

# CLALLAM COUNTY PROSECUTING ATTORNEY

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April 30, 2025

Supreme Court Rules Committee  
c/o Clerk of the Supreme Court  
PO Box 40929  
Olympia, WA 98504-0929

RE: Proposed Amendments to CrR 4.1, CrRLJ 4.1, and CrRLJ 3.2.1.

Dear Honorable Justice Yu and Members of the Committee,

I appreciate the opportunity to address the proposed changes to the above rules. My comments are limited to CrR/CrRLJ 4.1 as Clallam County does not use the felony complaint process set out in CrRLJ 3.2.1.(g) in District Court. Having reviewed the proposed changes, my office has significant concerns related to notification and participation of victims and the proposal's impact on rural counties.

Depending on the nature of the offense involved, crime victims are entitled to a broad range of constitutional and statutory rights.<sup>1</sup> For example, article 1, §35 of our state constitution requires a victim of a felony crime to be informed of and the ability to attend court proceedings. The same provision entitles a victim to make a statement at any hearing where a defendant's release is considered. RCW 7.69.030(1)(l) establishes a right to attend all proceedings for victims of violent offenses, domestic violence, or sex offenses.

Participation is not possible without notice. Reducing the time between the filing of a complaint or information from fourteen days to three days dramatically impairs our office's ability to timely notify victims or their survivors of court proceedings. Not all victims have access to a working phone or email address, especially the unhoused. Our office often works with law enforcement, advocacy agencies, and housing resource agencies to contact, notify, and update some of our most vulnerable victims in person or by mail. However, that method takes time – time which will be lost if the Committee adopts the proposed changes. Consequently, there will be victims who will lose the ability to be informed or participate.<sup>2</sup>

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<sup>1</sup> WA CONST Art 1, § 35 (constitutional rights of victims of felony crimes); *see also* RCW 7.69.030 (assorted statutory rights of crime victims); RCW 7.69A.030 (special rights of child victims and witnesses).

<sup>2</sup> A reduction in time between the two stages will also impede some victims from participating if they need to request time off from employment.

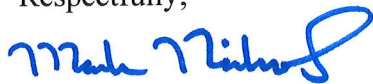
The safety of victims is also significantly impacted by the loss of time to allow for notification. When a trial court is deprived of the ability to hear directly from a victim of a violent felony or from a deputy prosecutor who has spoken with such a victim, the court is unable to make a fully informed decision when considering release conditions. Additionally, the reduction in time will mean that our office will be unable to timely notify some victims when the court modifies conditions of release at arraignment, meaning a domestic violence victim may not know that their perpetrator is released or has had their bail reduced at arraignment.

Beyond its impact on crime victims, the proposal fails to consider what effect it will have on rural counties. Presently the rule allows Clallam County Superior Court to hold arraignments on Fridays during one of two calendars that day.<sup>3</sup> Structuring the calendar in that manner allows for most of the Prosecuting Attorney Office's criminal division and the Clallam Public Defender's office to be present, as well as many of the private defense attorneys. There is often time for defense attorneys to be appointed or retained, review initial discovery, and meet with their clients. As a result, our courts are often able to make meaningful, carefully considered decisions related to conditions of release and motions for competency determination.

Reducing the time between the filing of a charging document and arraignment for all defendants in jail or under conditions of release to three days will dramatically impact Clallam County's current practice. There will need to be multiple days set aside for arraignments and the few defense attorneys in Clallam County will have additional pressure to meet with clients before entering a plea and discussing any modifications to conditions of release. This will further stretch an already overextended defense bar in rural areas.

In conclusion, the proposal addresses issues in Snohomish and King counties without considering the impact to crime victims or to Washington's other 37 counties, especially the rural areas.<sup>4</sup> I am asking the Committee to carefully determine whether a change in the time for arraignment is necessary and to reject the proposed amendments. Should the Committee feel an amendment is appropriate, I respectfully request the Court consider a less drastic reduction in time.

Respectfully,



MARK B. NICHOLS  
Prosecuting Attorney  
Clallam County

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<sup>3</sup> As arraignments in District Court are often held at the same time as preliminary appearances, it is unlikely a reduction in time between filing and arraignment will affect practice in District Court 1 or 2.

<sup>4</sup> Pursuant to GR 9(a)(4), the Washington Supreme Court seeks to ensure rules are necessary statewide.

**From:** [OFFICE RECEPTIONIST, CLERK](#)  
**To:** [Farino, Amber](#)  
**Cc:** [Ward, David](#)  
**Subject:** FW: Comments to proposed amendments to CrR/CrRLJ 8.3 (b) and CrR 4.1/CrRLJ 4.1 and CrRLJ 3.2.1  
**Date:** Wednesday, April 30, 2025 2:46:15 PM  
**Attachments:** [Comments on Proposed Amendments to CrR CrRLJ 8.3\(b\).pdf](#)  
[Comments on Proposed Amendments to CrR 4.1, CrRLJ 4.1, and CrRLJ 3-2.1..pdf](#)

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**From:** Nichols, Mark <mark.nichols@clallamcountywa.gov>  
**Sent:** Wednesday, April 30, 2025 1:55 PM  
**To:** OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>  
**Subject:** Comments to proposed amendments to CrR/CrRLJ 8.3 (b) and CrR 4.1/CrRLJ 4.1 and CrRLJ 3.2.1

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Greetings:

Please find attached my comments to the proposed court rule amendments referenced above.

Best,

Mark Nichols  
Clallam County Prosecuting Attorney