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Subject: FW: Amendment to CrR 4.7 and CrRLJ 4.7
Date: Friday, April 26, 2024 8:44:25 AM

From: Joseph, Jennifer <Jennifer.Joseph@kingcounty.gov>
Sent: Friday, April 26, 2024 8:44 AM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
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To the Court:

I am writing to oppose the proposed changes to CrR 4.7 and CrRLJ 4.7 discovery rules that would permit defense counsel to provide discovery to defendants without appropriate redactions. In many cases, discovery will include highly sensitive information and images of victims of crime that could do real damage to real people if disseminated by the defendant. The rule does not permit the prosecuting attorney to view defense counsel's redactions before the material is provided to the defendant. In many cases, this information can expose victims and witnesses to harassment by the defendant or his or her supporters, and this will in turn discourage victims from coming forward. Although the proposed rule allows prosecutors to move to modify redactions beyond the Court's published guidelines within a short time of providing discovery to defense counsel, this option will simply require the prosecutor's office to set hearings in virtually all cases to ensure that appropriate redactions are made. This will certainly result in delays in providing discovery as prosecutors must double and triple check the material to identify what beyond the court's published guidelines must be redacted to protect victim and witness privacy. There is nothing in the rule that prevents defense counsel from sharing discovery with the defendant before the court hears the prosecutor's motion to modify redactions, making the availability of this remedy largely illusory. Additionally, there is no good reason to make discovery redactions a matter of differing local court rules, which will make compliance more difficult for defense attorneys who practice in courts throughout the state. I urge the court to reject the proposed amendments to these rules. If there is a need to change redaction rules for criminal defendants, the Court should consider a rule that will apply across Washington. A rule requiring compliance with redaction guidelines of the prosecuting attorney in that jurisdiction would accomplish this much better than a mosaic of disparate local rules.

Respectfully,
Jennifer Joseph



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