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Subject: FW: Rule Changes, CrR 8.3 and CrRLJ 8.3
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From: Tiffany Mecca <tmecca@snocopda.org>
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With nearly 15 years of experience as a public defender, I've had a unique vantage point to witness the recurring issue of governmental misconduct and the challenges it poses for judges to provide meaningful accountability in the face of it. Some of the government misconduct I have witnessed includes prosecutors failing to disclose discovery, prosecutors providing expert opinions on the eve of trial, and police officers failing to turn over exculpatory evidence. Limiting dismissal to situations where actual prejudice is shown allows government misconduct to continue.

The mere act of charging a case can have devastating consequences, effectively ruining a person's life. Many individuals find themselves in pretrial detention, a situation that takes a severe toll on their physical and psychological well-being. It also leads to reduced employment, wages, and annual earnings, and increases the burden of legal financial obligations, often shared with family members. Perhaps most alarmingly, it significantly increases the likelihood of future involvement in the criminal legal system.

Currently, the criminal legal system is a conviction-by-plea-driven system. People accused of crimes will accept guilty pleas, even when the government has committed misconduct. If a person pleads guilty, they are forced to give up many of the rights that would allow them to hold the government accountable for misconduct, meaning that the government is never held accountable.

A system that fails to hold the government accountable will lose public trust and will deprive people of their constitutional rights. Allowing more judicial input ensures prosecutions serve the community and that justice is being done.

Thank you,

Tiffany Mecca

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