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**To:** [Farino, Amber](#)  
**Subject:** FW: Comment re: proposed rule change for CrR/CrRLJ 8.3(b)  
**Date:** Monday, April 28, 2025 11:06:30 AM

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**From:** Marchesano, Joseph <Joseph.Marchesano@kingcounty.gov>  
**Sent:** Monday, April 28, 2025 10:49 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 8.3(b)

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Hello,

I would like to submit a comment regarding **the proposed rule change** for CrR/CrRLJ 8.3(b).

The proposed amendment ignores the public interest in the prosecution of crimes and protection of the victim and the community. Because the proposed amendment would do away with the need for connection between any misconduct of the State and the defendant's ability to have a fair trial, it does not serve the public interest in punishment of the guilty and public safety. While one of the four factors is, "the impact of a dismissal on the safety or welfare of the community (the defendant is part of the community)," no guidance is given on how this factor ought to be weighed, if at all, against the other enumerated factors or any other information a court might deem "relevant to the inquiry." This factor also, unsurprisingly, shifts focus away from the victim and disregards the victim's right to justice and protection from the defendant. Additionally, the proposed amendment does not require the action or misconduct to prejudice the accused in any manner, it untethers the rule from due process. As a result, defendants would benefit—and victims and public safety would suffer—even when the State's action has in no way interfered with a defendants' right to a fair trial. This significant broadening of the rule, and trial court's discretion, would lead to unequitable application of the law.

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**Joseph Marchesano** | Senior Deputy Prosecuting Attorney  
Special Operations Unit  
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