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Subject: FW: Objection to Proposed Rules - 3.2, 3.3, 4.7, 8.3, and 15
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From: Anderson, Rhyan <Rhyan.Anderson@kingcounty.gov>
Sent: Friday, April 26, 2024 3:12 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Objection to Proposed Rules - 3.2, 3.3, 4.7, 8.3, and 15

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Hello,

I urge the Court to reject these proposed amendments. My concerns are below:

CrR 8.3 and CrRLJ 8.3:

- The proposed amendment ignores the public interest in the prosecution of crimes and protection of the victim and the community. Because it does not require a connection between any misconduct of the State and the defendant's ability to have a fair trial, it does not serve the public interest in punishment of the guilty and public safety. It disregards the victim's right to justice and protection from the defendant.
- By allowing dismissal of a prosecution based on policy disagreements with the prosecutor, the rule violates the separation of powers between the judiciary and the prosecutor.

CrR 3.2 and CrRLJ 3.2:

- As to subsection (d)(6), the court is directed to set a bond amount "that will reasonably assure the safety of the community and prevent the defendant from intimidating witnesses or otherwise unlawfully interfering with the administration of justice." This amendment mandates a reduction of that amount to 10 percent of the amount necessary to assure public safety. This is extremely alarming on a case involving a violent murderer or rapist or repeat child molester.

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CrR 4.7 and CrRLJ 4.7

- Under the proposed rule, defense counsel may provide a copy of discovery to the defendant before the State has an opportunity to address additional redactions that may be necessary. This can have serious safety implications for victims.
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CrRLJ 3.3

- The proposed rule requires the prosecution and the court to restart the criminal proceedings in anticipation of trial when there is no assurance that the defendant ever will appear.

ARJ 15

- The proposed rule invites errors by the court and counsel in allowing the defendant to not attend hearings as to which their appearance is constitutionally mandated. There will be no record of an adequate waiver.

Thank you,



Rhyan Anderson

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