

From: [OFFICE RECEPTIONIST, CLERK](#)
To: [Martinez, Jacquelynn](#)
Subject: FW: comment on proposed new rules CrR 4.11 and CrRLJ 4.11
Date: Wednesday, April 26, 2023 8:04:10 AM

From: Houston, Kyle <Kyle.Houston@kingcounty.gov>
Sent: Tuesday, April 25, 2023 5:24 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: comment on proposed new rules CrR 4.11 and CrRLJ 4.11

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Good afternoon,

I am writing to request that the Court reject the proposed new rules CrR 4.11 and CrRLJ 4.11. Pursuant to CrR 3.4 and its companion rule, CrRLJ 3.4, when a defendant states a preference to appear through counsel for pretrial hearings, they are agreeing to receive notice of future court dates including the trial date from their counsel. Criminal defendants have an obligation to keep updated with the status of their cases, and to appear when required by CrR 3.4/CrRLJ 3.4. Once the parties have confirmed they're ready for trial on a specified date, the trial rarely actually begins on that date. Cases will get put on stand by and bumped on a day-by-day basis until a courtroom opens up then the case get assigned out for trial. This rule would require defendants appear each day the case is on stand by to get personal service of notice of the new trial date, which is the type of inconvenience that CrR 3.4/CrRLJ 3.4 intended to resolve.

For trials, the court has the obligation to summon jurors, the state has the obligation to ascertain witnesses and victims are ready and present, and when a defendant fails to appear, it causes considerable inconvenience for everybody. As per this proposed new rule, the Court would then have to put the case back on the trial stand by calendar, mail notice (which is far less effective generally than email), and send the case out to trial again in hopes that the defendant actually appears this time.

A better resolution would be amending CrR 3.4/CrRLJ 3.4 to require appearance at the final pretrial hearing where the parties confirm readiness for trial. That way the defendant gets notice of the trial date and instructions to maintain contact with their counsel and/or the court regarding the standby status of the case.

For the foregoing reasons, I respectfully request that the Court reject CrR 4.11/CrRLJ 4.11 as proposed.

Kyle

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