

**From:** [OFFICE RECEPTIONIST, CLERK](#)  
**To:** [Martinez, Jacquelynn](#)  
**Subject:** FW: Objection to Proposed Rule Change (CrR 8.3 and CrRLJ 8.3)  
**Date:** Tuesday, April 30, 2024 1:32:12 PM

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**From:** Osman, Melissa <mosman@kingcounty.gov>  
**Sent:** Tuesday, April 30, 2024 12:53 PM  
**To:** OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>  
**Subject:** Objection to Proposed Rule Change (CrR 8.3 and CrRLJ 8.3)

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Hello,

I am writing in objection to the proposed changes to rule CrR 8.3 and CrRLJ 8.3. The proposed change of the rule casts a too-wide net through which the dismissal of cases is available absent articulable prejudice to the defendant, which is contradictory to the important public interest in the prosecution of crime and protection of the community, as well as well-established principles for demonstrating error in the criminal justice process (like when a defendant must demonstrate prejudice as a result of ineffective assistance of counsel rather than allowing the presiding authority to simply determine that they would have chosen to represent someone differently). It disregards the victim's right to justice and protection from the defendant.

Additionally, the proposed rule change violates the separation of powers between the judiciary and the prosecutor when an individual judicial officer's interpretation or opinion on the decision of a prosecutor can undo the essential discretion prosecutors are imbued with. Judges are already granted wide discretion on 8.3 issues. To eliminate a necessary criterion that the defendant's ability to receive a fair trial be somehow prejudiced eliminates safeguards that ensure that the extreme remedy of dismissal is only employed when there is no other option, only in the most egregious circumstances. Eliminating that safeguard opens important criminal cases, both in Superior and District Courts, to widely different opinions and results, also ensuring that criminal defendants are treated very differently depending on the area in which they are being charged.

Thank you for your time and consideration,

MJ Osman  
Deputy Prosecuting Attorney  
King County Prosecuting Attorney's Office  
[mosman@kingcounty.gov](mailto:mosman@kingcounty.gov)

206.263.0340