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**To:** [Martinez, Jacquelynn](#)  
**Subject:** FW: Comment on proposed CrR 8.3  
**Date:** Monday, April 29, 2024 1:46:24 PM

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Your comments have been forwarded to the rules committee.

Thank you,

*Receptionist  
Supreme Court Clerk's Office  
360-357-2077*

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**From:** Fry, Amanda <AFry@spokanecounty.org>  
**Sent:** Monday, April 29, 2024 11:32 AM  
**To:** OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>  
**Subject:** Comment on proposed CrR 8.3

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Good afternoon,

I would like to submit the following comment in opposition to the proposed rule change to CrR 8.3(b).

I am a Senior Deputy Prosecutor in the Spokane County Special Assault Unit. This unit handles the majority of adult sexual assault felonies, as well as child sexual assault and physical assault felonies, in Spokane County. Based upon my experience in this unit and specifically in special assault trials, I believe that this proposed rule change would be highly detrimental to all felony superior court cases.

If there are any errors made during a trial, this rule would allow for dismissal without any showing of prejudice to the Defendant whatsoever. This means that a mistake by the State in a child rape trial, made inadvertently and without any prejudice to the Defendant, could result in dismissal of the child rape charges by the trial court after conviction. This result is contrary to the applicable rules for nearly all other showings of error. There is a highly likelihood that this change would have far-reaching unforeseen consequences. This change would eliminate any kind of objective standard for dismissal and instead allow completely subjective and unpredictable determinations that the State would have no way to predict or avoid. Dismissal is the most severe remedy available to any party, and such remedy should not be granted without a material showing of prejudice, which is consistent with other court rules and caselaw that address errors occurring during trial.

Thank you,

Amanda E. Fry

Senior Deputy Prosecuting Attorney

Special Assault Unit

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