From: OFFICE RECEPTIONIST, CLERK
To: Farino, Amber
Cc: Ward, David
Subject: FW: Legislative Comments on proposed court rules changes
Date: Tuesday, April 29, 2025 9:56:54 AM

From: Edmond LeSesne <edmondolesesne@gmail.com>
Sent: Tuesday, April 29, 2025 9:42 AM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Legislative Comments on proposed court rules changes

Good Morning,

please accept my proposed comments on the proposed rule changes below:

Changes to CrR 8.3 and CrRLJ 8.3
I urge caution regarding the proposed amendments that would allow judges to dismiss criminal cases based on findings of "arbitrary" conduct by the State, even when no prejudice to the defendant has occurred. This would be a serious mistake.
Empowering judges to dismiss cases based on their own subjective views of arbitrariness risks undermining the consistency and fairness of judicial proceedings. We have already seen instances where judges have exercised questionable discretion — denying bail, releasing individuals charged with violent crimes, and discouraging or denying restitution to crime victims — based on personal sentiments rather than legal standards. Expanding judicial discretion in this way would further enable such behavior.
In King County alone, there are examples of judges acting out of personal grudges toward certain attorneys. Judges already wield considerable power and often creatively navigate around legislatively established bail and sentencing guidelines. There is no need to provide additional tools that could be misused.
Changes to CrR 3.2.1, CrR 4.1, and CrRLJ 4.1
Shortening the time limits for moving cases forward at a time when courts, jails, and prosecutor's offices are severely backlogged would be counterproductive.
While I recognize that the current pace of criminal proceedings is an issue, artificially accelerating the process without addressing systemic staffing shortages and budget constraints would cause chaos. In the long term, speeding up timelines might yield some improvements; however, in the short term, it would exacerbate existing problems, leading to rushed proceedings, mistakes, and miscarriages of justice.
This proposal is equivalent to lighting a fire in a crowded building and ordering everyone to run for the exits: people will inevitably be hurt.
Changes to CrR 3.2 and CrRLJ 3.2
Amending the consideration of "interference with the administration of justice" by narrowly focusing

only on defendants who "intimidate or threaten a witness, victim, or court employee, or tamper with evidence" is a dangerous mistake.

Such language is too restrictive and leaves significant gaps that could be exploited. Particularly in cases involving domestic violence, defendants often violate no-contact orders multiple times and interfere in the administration of justice. Victims, due to fear, manipulation, or emotional ties to the defendant, frequently recant their complaints or deny feeling threatened — yet the risk to them remains very real.

If the proposed language is adopted, it will allow defense attorneys to argue against judicial findings of risk whenever a victim is unwilling or afraid to acknowledge intimidation. This will directly endanger witnesses, undermine prosecutions, and erode trust in protective court orders.

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