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**Subject:** FW: Comment - RAP 10.10 Amendment  
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**From:** Paul Masiello <Paul.Masiello@lewiscountywa.gov>  
**Sent:** Thursday, April 27, 2023 1:53 AM  
**To:** OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>  
**Subject:** Comment - RAP 10.10 Amendment

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Amending this rule as proposed would be a serious error. Often, evidence is shielded from complete disclosure by the evidence rules. This amendment would circumvent those protections and allow defendants to get their hands on material that should be kept away from them. It is highly likely this will have an unintended consequence of placing prohibited material that formed the basis of a criminal prosecution back in the hands of the person who was not supposed to possess it. To prevent this, prosecutors will have to get protection orders on virtually every piece of evidence that is presented at a trial. There is a chance of oversight on the part of the prosecutor and this amendment would place undue burdens on other agencies to ensure that a defendant does not possess this material. While there are some policies in place that can prevent this material from making its way to a defendant, those are not addressed by the rule. Passage of this rule would be a disaster waiting to happen and should not go forward.

Thank you for your consideration,

**Paul E. Masiello**  
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