From: OFFICE RECEPTIONIST, CLERK
To: Martinez, Jacquelynn
Subject: FW: OPPOSED to new CrR 4.11
Date: Thursday, April 27, 2023 4:16:52 PM
Attachments: image001.png

From: Freedheim, Amy <Amy.Freedheim@kingcounty.gov>
Sent: Thursday, April 27, 2023 4:13 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: OPPOSED to new CrR 4.11

The proposed new rule **would prohibit issuance of a bench warrant when the defendant fails to appear for a hearing at which their presence is required (including trial), if the only notice of the hearing was through their attorney**. This rule will lead to a level of chaos, disruption, delay, and

The Criminal process relies on the defense attorney to notify their client about continuances and mandatory hearings, including Bond, Omnibus, Trial, motions for DNA or prints, or a Sentencing Hearing that was continued. If the Court changes this, then the State and Trial Courts will be required to have defendants come to Court for all hearings even when we all agree to a continuance. And especially for Trial notification. A trial might bump along a calendar for days while one or the other attorney is in another Trial or an atty is out ill. This change will require the defendant to come to Court each day.

The purpose of permitting a defendant to appear through their attorney was to speed up and make hearings move easier. It does not require a defendant to take time off from a job or schooling to come to court and wait through an afternoon calendar to be served notice of the next hearing. The Court relies on the defendant's attorney to let the defendant know when the next hearing is and whether or not the defendant must be present. The defendant's attorney is the best position to communicate this information to their client. If they are not communicating with their client then that is a problem that we can address long before a Trial date. Trial involves civilian witnesses, expert witnesses, LEO witnesses, and victims and their families rearranging schedules. The Trial court, the DPAs and the defense attorneys all arrange their schedules to carve out several weeks for a Trial. This proposed rule throws into chaos all of that. In jurisdictions with 1000's of cases backlogged and trial dates and hearings being continued constantly, the State and the Court will have to require the defendants presence at every pre-trial hearing even when their own attorney is busy in another trial and all parties are agreeing to a continuance. In a jurisdiction like King County, there are 100-200 cases on pre-trial calendars every afternoon (in both Seattle and Kent). All of these defendants will

need to come to Court to get “notice” of a new trial date and a new pre-trial hearing date. It is unrealistic to rely on the Court sending notice or the State constantly mailing notice for every hearing. A case may be continued over the course of a year multiple times while the defense completes their investigation, their client gets treatment, or for a myriad of reasons overseen by the Courts. The defendant’s attorney is in the very best position to let their client know of and receive permission to waive the procedural continuances.

I just had a defense attorney request to continue a Sentencing Hearing scheduled for tomorrow. We are agreeing with the Court as to the dates. The Defendant is out of custody but everyone is relying on the defendant being notified through his counsel. It is one week and too short a time to send out letters. The proposed 4.11 would require the defendant to appear tomorrow just to comply with the defendant being notified by the Court and not his own counsel.

Please do not pass this new CrR 4.11. It benefits no one. And it risks throwing an already overburdened system into chaos.

Sincerely,
Amy Freedheim

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