

KING COUNTY PROSECUTING ATTORNEY'S OFFICE



LEESA MANION (she/her)
PROSECUTING ATTORNEY

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April 28, 2023

Clerk of the Supreme Court
Temple of Justice
P.O. Box 40929
Olympia, WA 98504-0929

Re: Proposed Amendments to RAP 10.10

I write in opposition to the proposed amendment to RAP 10.10(c), which would require appellate defense counsel to send copies to the defendant of all exhibits and clerk's papers that have been designated to the appellate court, for purposes of preparation of a Statement of Additional Grounds for Review. The justification for the proposal notes the high cost to defense counsel of sending copies of these additional documents and exhibits to defendants and seeks to pass these costs on to the Office of Public Defense. The proposed amendment is unwise and unnecessary.

Under the existing rule, the defendant must be provided a copy of the verbatim report of proceedings. That record is sufficient for a defendant to "identify and discuss" matters that the defendant believes have not been adequately addressed by counsel on appeal, which is all that is required under RAP 10.10(a). Reference to the record is not required, the statement need only "inform the court of the nature and occurrence of alleged errors." RAP 10.10(c).

Importantly, the proposed rule would require that copies of exhibits that have been designated and transmitted to the appellate court be mailed to the defendant and does not include any limitation on the use or further distribution of these exhibits. Exhibits may include photographs of victims and witnesses, autopsy photos, and child pornography. Some of these exhibits cannot legally be mailed, some cannot be possessed by a person who is in the Department of Corrections. Such a mandate should not be adopted without close examination of these matters, providing for redactions and limitations on use and distribution.

Respectfully,

A handwritten signature in black ink, appearing to read "Donna Wise", is written over a horizontal line.

Donna Wise
Senior Deputy Prosecuting Attorney
King County Prosecuting Attorney's Office

From: [OFFICE RECEPTIONIST, CLERK](#)
To: [Martinez, Jacquelynn](#)
Subject: FW: Comment on proposed amendment to RAP 10.10
Date: Friday, April 28, 2023 1:32:29 PM
Attachments: [Comment re RAP 10.10 - Wise.pdf](#)

From: Wise, Donna <Donna.Wise@kingcounty.gov>
Sent: Friday, April 28, 2023 1:29 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Comment on proposed amendment to RAP 10.10

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Good afternoon –

I have attached a comment opposing the proposed amendment to RAP 10.10.

Thank you,

Donna Wise
Senior Deputy Prosecuting Attorney

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