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From: Teddy Chow <tchow@co.okeanogan.wa.us>
Sent: Thursday, October 24, 2024 12:27 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Public comment Public Defense

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I am asking the Court to not enact any further rules concerning public defense caseload limits. I was present to listen to live testimony in Olympia, as I understood those in favor were primarily from King County public defense who are unionized workers. If they feel they are overworked, they should make it a collective bargaining issue instead of a one size fit all requirement that will not work for most of the rest of the state. I would also like to point out that the current case load "limits" are not actual case count limits, but rather are treated as "case equivalents". What this means is, cases are weighted by seriousness and more serious crimes use/receive more case equivalents. As an example, in many if not most jurisdictions, a Class A felony may be counted/weighted as 4-7 caseload equivalent out of the current limit of 150. Unless the new rules say otherwise, reduction of case load to 47 felonies a year will allow defense attorneys to continue the practice of counting/weighting a Class A felony case as multiple caseload equivalent. This will further exacerbate the current labor shortage that is Public Defense and Prosecution. Notably, NOBODY testified they were providing deficient representation under the current rules, nor did any person accused of a crime complained of deficient performance under the current rules.

As I mentioned in person, Benton County has a 750 case backlog of individuals awaiting appointment of a public defender under the current rules. The proposed rules will exacerbate this backlog. Defendants have a right to a speedy trial, and this court should not be creating a basis for further delay. The Court has constitutional duty to protect the rights of victims. The court is overemphasizing the rights of defendants to the point of denying justice to victims. This overemphasis may lead to vigilante justice due to unreasonable delay/denial of justice to victims.

I fear the court has already made its decision based on the comments made in Olympia. Repeated requests by Justices asking "how much time will this take to implement" to various representatives of cities and counties telegraphs the courts intention.

Should the court decide to implement the proposed rules, I ask the court to require judges make written findings as to why a person should receive a public defender AND require a comprehensive affidavit under penalty of perjury from the defendant stating all relevant sources of income/support available to the prosecution, perjury is still a crime after all. I frequently have defendants who are driving very expensive automobiles (Lamborghini being the most egregious example) being appointed a public defender merely because the defendant told the judge they are not employed. Other defendants are often found to own expensive real estate, qualifying for public defense because again, they are unemployed/retired/SSI.

Please do not adopt the proposed rules.



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