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Subject: FW: Comment re: Proposed CrR 8.3 rule change
Date: Friday, February 16, 2024 10:49:54 AM

From: Ryan Valaas <Ryan.Valaas@CO.CHELAN.WA.US>
Sent: Friday, February 16, 2024 10:37 AM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Comment re: Proposed CrR 8.3 rule change

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I am writing to object to the proposed change to CrR 8.3. I have dealt with a myriad of CrR 8.3 motions in the last 14 years as a deputy prosecutor, and with this experience in mind, there are three major concerns with the proposed change. First, removing the prejudice requirement would create arbitrary, disparate, and unpredictable rulings across the State. The current requirement to show prejudice provides predictably and consistency. Second, the removal of the prejudice showing would incentivize the filing of frivolous 8.3 motions based on de minimis actions that have no actual impact on the defendant or his/her case. Third and most importantly, this change would deprive justice to a large number of victims in cases where the defendant suffers no prejudice—an outcome that would be difficult to accept, not just for the victims themselves, but the public at large. There are other ways to hold the State accountable without simultaneously depriving the victims of justice; the current prejudice requirement keeps the bar proportionately limited to the harshness of the remedy (dismissal).

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