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To: [Martinez, Jacquelynn](#)
Subject: FW: Proposed Changes to CrR 4.7 and CrRLJ 4.7
Date: Friday, April 26, 2024 8:05:48 AM

From: Raz, Don <Don.Raz@kingcounty.gov>
Sent: Friday, April 26, 2024 6:54 AM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Cc: Raz, Don <Don.Raz@kingcounty.gov>
Subject: Proposed Changes to CrR 4.7 and CrRLJ 4.7

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Dear Supreme Court

I am writing to voice my strong opposition to the adoption of the proposed changes to above-noted Criminal Court Rules for Washington State Superior Courts and Courts of Limited Jurisdiction. I am a senior deputy prosecutor with the King County Prosecuting Attorney's Office and have 36 years' experience working with and observing the effects of Washington's criminal rules.

I strongly urge this Court to reject this proposed changes to CrR 4.7 and CrRLJ 4.7. The proposed changes cause a host of problems that threaten the confidentiality of private information and eliminate the ability of the prosecutor and the court to prevent dissemination of such information. The proposed change allow defense counsel to provide discovery to the defendant after redaction pursuant to local court rule but does not establish (and actually eliminates) a procedure to do so until the local court adopts redaction rules. Under the proposed change, neither the court nor the prosecutor is provided a copy of the redacted discovery. Accordingly, there is no opportunity for court or State to identify errors in the redaction. From personal experience, I can attest there are always errors in the proposed redaction discovery we received for review under the current rule. Further, there is no guarantee that local rules will install necessary pre-distribution review by court or State of discovery. There is no guarantee that local rules will be as necessarily thorough as those cited by the proponents of the proposed changes. Under the proposed changes, prosecutor's offices will be required to set hearings in virtually all cases to assure case by case guidelines are ordered as to the redaction of discovery. This hearing will need to be held prior to the State's delivery of discovery. Since under the proposed changes, the State would not receive a copy of redaction discovery prior to dissemination, a court order prior to delivery of discovery to the defense will be necessary. This will add hundred if not thousand of unnecessary hearings to court

dockets and delay discovery delivery to the defense in all cases. The current rule provides an efficient process for providing redacted discovery to the defendant. It allows the State opportunity to catch errors in redaction that otherwise could result in the distribution of confidential information of victims and witnesses. Accordingly, the proposed changes are unnecessary and actually cause many additional problems not existent under the current rules.

I strongly urge this Court to reject this proposed change to CrR 4.7 and CrRLJ 4.7.

Thank you for time and your consideration.

Sincerely

Donald J. Raz, WSBA #17287
Senior Deputy Prosecuting Attorney
King County Prosecuting Attorney's Office