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**Date:** Thursday, September 30, 2021 4:50:18 PM  
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**From:** Reese, Roxanne [mailto:roreese@kingcounty.gov]  
**Sent:** Thursday, September 30, 2021 4:47 PM  
**To:** OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>  
**Subject:** Comment on Amendments to CrR 3.4

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To Whom it May Concern:

I am writing to comment in opposition to the proposed amendments to CrR 3.4.

In my experience, plea hearings have always been voluntary hearings that defendant's set and regularly fail to appear for without consequence. Defendants are not required to plead guilty, so—although it is, at times, inconvenient—I have never had reason to question that practice. By the same token, I did not question it when the previous amendments to CrR 3.4(b) left plea hearings off the list: if defendants are not required to appear in the first place, they are certainly not required to personally appear physically or remotely.

These proposed amendments, however, go a dangerous step further and generally authorize defendants to enter a guilty plea remotely, simultaneously eliminating the requirement that the State be in agreement. Although the defendant must have prior approval from the court, the amendments provide no criteria upon which the court would base a grant or denial of approval, suggesting the procedure is more of a formality than a quality assurance measure.

I characterize this step as dangerous because it sets up every remotely entered plea to be later challenged as not knowingly, intelligently, and voluntarily entered. With an audio-only record, it will be impossible to show that the defendant's internet never froze or cut out to prove he heard each advisement and question in its entirety. While the amendments purport to make the defendant responsible for his or her own device and internet access, a reviewing court surely would not say that the defendant "assumed the risk" that he or she would miss key information or understanding of what they were doing. Allowing remotely-entered pleas undermines the legitimacy of criminal proceedings and the finality of their outcomes.

I respectfully state this opposition to the proposed amendments to CrR 3.4 and thank the Court for its consideration.

Sincerely,

Roxanne Reese  
Deputy Prosecuting Attorney



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