

From: [OFFICE RECEPTIONIST, CLERK](#)
To: [Martinez, Jacquelynn](#)
Subject: FW: Proposed New RAP 18.25
Date: Friday, April 26, 2024 9:28:11 AM

From: Joseph, Jennifer <Jennifer.Joseph@kingcounty.gov>
Sent: Friday, April 26, 2024 9:18 AM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Proposed New 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.

To the Court:

I urge the Court to adopt the proposed new RAP 18.25, which requires the use of initials to refer to minors and victims of sex crimes in all documents filed for the public record in criminal proceedings and civil commitment actions pursuant to RCW 71.09. On occasions too numerous to recount, appellate defense counsel have insisted on using victims' and minors' full name in appellate briefs, which are posted online and can easily be found through simple Google searches, despite polite requests by prosecutors to submit amended briefs using initials to protect victims' privacy and dignity. Sometimes this leads Division One of the Court of Appeals – the only division without a general rule on this subject – to publish these sensitive details in its opinions. In one case handled by undersigned counsel, that court identified a rape victim by her full name and gave additional identifying details about where she lived and the fact that she had a small child. This particular victim had been involved in prostitution prior to the rape and this detail—as well as graphic details about the sex offense itself—was also provided. The Court's opinion came up as the first result returned in a Google search of the victim's name and the word "rape." Thankfully, the court promptly granted the State's motion to replace its opinion with one using the victim's initials, but the defendant's brief remains online and available to anyone interested enough to look. Not only does this expose the victim to potential harassment by the defendant and his supporters, but it poses a tremendous and unfair risk to the victim's ability to secure employment and housing. In another case, defense counsel insisted on including the full name of a woman who had been molested and raped by her father throughout her childhood. When asked to replace the brief with one using initials, defense counsel refused without explanation. Since the only argument ever advanced in favor of using full names – public trial / open courts concerns – has been rejected by Washington Courts (e.g., State v. Mansour, 14 Wn.2d 323, 333, 470 P.3d 543 (2020)), defense counsel's insistence on naming victims appears meant to shame and degrade victims in order to discourage their participation in criminal prosecutions. This runs counter to the legislature's intent to ensure that "all victims . . . of crime are treated with dignity, respect, courtesy, and sensitivity."

RCW 7.69.010.

I ask the Court to adopt RAP 18.25 to protect the privacy and dignity of children and victims of sex offenses.

Sincerely,
Jennifer Joseph

Jennifer Joseph (she/her)

Senior Deputy Prosecuting Attorney

WAPA Appellate Resource Attorney

King County Prosecuting Attorney's Office

516 3rd Avenue | Seattle | WA | 98104

Office: (206) 477-9530

Email: jennifer.joseph@kingcounty.gov