

From: [OFFICE RECEPTIONIST, CLERK](#)
To: [Martinez, Jacquelyn](#)
Subject: FW: RAP 10.10 comment
Date: Friday, April 14, 2023 3:21:58 PM
Attachments: [image002.png](#)

From: Scott Jackson <Scott.Jackson@lewiscountywa.gov>
Sent: Friday, April 14, 2023 3:19 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: RAP 10.10 comment

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.

I do not believe a defendant should receive copies of exhibits admitted at a criminal trial as proposed in RAP 10.10. The proposed amendment seems to circumvent the Criminal Rule in place to regulate discover and assure there is a safeguard that sensitive information is not given to a convicted defendant that could put crime victim's or witness in harm's way or cause further victimization. I can think of many instances where exhibits were photographs of credit cards, identification cards, social security cards and other similar personal identifying information of victim's and/or witnesses in cases involving identify theft, forgery, criminal impersonation, etc.. There also may be graphic photos of crime scenes, deceased victims, photographs of injuries that may show a child or victim in compromising state, video evidence of interviews of victims or children, and other forms of evidence that must be admitted proving the crime charges. The rule does not have the safeguards contained in CrR 4.7 which regulates discover and has a mechanism for redaction or for the Court to decide what is appropriate for a defendant to be able to obtain. For these reasons, I believe the amendment should not be adopted.

CrR 4.7 (3) Custody of Materials. Any materials furnished to an attorney pursuant to these rules shall remain in the exclusive custody of the attorney and be used only for the purposes of conducting the party's side of the case, unless otherwise agreed by the parties or ordered by the court, and **shall be subject to such other terms and conditions as the parties may agree or the court may provide.**

Further, a defense attorney shall be permitted to provide a copy of the materials to the defendant after making appropriate redactions which are approved by the prosecuting authority or order of the court. (4) Protective Orders. Upon a showing of cause, the court may at any time order that specified disclosure be restricted or deferred, or make such other order as is appropriate, provided that all material and information to which a party is entitled must be disclosed in time to permit the party's

counsel to make beneficial use thereof.

Scott M. Jackson

Lewis County Prosecutor's Office
Deputy Prosecuting Attorney
345 W. Main St.
Chehalis, WA 98532
(360) 740-1240

