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Subject: FW: Opposition to RAP 10.10 amendment
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From: Mohandeson, Mike <Mike.Mohandeson@kingcounty.gov>
Sent: Wednesday, April 26, 2023 8:58 AM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Opposition to RAP 10.10 amendment

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Greetings,

I join with many of my prosecutor colleagues to oppose the proposed amendments to RAP 10.10(e). Although it is important for people convicted of a crime to have access to the courts through the appellate process, to include the opportunity to submit a Statement of Additional Grounds (SAG), that must be tempered with competing common sense policy considerations. In its *present* form, the proposed amendment leaves too much room for sensitive documents such as photos or other exhibits depicting violent and/or sexual themes (e.g. child exploitation or autopsy photos) or information that could compromise victims (e.g. address, DOB, or other personal identifiable information, bank account info, counseling and/or mental health records, etc) to be obtained by the very individuals who committed such crimes against those victims or against other vulnerable groups such as children. Not only would those persons have unfettered access to it, there would be no practical way to prevent them from further disseminating that information to others.

If re-written to provide for appropriate redactions (like CrR 4.7 and GR 31 do) the rule change would be better conceived. However, even then, there may be challenges over who gets to decide what can and cannot be provided or what redactions need to be made. For those who are incarcerated during the pendency of their appeal, providing certain types of records/exhibits (to include in video or other electronic format) might also clash with DOC policies, which would create additional litigation to address the competing considerations of an inmate's right to such information against certain institutional restrictions. In short, the cons outweigh the potential benefits in its current proposed form, especially when other significant due process protections already exist for people who wish to appeal their convictions (to include the fact that a SAG does not even require citations to the record).

Thank you for your consideration of my input and that of the several others who have submitted their comments.

Best Regards,

Michael Mohandeson
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King County Prosecuting Attorney's Office