

From: [OFFICE RECEPTIONIST, CLERK](#)
To: [Martinez, Jacquelynn](#)
Subject: FW: Benton/Franklin County Superior Court Comments to Proposed Rules
Date: Friday, April 7, 2023 1:20:38 PM

From: Tiffany Runge <Tiffany.Runge@co.benton.wa.us>
Sent: Friday, April 7, 2023 1:16 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Benton/Franklin County Superior Court Comments to Proposed Rules

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.

Dear Clerk of the Supreme Court,

The Benton/Franklin Superior Court bench would like to submit their comments to proposed rules CrR 4.11 and CrR 4.12 as follows:

IN RE: COMMENT FOR NEW RULES CrR/CrRLJ 4.11 – NOTICE OF COURT DATES TO DEFENDANT, AND CrR/CrRLJ 4.12 - SIGNATURES

CrR 4.11: We **do not** support as written. We join in the comments and concerns expressed formally by Douglas County DPA Martinez, Judge Todd, Judge Murphy Richards, Judge Giner, Ms. Woodrow, Judge Gerl and Judge Rogers regarding the new rule neglecting to allow for electronic notice from the court to the defendant of an upcoming court date, since the word “summons” as used is vague. Physical mailing of a summons is expensive, cumbersome, time-consuming, and less likely to give actual notice than electronic means.

Typically, before a warrant is issued for a failure to appear, our court would entertain a request from a defense attorney to continue the matter one week to allow that attorney to contact his/her client and get the client into court immediately following a failure to appear before we issue a bench warrant. This new rule would prevent the court and the parties from quickly addressing a failure to appear due to the mandatory language that the court shall note the non-appearance and summons the defendant to a hearing, and would result in long delays in cases while a physical summons is sent to a defendant and a new court date set weeks out.

We also note, similar to Judges Gerl and Rogers, that this new rule conflicts with the plain

language of CrR 3.3(f)(1), since CrR 3.3(f)(1) specifically says that “the court’s notice to defense counsel of new hearing dates constitutes notice to the defendant.” This new CrR 4.11 essentially says the opposite, that the court cannot assume that notice to counsel is actual notice to the defendant.

CrR 4.12: We **do not** support as written. The new rule should include a citation to CrR 3.3 (c)(i) and 3.3(f)(1) specifically so that it is clear that the defendant has been advised of and understands the speedy trial implications of the continuance and agrees to the same.

If you need anything further from me, or if I have submitted incorrection, please let me know.

Thank you

TIFFANY RUNGE

Court Administrator

Benton & Franklin Counties Superior Court
7122 W. Okanogan Pl., Suite A130
Kennewick, WA 99336

“Leadership is a potent combination of strategy and character. But if you must be without one, be without the strategy.” - Norman Schwarzkopf

Ph: 509-736-3071 x 3318

Website: [Benton and Franklin Counties Superior Court](#)

CONFIDENTIALITY STATEMENT - this message contains information that may be confidential per RCW 13.50.050 or 42 CFR, part 2. If this message was sent to you in error, any use, or disclosure or distribution of its contents is prohibited. If you receive this message in error, please contact me at the e-mail address listed above and delete this message without printing, copying, or forwarding it. Thank you.