

From: [OFFICE RECEPTIONIST, CLERK](#)
To: [Martinez, Jacquelynn](#)
Subject: FW: Comment in opposition to proposed CrR 4.11 and CrRLJ 4.11
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From: Anderson, Rhyen <Rhyen.Anderson@kingcounty.gov>
Sent: Monday, April 24, 2023 1:31 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Comment in opposition to proposed CrR 4.11 and CrRLJ 4.11

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Hello,

I am writing to express my strong opposition to the proposed CrR 4.11 and CrRLJ 4.11. My concerns are as follows:

It 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 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.

Under King County Local Rules, defendants are required to appear for bond hearings and hearings set to address conditions of release. If this rule is adopted, the court cannot rely on defense counsel to provide notice of that hearing. Hearings, which may be set because of safety or flight concerns, will have to be continued for two weeks if the defendant fails to appear, to provide an opportunity for a mailed summons to reach the defendant. This is especially alarming in domestic violence cases and sexual assault cases where there are serious safety concerns for the victims.

I also echo many of the concerns raised by Judge Gerl and Judge Rogers and I urge the Supreme Court to reject this proposed rule.

Thank you,

Rhyan Anderson



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