Tracy, Mary

From: OFFICE RECEPTIONIST, CLERK
Sent: Tuesday, November 20, 2018 8:06 AM
To: Tracy, Mary
Subject: FW: Comment on proposed amendment to CrR 3.3

From: bjorkess@gmail.com [mailto:bjorkess@gmail.com]
Sent: Monday, November 19, 2018 9:30 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Comment on proposed amendment to CrR 3.3

As Judge Sweeney stated in *State v. Lackey,* 153 Wn.App. 791, 793 (2009), the current time for trial rule is "vacuous." Prior to the adoption of the current rule, there was a meaningful process. The Supreme Court, in many cases, had held that court congestion alone was not a basis to try a case beyond the expiration date. Pierce County Superior Court paid no attention to the Supreme Court dictates. As a result, the Court of Appeals was obliged to order dismissal of a sexual assault case because the Superior Court ignored the holdings. The Superior Court and the Prosecuting Attorney expressed outrage, the media bought their outrage and the Supreme Court appointed a task force to study the rule. The current rule is the result. It provides meaningless standards such that almost any continuance granted by the court, whether requested by defense counsel or the prosecutor, results in an extension of the time for trial expiration date; all the trial court needs to do is declare that the continuance is necessary "in the administration of justice," and "and the defendant will not be prejudiced in the presentation of his or her defense," which is essentially an adoption of the constitutional speedy trial standard. Tinkering with the rule, as this proposal recommends, will do nothing to give it any grit.

Ronald Kessler
King County Superior Court Judge, ret.