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Subject: Proposed Amendment to CrR/ CrRLJ 8.3
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The public defender's organization proposed a change to CrR/CrRLJ 8.3(b). They are seeking to remove the portion that requires "prejudice to the rights of the accused which materially affect the accused's rights to a fair trial" and substitute with a "factor" analysis.

As a prosecutor, I **strongly** object to this amendment as it unnecessarily broadens the rule and would result in disparate outcomes because it invites judges to exercise their personal belief and definition of fairness in deciding such a dismissal.

The public defenders of Snohomish county frequently try to use this rule as a way to personally attack prosecutors. They will cite to this rule and ask for a dismissal for the pettiest of reasons, like an officer being gone on maternity leave for too long (yes, that is a real example). Unfortunately, some judges who shall not be named here will encourage this behavior by seeming to seriously consider a dismissal for reasons where it would be ludicrous to dismiss. Broadening it will also the Snohomish county public defender's office to cite to this rule for reasons it was not intended for and continued unprofessionalism. It will allow defense-friendly judges to use their bias in favor of defense.

Please do not impose this change.

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