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To: [Martinez, Jacquelynn](#)
Subject: FW: Proposed amendments comments
Date: Monday, April 29, 2024 4:25:29 PM

From: Natasha Campbell <NCampbel@co.whatcom.wa.us>
Sent: Monday, April 29, 2024 4:07 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Proposed amendments comments

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Good Morning,

I am writing to object to the proposed amendments for CrLJ 3.3, CrR and CrRLJ 4.7, CrR and CrRLJ 3.2, and CrR and CrRLJ 8.3.

CrRLJ 3.3 – The proposed change to CrRLJ 3.3 would ultimately result in cases lingering for longer and more hearings. A remote appearance or a representation of contact by defense counsel should not begin a new commencement date and start speedy trial running again. Defense counsel may be able to contact a defendant but not get them into court. The same applies to remote appearances. If a defendant refuses to appear for court, nothing substantive can happen on their cases and there is no assurance that they will appear for court when, for example, a trial is set. Appearance through counsel is especially troubling because it could become a cycle of nonappearance and then appearance through counsel to no substantial effect other than restarting the time for trial.

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. I have reviewed several redacted discoveries submitted by defense counsel only to find multiple errors in redaction where names, addresses, and information that should not be shared with the defendant is not redacted. 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 is permitted. That information, provided in error, could result in more safety concerns because of potential retaliation against witnesses, victims, and law enforcement. The rule as is ensures that there is some form of review that prevents errors that could and will risk the safety of people willing to come forward as witnesses.

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. Reducing the amount that is actually imposed by the court by 90% will ultimately result in much higher bail imposed, as the rule will effectively reduce the amount of bail required for compliance to only 10% of that which a judge has determined is appropriate. It will be misleading to the public and seems to suggest that judges across the state are not currently appropriately setting bail conditions.

CrR and CrRLJ 8.3 – The proposed change to CrR and CrRLJ 8.3 is an arbitrary and alarming request to allow the judiciary to overreach into the executive function, violating the separation of powers. Any misconduct of the State, even simple mismanagement, could result in dismissal despite a lack of impact on the provision of a fair trial to a defendant. Simply because a judge does not like or agree with the charging decision, practice, sentencing recommendation of a prosecutor, or because a judge determined the case was not worth the resources to prosecute, that judge would have the ability to dismiss a case by determining any one of those things is arbitrary action or misconduct. It provides no check on the judiciary. It completely disregards the public interest in prosecuting crimes and protecting the community, including victims. It requires prosecutorial perfection while defense counsel and judges would still be allowed to make mistakes and errors. It is an invitation to defense to file motions at every perceived misstep which will slow down the system, cause cases to linger, increase appeals, and ultimately further erode any public trust in the judicial system to operate fairly or efficiently, again, despite a lack of prejudice to the defendant's ability to have fair trial.

Thank you for your time and consideration.

Best,

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