

From: [OFFICE RECEPTIONIST, CLERK](#)
To: [Martinez, Jacquelynn](#)
Subject: FW: Objection to Proposed Rule Change to CrR and CrRLJ 8.3
Date: Wednesday, February 28, 2024 8:05:34 AM

From: Merrick, Daniel <damerrick@kingcounty.gov>
Sent: Tuesday, February 27, 2024 8:24 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Objection to Proposed Rule Change to CrR and CrRLJ 8.3

External Email Warning! This email has originated from outside of the Washington State Courts Network. Do not click links or open attachments unless you recognize the sender, are expecting the email, and know the content is safe. If a link sends you to a website where you are asked to validate using your Account and Password, **DO NOT DO SO!** Instead, report the incident.

Dear Clerk of the Supreme Court:

I am writing to object to this proposed rule change. The proponent's suggested rule change is nonsensical. While misconduct should be taken seriously, there is no nexus between a violation of the rule and the proposed remedy - dismissal - where there is no prejudice to a defendant's rights. Logical, adequate avenues to punish this type of misconduct, (that do not unfairly affect victims of crime) already exist.

For instance, where there is no prejudice to a defendant's rights, the appropriate venue to punish prosecutorial misconduct is through court sanctions or via disciplinary action with the State Bar.

Similarly, where there is no prejudice to the defendant's rights, the appropriate venue to review claims of police officer misconduct that occur outside of the courtroom are Offices of Police Accountability and CJTC certification proceedings.

Justice for victims and their families is too important for this ill-considered rule to be adopted. Thank you for your time.

Daniel Merrick | Senior Deputy Prosecuting Attorney
King County Prosecuting Attorney's Office