

From: [OFFICE RECEPTIONIST, CLERK](#)
To: [Martinez, Jacquelynn](#)
Subject: FW: Comments Re: CrR and CrRLJ 8.3 - Dismissal
Date: Friday, April 19, 2024 11:32:37 AM

From: Manzo, Yessenia (PAO) <ymanzo@kingcounty.gov>
Sent: Friday, April 19, 2024 11:27 AM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Comments Re: CrR and CrRLJ 8.3 - Dismissal

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The proposed amendment to CrR and CrRLJ 8.3 would allow a trial judge to dismiss any criminal prosecution. A court could conclude that any decision made by a prosecutor was arbitrary, from charging decisions to sentencing recommendations.

This proposed amendment has the potential of being drastically detrimental to hate crime victims in our community, most of who are people of color. There are a lot of misconceptions about hate crimes. These misconceptions include that hate crimes need to be single motive cases (i.e. *only* based on the defendant's perception of the victim's race or other protected status), that hate crimes need to be extreme, and that hate crimes even require the State to prove hatred or strong racial animus on behalf of the defendant. The law does not require any of those things. The law protects members of our community from being targeted with violence that is, even in part, based on bias. Violence based on bias, even if in part, has a negative impact not only on individual victims, but on their entire communities.

This proposed amendment would allow a trial judge to dismiss any hate crime case, at any stage, based on a judge's own misconceptions of what defines a hate crime and based on their own implicit, unconscious, or even conscious biases. This proposed amendment would allow a trial judge to dismiss a hate crime case if the limited facts before them did not rise to their opinion of what should constitute a hate crime. This proposed amendment would allow a trial judge to dismiss a hate crime case without having access to the full case, to all of discovery, to all of the facts, to all of the evidence, or to nuanced conversations with victims or even input from victims.

Racial equity does not just apply to defendants in a system, racial equity also applies to victims and to members of our community as a whole. Although this truth is not limited to hate crime cases, hate crime cases bring this reality to the forefront in a very concrete manner, because in hate crime cases it is the most marginalized who are the victims. A proposed amendment that violates the separation of powers between the judiciary and the prosecutor risks causing further harm to marginalized communities by giving dismissal power to a trial judge that may be led by their misconceptions about hate crimes, and to a trial judge that limits concepts of equity to defendants, even in cases where

the defendant is among the most privileged in our society.

Yessenia Manzo (They/Them)

Deputy Prosecuting Attorney

Hate Crimes DPA

King County Prosecuting Attorney's Office

E: YManzo@kingcounty.gov | P: (206) 263-3745