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Subject: FW: Comments on Proposed Changes to Washington's Criminal Rule CrR 8.3
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From: Steve VanDerhoef <SVanDerhoef@Cairncross.com>
Sent: Tuesday, April 30, 2024 6:01 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Comments on Proposed Changes to Washington's Criminal Rule CrR 8.3

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To the Clerk of the Court,

I have been exclusively practicing civil law for the last 25 years, but I started my career in 1990 as a King County Deputy Prosecuting Attorney and took on criminal defense cases after leaving the Prosecutor's Office. I am writing about a proposed amendment to **CrR 8.3** (and CrRLJ 8.3) as a former criminal law practitioner, a concerned member of the Washington State Bar, and a concerned citizen. The proposed amendment allows a trial judge to dismiss any criminal case, including those cases where the accused has not been prejudiced or their right to a fair trial has not been materially affected. This significantly expands the power of the courts at the expense of the executive and legislative branches. For example, under the rule as amended, the court could dismiss a case merely because the court disagrees with the charging decision of the prosecutor, or the penalties imposed for a particular crime by the legislature. There is no reason to concentrate the power to dismiss a case for essentially any reason in the hands of one judge. That massive increase in discretion does not ensure the amendment promoters' desire to address racial disparities in the justice system. I support that desire and work and vote to address those disparities. Instead, this dramatic amendment ensures **less** consistency in the application of justice, including the need to ensure justice for victims of all races, and because it does not require a finding of prejudice to the accused, the amendment does nothing more to ensure that innocent parties are not prosecuted. The existing rule addresses that concern and allows judges to dismiss those cases. Thank you for considering my comments.

Steve VanDerhoef

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