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**Subject:** FW: changes to court rules  
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**From:** Cashman, Dana <Dana.Cashman@kingcounty.gov>  
**Sent:** Tuesday, February 6, 2024 1:48 PM  
**To:** OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>  
**Subject:** changes to court rules

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I am writing to object to the following proposed rule change. I am a criminal prosecutor with over 30 years of experience.

CrR and CrRLJ 8.3

The proposed rule that allows the court to dismiss any criminal prosecution due to arbitrary action or governmental misconduct - when there has been NO showing of prejudice to the rights of the accused, and NO showing of a material affect on the right to a fair trial infringes on the sanctity of a jury's verdict. The changes suggested swallow the rule and allow for a great deal of uncertainty for the public, crime victims as well as the defendant. If there is no prejudice to a defendant, why should a jury verdict be set aside or criminal case be dismissed? A court could conclude that they don't agree with a charging decision or the decision to expend resources to pursue a particular criminal charge and dismiss any case. With out the requirement of a showing of prejudice to the defendant, there is no standard for a court to apply in making this decision.

This violates the separation of powers and infringes on the executive function of the prosecutor as it allows the court to substitute their judgment for that of the executive.

**Dana Cashman** | Senior Deputy Prosecuting Attorney