

From: [OFFICE RECEPTIONIST, CLERK](#)
To: [Linford, Tera](#)
Subject: FW: Proposed Amendments to CrR 3.1 and 7.8
Date: Thursday, September 30, 2021 8:08:06 AM

From: David Trieweiler [mailto:trieweiler3@gmail.com]
Sent: Wednesday, September 29, 2021 7:30 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Proposed Amendments to CrR 3.1 and 7.8

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.

Justice Charles Johnson,
Justice Mary Yu
Co-Chairs, Supreme Court Rules Committee

I write to urge the Court to adopt the proposed amendments to CrR 3.1 and 7.8. These amendments are necessary to provide adequate representation to the vast majority of those convicted of drug possession offenses who are indigent, who are entitled to relief, and who live in counties where prosecutors or courts continue to erect roadblocks to that representation.

Prosecutors argue that those entitled to post-conviction relief must first be found indigent before counsel can be appointed. However, this position puts those persons in an untenable Catch 22. They cannot get an appointed lawyer and hearing until they file motions demonstrating indigence and a right to relief. But the vast majority of people would not know how to do that without a lawyer. So they need a lawyer to properly file the motions. But they cannot get a lawyer until they properly file the motions.

The state unconstitutionally convicted this group of individuals. Therefore, the state should accept its financial, legal, moral, and ethical responsibilities to vacate their convictions. I urge you to adopt the proposed amendments to CrR 3.1 and 7.8.

David A. Trieweiler
Attorney at Law