April 25, 2023

Clerk of the Court
Washington State Supreme Court
Via: supreme@courts.wa.gov

Re: Proposed Amendment to RAP 16.8

Dear Rules Committee:

  I write in support of the proposed amendment to RAP 16.8. As Ms. Vomacka, (the drafter of the amendment) states, the practice of charging a criminal defendant filing fee for a case he or she did not file in or transfer to the appellate court is unfair.

  And, many of those filing CrR 7.8 motions in the trial court are indigent and in-custody. The indigent defendant may seek a waiver of the filing but that process wastes valuable time and resources in the Court of Appeals. It likely costs more for the Clerk to administer the attempted collection of filing fees from indigent defendants than the Court actually recovers.

  This Court should bring the rule into conformity with those other proceedings where the filing fee for litigation transferred to the appellate court is waived.

       Sincerely,

       Suzanne Lee Elliott

       Suzanne Lee Elliott
       Staff Attorney

From: Suzanne Elliott <suzanne@washapp.org>
Sent: Tuesday, April 25, 2023 11:49 AM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
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Please see the attached comment in support of the proposed amendment to RAP 16.8

Thank you.

Suzanne Lee Elliott
Staff Attorney
Washington Appellate Project
1511 Third Ave. Suite 610
Seattle WA 98101
206-587-2711
Toll Free 1-877-587-2711