

I write to comment on the King County Prosecuting Attorney's Office's proposed new RAP 18.25, governing references to minors and crime victims in appellate cases. This comment represents my personal views and is not presented in my capacity as a court employee.

I take no position on whether the proposed rule is good policy or whether it should be adopted. To the extent the Supreme Court is inclined to adopt the proposed rule, I believe the proposed rule would benefit from changes for clarity and changes to maintain a consistent style within the RAPs. My proposed changes to the proposed rule are noted below via underlining and strikethrough.

### **RAP 18.25** **References to Minors and Crime Victims**

**(a) References to Minors.** Except as provided in subsection (d) of this rule, minors ~~shall~~ should be referred to by their initials in all documents filed in the appellate court. ~~for the public record in criminal proceedings and civil commitment actions pursuant to Chapter RCW 71.09.~~

**(b) Definition of "Minor."** For purposes of this rule, "minor" means any person ~~under the age of eighteen (18)~~ less than 18 years of age at the time that any portion of the relevant crime when any of the facts giving rise to the case occurred, regardless of ~~their~~ the person's age when the document is filed in the appellate court. ~~for the public record.~~

**(c) References to Crime Victims.** Except as provided in subsection (d) of this rule, all victims and alleged victims of the following offenses ~~shall~~ should be referred to by their initials in all documents filed in the appellate court ~~criminal proceedings and civil commitment actions pursuant to Chapter RCW 71.09~~: (1) any offense contained in Chapter 9A.44 RCW; (2) any offense contained in Chapter 9A.88 RCW; (3) any offense contained in Chapter 9A.86 RCW; (4) any offense alleged to have been committed with sexual motivation as defined in RCW 9.94A.030(48); (5) a violation of RCW 9A.56.120 or RCW 9A.56.130 when the threat is based on exposing past sexual conduct; or sexual extortion ~~if the victim was being extorted to commit sexual acts~~; (6) a violation of RCW 9A.40.100 based on causing the victim to engage in either a sexually explicit act or a commercial sex act; or (7) any other offense defined as a "sex offense" under RCW 9A.44.128 or RCW 9.94A.030.

### **(d) Application.**

(1) This rule ~~does not apply~~ applies to all review proceedings in the appellate court that began as a criminal proceeding, juvenile offense proceeding, civil commitment proceeding under Chapter 71.09 RCW, guardianship proceeding under Chapter 11.130 RCW, shelter care/dependency/termination proceeding under Chapter 13.34 RCW, and

any other court proceeding for which applicable law requires reference to individuals by their initials.

(2) This rule does not apply when prohibited by the United States Constitution or the Washington State Constitution. ~~i. If the appellate court determines that using a minor or victim's full name is necessary to uphold a constitutional right.~~

~~(3) ii. To minor defendants in either adult court criminal proceedings or civil commitment proceedings under RCW 71.09~~ This rule does not apply to documents filed in the appellate court under Title 9 of these rules.

~~(4) iii. This rule does not apply to~~ To documents filed under seal in the appellate court.

~~iv. In non-criminal proceedings, except civil commitment actions pursuant to Chapter 71.09 RCW~~

**From:** [OFFICE RECEPTIONIST, CLERK](#)  
**To:** [Martinez, Jacquelynn](#)  
**Subject:** FW: Comment to proposed RAP 18.25  
**Date:** Wednesday, April 24, 2024 8:29:46 AM  
**Attachments:** [RAP 18.25 comment.docx](#)

---

---

**From:** Andrew Van Winkle <avanwinkle8@gmail.com>  
**Sent:** Tuesday, April 23, 2024 7:42 PM  
**To:** OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>  
**Subject:** Comment to proposed RAP 18.25

**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.

Good Evening,

Attached is my comment to the proposed new RAP 18.25.

Sincerely,

Andrew Van Winkle