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To: [Martinez, Jacquelynn](#)
Subject: FW: Comment on proposed CrR 4.11
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From: Djamalov, Caroline <cdjmalov@kingcounty.gov>
Sent: Friday, April 28, 2023 10:47 AM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Comment on proposed CrR 4.11

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Good morning,

I am writing to you to urge you to reject the proposed Criminal Court Rule 4.11. The obligations placed on victims and witnesses in the criminal justice system are already onerous – and they are obligations that the victims and witnesses never chose. Unlike defendants, they never chose to be a part of this system. The proposed rule lifts the obligations defendants have to show up, while increasing the strain on victims and witnesses, who are forced to be ready and available for additional trial dates and additional hearings.

The proposed rule eliminates any incentive for defendants to appear at hearings for which their physical presence is required, which are the most important proceedings, and proceedings for which witnesses and victims may appear (e.g., substantive motions, trial, bail hearings, sentencing). The defendant's failure to appear will result in substantial inconvenience and cost to witnesses and other participants, because the hearing cannot be rescheduled for the next day, but must be continued long enough to be confident that mail will be delivered to the defendant with notice of the hearing. Rescheduling hearings, duplicating hearing dates, also will be a burden to the court system and attorneys who have to appear repeatedly.

In King County Superior Court, many cases are on the trial calendar each day. On the trial date, a case will be placed on standby, awaiting the availability of a judge (or counsel, if they are in another trial). If trial cannot begin that day, the case is held over to the next day's trial calendar. The same thing may occur for several days. However, these hold-over cases do not appear for a hearing each day, the holds are handled off-docket. So, although the defendant will have been given notice of the initial trial date in court, they will not have been given notice in court of the hold to the next day. If the rule is implemented, the court will have to require defendants to appear in court each day they are on the trial calendar, to hold a hearing setting each case to the next day, instead of relying on defense counsel to communicate with their client. That procedure would be a waste of time and expense for the court, the lawyers, and defendants who must appear in court every day. Under the proposed rule, if those daily hearings are not set, the defendant may choose not to appear after the

case is held over for two days, and will not be held to account by issuance of a bench warrant, but will instead accomplish a two-week continuance of the trial date. Unless additional unnecessary hearings are scheduled to establish that the defendant has notice of the next trial date, our trial calendar will descend into chaos.

I join with many of my colleagues to urge you to reject this proposed rule.

Thank you,
Caroline Djamalov

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