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To: [Farino, Amber](#)
Subject: FW: Comment re: proposed rule change for CrR/CrRLJ 3.2
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From: Marchesano, Joseph <Joseph.Marchesano@kingcounty.gov>
Sent: Monday, April 28, 2025 11:08 AM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Cc: Marchesano, Joseph <Joseph.Marchesano@kingcounty.gov>
Subject: Comment re: proposed rule change for CrR/CrRLJ 3.2

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Hello,

I would like to submit a comment regarding the proposed rule change for CrR/CrRLJ 3.2.

The proposed amendment “clarifies” the meaning of the “interfering in the administration of justice” factor in a way that renders it mostly superfluous. Under both the existing rule and the amended version proposed, a court setting bail can consider the likelihood that the accused will commit a violent offense as a factor in and of itself. As a result, limiting the “interfering in the administration of justice” factor to meaning “seeking to intimidate or threaten a witness, victim, or court employee, or tampering with evidence” renders it mostly superfluous; intimidating or threatening a witness, victim, or court employee is committing a violent offense. In that context, the practical impact of the proposed amendment is not to clarify the meaning of “interfering in the administration of justice,” but to effectively delete it and limit the court to only considering the likelihood that the accused will commit a violent offense.

The proposed amendment also precludes courts from considering relevant factors that can negatively impact the court’s ability to effectively adjudicate a matter. A [real example](#) of this eventually led to a murder and suicide in 2020. For example, while an accused’s commission of a single new non-violent offense may not be a reason to readdress release or conditions of release, the analysis may be different with an accused who repeatedly commits non-violent offenses in other jurisdictions. The latter circumstance can cause significant issues with a court’s ability to adjudicate the case in a timely manner due to repeated instances of the accused being out of contact with their attorney and unavailable to appear in court due to being in-custody in another jurisdiction. While it may be rare that an accused’s behavior rises to the level that raises these issues, it can happen. In that context, the proposed amendment strips courts of the discretion that they need to ensure that justice is properly administered even though there has been no showing of a significant or

systematic abuse of that discretion.

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