

From: [OFFICE RECEPTIONIST, CLERK](#)
To: [Martinez, Jacquelynn](#)
Subject: FW: Comments on Proposed Rules
Date: Tuesday, April 30, 2024 8:09:46 AM
Attachments: [image001.png](#)

From: Samantha Fellers <SFellers@co.whatcom.wa.us>
Sent: Monday, April 29, 2024 4:40 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Comments on Proposed Rules

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.

Hello,

Below are some of my comments regarding the proposed rule changes:

CrRLJ 3.3 – The proposed change to CrRLJ 3.3 would ultimately result in cases lingering for longer and more hearings, and create an inability for the court to track where a defendant is physically located without the imposition of some kind of pre-trial monitoring. Allowing defense counsel to appear on behalf of the defendant without any assurance that the defendant will appear in court or the court have knowledge of the defendants whereabouts can cause a significant safety risk for victims and not all courts have the capability or systems in place to impose pre-trial monitoring to assure the defendants location should this rule be imposed.

CrR and CrRLJ 4.7 – The proposed change to CrR and CrRLJ 4.7 will take away an important step in checking defense counsel's work. Allowing defense counsel to simply make their own redactions without a second review will result in more errors and more information provided to defendants than should be, particularly victims and witnesses contact information and home addresses. It may result in more safety concerns because of potential retaliation to those involved in the case as witnesses, victims, and law enforcement. The rule as is ensures that there is some form of review that prevents errors from putting community safety at risk.

CrR and CrRLJ 3.2 – The proposed change to CrR and CrRLJ 3.2 fails to contemplate community safety and the incentives currently in place for the appearance of the defendant. The court already has discretion to determine the amount of bail that should be placed on any particular defendant to assure appearance, prevent witness intimidation, provide for community safety, and prevent interference with the administration of justice and the ability to allow for or decline a 10% cash alternative. In specific types of cases with specific fact patterns, 10% of what is ordered is not

appropriate. In turn, imposing this rule will only incentivize imposing more significant bail amounts.

CrR and CrRLJ 8.3 – The proposed change to CrR and CrRLJ 8.3 would allow the judge to have such overwhelming power over a case that it would create harm to the victims of cases and the community at large. The judge could decide that charging decision or allocation of resources was arbitrary or negligent, or that parties were not moving quickly enough without regard for caseload or unforeseen circumstances that make it so that prosecutors and their staff may take longer than defense counsel would like. It completely disregards the public interest in prosecuting crimes and protecting the community, including victims and the victims bill of rights. Any misconduct of the State, even simple mismanagement, could result in dismissal despite a lack of impact on the provision of a fair trial for a defendant.

Thank you,

Sam Fellers
Victim Witness Coordinator
Whatcom County Prosecutor's Office
360-778-5718 | sfellers@co.whatcom.wa.us | she/her/hers



Please be advised that these communications may be subject to disclosure under RCW 42.56, the Washington State Public Records Act.

CONFIDENTIAL OR PRIVILEGED: *This communication is intended only for the use of the individuals to whom it is addressed and may contain information that is privileged, confidential or exempt from other disclosure under applicable law. If you are not the intended recipient, you are notified that any disclosure, printing, copying, distribution or use of the contents is prohibited. If you have received this in error, please notify the sender immediately by telephone or by returning it by reply e-mail and then permanently deleting the communication from your system.*