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To: [Martinez, Jacquelynn](#)
Subject: FW: Opposition to Proposed Rule Change to CrR 8.3 and CrRLJ 8.3
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From: Benjamin Pratt <BPratt@co.whatcom.wa.us>
Sent: Monday, April 29, 2024 9:13 AM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Opposition to Proposed Rule Change to CrR 8.3 and CrRLJ 8.3

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The Washington State Defense Bar has proposed that the Court be granted the ability to arbitrarily dismiss criminal cases in situations when a defendant's rights have not been prejudiced and when there has been no impact to a defendant's right to a fair trial.

In 1995, this Court adopted the language that the Defense Bar is asking you now remove. It was adopted to highlight and codify our longstanding precedent under Washington common law that dismissal of a criminal case due to either arbitrary action or governmental misconduct is only warranted when a defendant's rights have been prejudiced in a way that will actually affect their right to a fair trial. Specifically, the Court wanted to prevent arbitrary and unfettered discretion by trial court judges when considering dismissal, and constrain such decisions to cases where there was actual prejudice suffered by a defendant.

The goal of the criminal justice system is determine the truth of a charge based on its merits, not on procedural technicalities or inconsequential oversights. Adoption of the proposed amendment would be both regressive and inconsistent with all Washington legal precedent to date. I respectfully oppose its adoption.

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