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To: [Martinez, Jacquelynn](#)
Subject: FW: Comment on Proposed Amendments to CrR 8.3 and CrRLJ 8.3
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From: Erica Eggertsen <erica.eggertsen@piercecounitywa.gov>
Sent: Tuesday, April 30, 2024 5:12 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Comment on Proposed Amendments to CrR 8.3 and CrRLJ 8.3

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I am writing to express opposition to the proposed amendment to CrR 8.3 and CrRLJ 8.3 that expand the trial court's authority to dismiss a case.

The proposed amendment permits a court to dismiss a criminal prosecution without any showing of prejudice to the defendant's right to a fair trial. This change will allow courts to dismiss based on the individual and varying views of trial judges as to what constitutes government misconduct and what constitutes "in the furtherance of justice." The likely result will be disparate results within and across jurisdictions.

That criminal cases could be dismissed when there is no prejudice to a defendant ultimately hurts victims and the community. Victims have constitutional and statutory rights in Washington State. The proposed rule change would profoundly erode these important rights by permitting crimes against individuals to be dismissed when the defendant's right to a fair trial has not been harmed.

Also concerning is that part of the rationale for the proposed amendment is to address "aggravated sentencing laws." This suggests the purpose of the proposed amendment is to give the judiciary power over charging decisions and punishments when those aspects of the legal system constitutionally belong to the prosecuting attorney and the legislature. This rationale also reveals that the rule is meant to provide judges with discretion to dismiss for "misconduct," which simply could be the State prosecuting a crime the legislature has determined will be punished with a particular standard-sentencing range.

Erica Eggertsen