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Subject: FW: Proposed changes to CrR 4.1/CrRLJ 4.1
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From: Mohandeson, Mike <Mike.Mohandeson@kingcounty.gov>
Sent: Thursday, April 17, 2025 9:52 AM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Proposed changes to CrR 4.1/CrRLJ 4.1

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Greetings,

I am a Senior Deputy Prosecuting Attorney at the King County Prosecutor's Office, where I have served for almost 25 years. I am currently the vice chair of the Sexually Violent Predator Unit in my office.

The proposed reduction from 14 days to three days in the timeline for arraignment under CrR 4.1/CrRLJ 4.1 for those who are *either* in custody *or* subject to conditions of release imposed in connection with the same charges is overly inclusive. While it may make sense to reduce the time for arraignment to something less than 14 days for those held in custody, doing the same for individuals not in custody, but subject to conditions of release, poses logistical challenges in terms of notice to both defendants and victims. Also, as it currently stands, the proposed amendment does not indicate three court days, only three calendar days, making it even more problematic.

Unless defendants are given arraignment dates at the time of their release from custody, even before the prosecution has made a filing decision that would warrant their return to court, providing only three days would make it difficult for defendants to get actual written notice about whether they need to return to court for their arraignment (unless the rule somehow shifted the onus on defendants to affirmatively contact the court to find out if they needed to return within three days). Mail would no longer be a feasible way to provide notice

and many courts don't have a means to email or text defendants to let them know they need to return for their arraignment within a matter of a few days (all of which efforts would also have to be memorialized in the court file). There would undoubtedly be a large number of defendants who fail to appear for their initially scheduled arraignments, requiring either warrants or a re-summons, and likely leading to larger arraignment calendars that require preparation by the attorneys covering those calendars because defendants may be listed on those calendars on more than one occasion.

Requiring such a quick turnaround also hampers the court's and State's flexibility to manage the volume of cases set for arraignment on given days, which can become unmanageable if there are holidays, unexpected court closures or "heavy arrest" days.

Finally, in cases where there are victims, they too should have a meaningful opportunity to appear. Three days would not consistently provide enough time to give victims adequate notice so they can make arrangements to appear if they wish to do so. Victims should be given sufficient time to make work, childcare, and/or transportation arrangements so they can weigh in on bond requests. This is particularly important for victims of violent and sexual crimes.

Reducing, if at all, the deadline for arraignment for those who are not in custody, but subject to conditions of release, to an 8-10 day timeframe would more appropriately balance the above considerations.

I would respectfully request that this proposed rule amendment be denied in its current form. Thank you for your consideration of my input.

Best Regards,

Michael Mohandeson