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Subject: FW: Support for RAP 9.6
Date: Tuesday, April 30, 2024 1:32:04 PM

From: Sara Taboada <Sara@washapp.org>
Sent: Tuesday, April 30, 2024 12:49 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Support for RAP 9.6

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I am writing in support of this Court's adoption of RAP 9.6.

I am a staff attorney at the Washington Appellate Project. Our office is located in Seattle and provides representation to indigent clients in every county in Washington.

After attorneys in our office review the clerk's papers and the verbatim report of proceedings, the attorneys decide which exhibits to request. As the director of our office has pointed out in his comment in support of RAP 9.6, receiving these exhibits is critical to provide effective representation. Indeed, as this Court said in *State v. Waits*, our clients are entitled to a record of sufficient completeness to permit effective appellate review. 200 Wn.2d 507, 511, 520 P.3d 49 (2022).

However, our office is often met with resistance when we request exhibits from certain counties. For example, some counties refuse to provide copies of electronic exhibits. The clerks in these counties suggest that we drive to their office to make our own copies, but this is not a feasible solution. In many instances, this would require a lengthy drive or flight from Seattle to the county. Similarly, some counties refuse to provide color copies of photographs the court admitted at trial even when we explain that a color copy is critical to our review of the record. In these instances, the counties have also suggested that we travel to their county to make our own color copy of the exhibit. This would also require a lengthy drive or flight from Seattle to the county.

As a public defense organization, we do not have the time or the resources to consistently travel throughout Washington to receive exhibits. I understand that some clerk's office do not have the financial resources to make copies of exhibits. To remedy these concerns, I would suggest adding language to this RAP that clarifies the party that requests the exhibits must pay the costs associated with the request.

I respectfully request that this Court adopt RAP 9.6.

-Sara S. Taboada