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Subject: FW: Opposition to Proposed Amendment to CrR/CrRLJ 8.3
Date: Wednesday, April 30, 2025 2:46:09 PM
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From: Charlotte Storey <CStorey@auburnwa.gov>
Sent: Wednesday, April 30, 2025 1:59 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Cc: Jason Whalen <JWhalen@auburnwa.gov>; Paul Byrne <PByrne@auburnwa.gov>
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The City Attorney's Office for the City of Auburn opposes the proposed amendment to CrR/CrRLJ 8.3.

The proposed changes to CrR/CrRLJ 8.3(b) permitting dismissal without prejudice would promote judicial decisions driven by personal and subjective views of fairness rather than established legal standards.

Importantly, GR 9(a)(4) requires that the proposed amendments be necessary statewide; necessity for this proposed amendment has not been demonstrated. The justification for this proposed amendment appears virtually the same as a similar proposal rejected by the Court in 2024.

Case law surrounding CrR/CrRLJ 8.3(b) is well-established and provides that such dismissal is an extraordinary remedy requiring a showing of prejudice to the defendant. Proposed changes to this rule would overturn long-standing binding precedent by allowing judges to dismiss prosecutions based on personal views on prosecutorial decisions, invading the province of the executive branch and violating constitutional separation of powers.

Existing rule CrR/CrRLJ 8.3 appropriately permits judges to act to protect defendants' rights and hold prosecutors accountable for misconduct, but the proposed changes to the rule would likely result in an uptick of baseless motions to dismiss. The proposed changes to the rule do not promote justice or fairness, or public confidence in the necessary impartiality of the judiciary.

| *Charlotte Storey*



Chief Prosecutor
City of Auburn
25 West Main Street
Auburn, WA 98001-4998
Phone: (253) 288-3151
Fax: (253) 931-4007
cstorey@auburnwa.gov
<http://www.auburnwa.gov/>

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