

From: [OFFICE RECEPTIONIST, CLERK](#)
To: [Farino, Amber](#)
Cc: [Ward, David](#)
Subject: FW: CrR/CrRLJ 3.2 - Comment OPPOSING adoption of rule change.
Date: Tuesday, April 29, 2025 10:31:43 AM

From: Rogers, Ethan <Ethan.Rogers@kingcounty.gov>
Sent: Tuesday, April 29, 2025 10:09 AM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: RE: CrR/CrRLJ 3.2 - Comment OPPOSING adoption of rule change.

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I wish to add to yesterday's comment with a specific example:

There are other ways to interfere with the administration of justice other than intimidate a witness/court employee or tampering with evidence. I wanted to add an example to illustrate how the proposed rule narrows the judge's discretion too much:

- If a judge receives information that an in-custody defendant has the ability and is likely to attempt a cyberattack on court computer systems, which could shut down those system and severely interfere with the administration of justice, the judge could no longer consider that when deciding on P.R. Furthermore, the judge would also not even be able to put on a condition of "no further criminal violations."

It is impossible to foresee all ways in which a person could interfere with the administration of justice. Leaving the language "as is" is an important catchall to prevent interference with the administration of justice in whatever form it may take.

Sincerely,
Ethan Rogers

From: Rogers, Ethan
Sent: Monday, April 28, 2025 10:17 AM
To: supreme@courts.wa.gov
Subject: CrR/CrRLJ 3.2 - Comment OPPOSING adoption of rule change.

Greetings. I am a Senior Deputy Prosecuting Attorney with the King County Prosecuting Attorney's Office. I have been with the KCPAO for over 33 years, including about 12 years in the Criminal Division.

I oppose the proposed change to CrR/CrRLJ 3.2.

To keep it brief:

Under the proposal, if an in-custody defendant intends to unlawfully interfere with the administration of justice, the judge may not consider the defendant's intended malfeasance when deciding on a P.R. unless the unlawful act:

- is intimidating someone involved in the case or the courts
- tampers with evidence

There is no rationale to restrict a judge's discretion from what it is under the current provision.

Please do not adopt this change.

Sincerely,
Ethan Rogers
Senior Deputy Prosecuting Attorney

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