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Subject: FW: Comment in Support of Proposed CrR 4.7 and CrRLJ 4.7 Rule Change
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From: Zenner, Matthew <mzenner@kingcounty.gov>
Sent: Thursday, April 25, 2024 10:29 AM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
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Dear Honorable Justices of the Washington State Supreme Court,

I am writing to express my support for the proposed changes to CrR 4.7/CrRLJ 4.7, which aim to facilitate the provision of redacted discovery to accused individuals through court-published redaction guidelines. As a criminal defense attorney public defender, I have observed firsthand the difficulties my clients face when accessing discovery. This lack of access not only impairs their ability to fully engage in their defense but also undermines their trust in the justice system and in the counsel provided. The key aspects of my support are based on: (1) enhancing transparency and standardization of the discovery process, (2) preventing prosecutorial practices that undermine fair plea negotiations, and (3) improving efficiency and focus within the public defense system.

One of the main complaints from clients revolves around the opaque and inconsistent access to discovery, which often leads to confusion and a sense of helplessness. The proposed rule change promises to enhance transparency and standardize the discovery process across various jurisdictions. This standardization is crucial for building trust—clients who receive timely and complete discovery are more likely to feel that they are being treated fairly and are better equipped to collaborate effectively with their legal representatives.

Furthermore, the current practices where access to redacted discovery can trigger prosecutorial threats to limit plea negotiations are particularly troubling. Such practices can coerce accused individuals into accepting plea deals without a comprehensive understanding of the evidence against them, further eroding trust and fairness. By allowing for a standardized approach to redacted discovery, we are not only upholding the rights of the accused but also enhancing the integrity of our legal system as a whole.

Moreover, as a public defender, I am acutely aware of the crisis our office faces in terms of overwhelming caseloads and limited resources. The current procedure for obtaining redacted

discovery often involves needless delays and administrative hurdles that consume valuable time—time that could be better spent on more critical aspects of case preparation such as investigating the facts, engaging with clients, and developing effective defense strategies.

Streamlining access to discovery will enable defenders like myself to prioritize direct client service and case analysis over procedural battles. This is essential for maintaining a justice system that not only functions efficiently but also upholds the rights and dignity of the accused. The implementation of this rule change is not just an administrative improvement; it is a necessary reform to ensure that the scales of justice operate fairly and without unnecessary delay.

The implementation of clear, accessible discovery protocols as outlined in the proposed changes will therefore not only improve the efficiency of legal proceedings but will also reinforce the foundational principles of justice and equity. It will ensure that all accused individuals, irrespective of their financial means or the resources of their counsel, have equitable access to the evidence. This is a critical step towards fostering a more trustworthy and fair legal system.

Thank you for considering this essential amendment to CrR 4.7/CrRLJ 4.7. I believe that adopting these changes will significantly advance fairness and due process within our legal framework.

Sincerely,

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