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To: supreme@courts.wa.gov

Subject: [Rule Proposal Comment] Dismissal-Judge Jim Rogers

I write to add my agreement to the comments of my association, the SCJA, and for the reasons stated in Ms. Vitalich's comments. Prejudice to the rights of the accused is the very obvious reason for dismissing a case. It provides the causal link between the governmental misconduct and the inability to pursue the furtherance of justice. Prejudice is the touchstone for sanctions and dismissal in civil law as well. See, e.g., *Fisons*, *Burnett v. Spokane Ambulance*.

Thank you for your consideration.