

KING COUNTY PROSECUTING ATTORNEY'S OFFICE



LEESA MANION
PROSECUTING ATTORNEY

JUSTICE
COMPASSION
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April 29, 2025

Clerk of the Supreme Court
Temple of Justice
P.O. Box 40929
Olympia, WA 98504-0929

Re: Proposed Amendments to CrR/CrRLJ 4.1.

Dear Justices:

Thank you for seeking comments to the proposed amendments to the Superior Court Criminal Rules (CrR) and Criminal Rules for Courts of Limited Jurisdiction (CrRLJ) submitted by the proponents.¹ After carefully reviewing the proposed amendment to CrR 4.1, and in consultation with the victim services community, I strongly urge you to reject the proposal as it is overbroad and procedurally flawed.

The proposed amendment dramatically shortens the amount of time between filing and arraignment from fourteen days to three days, regardless of the defendant's custody status. Such a shift would create numerous problems on a practical level, as well as a procedural one. This proposal is overinclusive of defendants who are not held in custody and would not allow sufficient time to contact victims or to notify defendants who are subject to conditions of release.

While there may be a basis for reducing the time between filing and arraignment for those held in custody, the addition of all those who are only subject to conditions of release would essentially include all defendants with a pending criminal charge. This is because very few defendants are released without any conditions. Even those defendants who are released on their personal recognizance are still generally subject to the baseline conditions of release requiring them to appear for future court hearings and not commit new criminal law violations. The proponents have provided no explanation or justification for their inclusion of defendants who are out of custody prior to arraignment as all of their arguments are centered on the impact of incarceration.

Beyond the overinclusive nature of the proposed amendment, there are a number of additional issues related to adequate notice and court management. In many cases, prosecutors

¹ Although my comments focus on the proposed changes to the Criminal Rules (CrR), they apply with equal force to the proposed changes to the Criminal Rules of Limited Jurisdiction (CrRLJ), which are identical, and should be considered accordingly.

must still rely on the postal system to provide victims with notice that a case has been filed and scheduled for arraignment. The proposed three-day window between filing and arraignment is insufficient to generate notice, submit it to the postal service, and have it delivered and received prior to the arraignment date. At best, the notice will arrive the day before the arraignment hearing, providing victims of crime with insufficient time to make work, childcare, or transportation arrangements to attend the arraignment, and likely bond motion, or provide input to an advocate or prosecutor to relay to the court. As a result, the proposed three-day timeline is not trauma-informed for victims on serious cases.

Further, the proposed amendment does not provide sufficient time to mail notice to defendants subject to conditions of release. As drafted, the rule would apply to people who are out-of-custody (either because no bail was imposed or because they posted bail prior to arraignment), but are still subject to conditions of release. As is true with victims, the courts and prosecutors must still rely on the postal system to provide such defendants with notice that they have been charged with a crime and are scheduled for arraignment. The proposed three-day window between filing and arraignment is, again, insufficient to generate notice, submit it to the postal service, and have it delivered and received prior to the arraignment date. At best, the notice will arrive the day before arraignment, providing defendants with insufficient time to make the arrangements necessary to be present.

Finally, the proposed amendment does not allow sufficient flexibility for the courts and the State to appropriately process the volume of cases set for arraignment on given days. Allowing only three days of leeway for a court to schedule and manage its calendar is not sufficient to respond to the normal ebb and flow of cases that are filed into the court system. To be clear, I am not opposed to shortening the timeline for *in-custody* arraignments, but that decision should be made with the input of the various courts, prosecuting attorneys, jails, and public defense entities around the state. As is apparent from the GR9 Cover Sheet, the proponents have only considered how things are done in three counties, with a heavy emphasis on just two. Including other partners in the drafting process would allow for the creation of a rule that takes into account the impact of heavy arrest days, court holidays, unexpected closures due to weather, and the time it takes to appropriately assign counsel.

I respectfully urge you to reject the proposed amendments to CrR/CrRLJ 4.1 because they are too drastic and would have lasting impacts on victims, defendants, and the community.

Sincerely,

A handwritten signature in black ink, appearing to read 'LEESA', with a stylized, looping flourish extending to the right.

LEESA MANION
King County Prosecuting Attorney

From: [OFFICE RECEPTIONIST, CLERK](#)
To: [Farino, Amber](#)
Cc: [Ward, David](#)
Subject: FW: Proposed Amendment to CrR/CrRLJ 4.1.
Date: Tuesday, April 29, 2025 8:48:03 AM
Attachments: [Letter Opposing Proposed Amendment to 4.1 - Leesa Manion.pdf](#)

From: Colasurdo, Mary <Mary.Colasurdo@kingcounty.gov>
Sent: Tuesday, April 29, 2025 8:19 AM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Proposed Amendment to CrR/CrRLJ 4.1.

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Good morning, Justice of the Supreme Court.

Please find the attached letter from King County Prosecutor Leesa Manion. Thank you!

Best,
Mary



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