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Subject: FW: Comments to Proposed Amendments to CrR 3.4
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From: Anderson, Rhyan [mailto:Rhyan.Anderson@kingcounty.gov]
Sent: Wednesday, September 29, 2021 7:22 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Comments to Proposed Amendments to CrR 3.4

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Hello,

I am writing to express my strong opposition to the proposed amendments to CrR 3.4 regarding the presence of the defendant.

This rule is inherently unfair to victims of crimes, many of whom are terrified to attend court and testify against the person who harmed them, and yet the defendant would be given the privilege to appear remotely while the victims and witness are required to appear in person. Others who are seeking justice from the criminal justice system will question why the defendant is given this privilege. Because victims are required to attend in person but defendants are not, it will be abundantly clear to victims that they are treated with less consideration than the defendant. How could one believe our system is fair when a 7-year-old child rape victim is forced to appear in person and testify in front of a roomful of strangers, while the defendant sits comfortably in his living room appearing via Zoom?

The amendments also present significant problems verifying the defendant's identity at critical stages of the proceedings. If the defendant isn't physically present and fingerprinted, any conviction cannot be added to felony criminal history databases. If the defendant is not present, the parties will be unable to conduct in-court identification – positive or negative.

Additionally, it will be impossible to assure the voluntariness of a guilty plea or waiver of other constitutional rights, especially via phone, where there is no ability to determine who else is present (off screen) when the plea is taken, who may be exerting undue influence.

If a defendant were allowed to appear remotely for trial, he/she would be not able simultaneously consult with counsel during the proceedings. If the court has to halt proceedings for a private

conversation, it may be to the defendant's or the State's detriment. Interruptions to consult with counsel also will irritate the jury and significantly delay the proceedings, and defendants will likely be reluctant to consult with his/her attorney. If the defendant were to appear remotely, it also would allow coaching to occur off-screen without detection by the fact-finder or the court. While testifying, the defendant could refer to notes that are not apparent remotely.

I urge the Court to reject these proposed amendments.

Thank you,

Rhyan Anderson

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