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Subject: FW: Comment on proposed change to CrR 8.3
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From: Taylor, Karissa <Karissa.Taylor@kingcounty.gov>
Sent: Monday, April 21, 2025 3:59 PM
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Subject: Comment on proposed change to CrR 8.3

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The proposed change allowing dismissal for reasons less than prejudice will lead to judicial discretion and due process problems. What one judge views as a basis for dismissal, another trial court judge may not. Allowing such discretion allows policy disagreements with the prosecutor's office to effectively become a basis for dismissal – if a judge does not agree with a charging decision, the court has discretion to make a determination that the filing decision was arbitrary, or dismiss because a judge finds the public will be more confident in the criminal justice system with a dismissal. This violates the separation of powers and is unconstitutional. This is also a due process problem, as noted above, because instead of having to show prejudice, a judge can arbitrarily and unequally, apply the law.

It is unclear what specific problem this amendment is trying to cure as no examples or cases have been given.

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