights and protections. Lastly, for some offenses, the law requires automatic remand into custody for community safety; RCW 10.65.025. This will no longer be possible.

Please do not accept the proposed changes to CrR 3.4.

Philip Sanchez