

From: [OFFICE RECEPTIONIST, CLERK](#)
To: [Martinez, Jacquelyn](#)
Subject: FW: Comments on proposed amendments to CrR 8.3, CrR 4.7, and CrRLJ 3.3
Date: Tuesday, April 30, 2024 4:07:16 PM
Attachments: [image001.png](#)

From: Schilling, Dan <Dan.Schilling@seattle.gov>
Sent: Tuesday, April 30, 2024 4:04 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
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Greetings

I am most troubled by the proposed amendment to **CrR 8.3**. My understanding is that it would allow a judge to dismiss a case if they find their has been harmless/non-prejudicial negligent or arbitrary conduct by the State. I fear that such dismissals could become arbitrary themselves, and **potentially creates a separation of powers issue in which the judiciary divests the executive of the ability to prosecute as they deem appropriate**. This amendment does not actually solve any problems, just creates more and may not survive scrutiny due to the separation of powers issue created. Courts are well familiar with "harmless error" to penalize attorneys for the same is not appropriate.

Re amendment to :CrR 4.7 I think that requiring an in camera review or a sign off by the prosecuting office re: the redactions made is appropriate. I don't see a need to create fear and safety risks for victims in the name of expediency.

Re amendment to CrRLJ 3.3 allowing time for trial to restart after a failure to appear without requiring the defendant to appear in person or remotely will be a drain on prosecutorial and **judicial** resources, filling our dockets with cases where there is no assurance the defendant will actually appear for trial. There is nothing broken here, why are we fixing a non-problem.



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