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April 30, 2024

Washington State Bar Association  
ATTN: RULES COMMITTEE  
1325 Fourth Ave., Suite 600  
Seattle, WA 98101-2539

Re: *Proposed amendments to CrR 8.3 and CrRLJ 8.3*

To Whom it May Concern,

I am writing to voice my strong concern and opposition regarding the proposed amendments to CrR 8.3 and CrRLJ 8.3. As presently articulated, the rule grants trial courts the necessary discretion to dismiss charges when crucial for safeguarding a defendant's capacity to receive a fair trial.

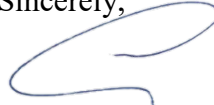
However, the proposed alterations shift the focus away from both the principles of due process and justice, instead affording judges the latitude to dismiss charges merely in the pursuit of 'furthering justice.' This adjustment implies that judges could dismiss charges based on subjective interpretations of what constitutes furthering justice, potentially leading to inconsistent application of the rule and overlooking the concerns of victims or the community in holding defendants accountable for their criminal actions.

Furthermore, the proposed rule would empower judges to dismiss cases based solely on disagreements with the prosecutor's charging decisions or the severity of penalties faced by the defendant. Granting trial judges such unchecked authority to dismiss under these circumstances goes against the core principles of the separation of powers. Dismissing criminal charges should

remain a measure reserved for the most extreme cases where it is indispensable to preserve a defendant's right to a fair trial.

It is imperative for this Court to reject the proposed rule changes to CrR 8.3 and CrRLJ 8.3. I am grateful for your time and consideration of my remarks and request.

Sincerely,

A handwritten signature in blue ink, appearing to be 'Eric Richey', with a large, stylized initial 'E'.

Eric Richey  
Whatcom County Prosecutor

**From:** [OFFICE RECEPTIONIST, CLERK](#)  
**To:** [Martinez, Jacquelynn](#)  
**Subject:** FW: letter re proposed rules  
**Date:** Tuesday, April 30, 2024 2:51:02 PM  
**Attachments:** [image001.png](#)  
[24.04.30 Letter to WSBA Rules Committee.pdf](#)

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**From:** Anna Webb <AWebb@co.whatcom.wa.us>  
**Sent:** Tuesday, April 30, 2024 2:48 PM  
**To:** OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>  
**Cc:** Eric Richey <ERichey@co.whatcom.wa.us>  
**Subject:** letter re proposed rules

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Good afternoon,

Please find a letter from Eric Richey re: proposed amendments to CrR 8.3 and CrRLJ 8.3 attached.

Thank you,

**Anna E. Webb**  
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Paralegal, Appellate Division  
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