



WASHINGTON STATE MINORITY AND JUSTICE COMMISSION

2025 Commission Members

Justice Mary I. Yu
Co-Chairperson
Washington State Supreme Court

Judge Veronica Galván
Co-Chairperson
King County Superior Court

Samanah Alizadeh
King County Prosecuting Attorneys Office

Judge Charnelle Bjelkengren
Spokane County Superior Court

Bob Boruchowitz
Seattle University School of Law

Lisa Castilleja
University of Washington School of Law

Judge Faye Chess
District and Municipal Court Judges Association

Mike Chin
Access to Justice Liaison

Professor Mark A. Chinen
Seattle University School of Law

Judge Linda Coburn
Washington State Court of Appeals

Judge Sara Dannen
Board of Industrial Insurance Appeals

Judge Theresa Doyle (ret.)
King County Superior Court

Chad Enright
Washington Association of Prosecuting Attorneys

Judge Cadine Ferguson-Brown
Superior Court Judges Association

Professor Jason Gillmer
Gonzaga University School of Law

Judge Anthony Gipe
Kent Municipal Court

Judge Bonnie J. Glenn
Seattle Office of Police Accountability

Judge Jaime Hawk
King county Superior Court

Katherine Hurley
King County Department of Public Defense

Nicole Jenkins-Rosenkrantz
Spokane Public Schools

Judge David Keenan
King County Superior Court

LaTricia Kinlow
District and Municipal Court Managers Association

Judge LeRoy McCullough
King County Superior Court

Justice Raquel Montoya-Lewis
Washington State Supreme Court

Karen Murray
King County Associated Counsel for the Accused

Judge André Peñalver
Pierce County Superior Court

Christopher Sanders
Pacifica Law Group

P. Diane Schneider
Certified Court Interpreter

Judge Ketu Shah
King County Superior Court

Sumeer Singla
Williams Kastner

Judge Lori K. Smith
Washington State Court of Appeals

Judge Leah Taguba
King County District Court

Constance White
Pierce County Clerk

Judge Karl Williams
District and Municipal Court Judges Association

Judge Dennis Yule (ret.)
King County Superior Court

April 29, 2025

Dear Supreme Court Rules Committee,

We write in favor of the current proposal to modify CrR 8.3/CrRLJ 8.3 to add the proposed four factors for judges to consider in order to dismiss a case in the furtherance of justice. We believe the addition of these four factors will make the rule itself clearer, increase consistency in the rule's application, and help to avoid undesirable outcomes.

The addition of the four factors to CrR 8.3/CrRLJ 8.3 and its application will make the rule clearer. This is because the proposed change replaces “prejudice to the rights of the accused” – which is vague and nonuniformly applied—with four more specific factors for the court to consider. We believe these four factors provide a better roadmap for judges to understand what kinds of information to consider when evaluating a CrR 8.3/CrRLJ 8.3 application.

We also believe that the addition of these four factors will increase consistency in the application of the rule. We already know that people of color are consistently arrested disproportionately in Washington State.ⁱ Those disproportionalities are stark, “as measured by all felony sentences in 2018, 2019, and 2020, Black people were 2.7x more likely to be convicted than White people in each of those years. Indigenous people in those same years ranged from being 1.5x to 1.7x more likely to be convicted than White people.”ⁱⁱ It logically follows, then, that if CrR 8.3/CrRLJ 8.3 is only focused on a showing of “prejudice to the rights of the accused,” which we know are disproportionately likely to be people of color, then the current rule allows room for inconsistency when other harmful factors may be at play. It is time to list those other factors and give the judiciary specific guidance to take them into account too.

Finally, we believe that this proposal will help to avoid negative or undesirable outcomes. For example, the current rule does not discourage future governmental misconduct when it only requires a showing of “prejudice to the rights of the accused.” Under the current rule, the impact that governmental misconduct might have on the public's trust and confidence in the judicial system as a whole, would not be taken into account during an application of CrR 8.3/CrRLJ 8.3. This is an undesired outcome of the current rule. Washington deserves a judicial system that the public can trust and for this reason also, the rule must change.

Sincerely,

Judge Veronica Galván,
Commission Co-Chair

Sumeer Singla,
Rules & Legislation Committee Chair

ⁱ Race and the Criminal Justice System, Task Force 2.0; "Race and Washington's Criminal Justice System: 2021 Report to the Washington Supreme Court" (2021), p. 3. *Fred T. Korematsu Center for Law and Equality*. 116. https://digitalcommons.law.seattleu.edu/korematsu_center/116

ⁱⁱ *Id.*

From: [OFFICE RECEPTIONIST, CLERK](#)
To: [Farino, Amber](#)
Cc: [Ward, David](#)
Subject: FW: MJC Public Comment re CrR 8.3
Date: Wednesday, April 30, 2025 11:03:00 AM
Attachments: [MJC Letter re CrR 8.3.pdf](#)

From: Thomas, Frank <Frank.Thomas@courts.wa.gov>
Sent: Wednesday, April 30, 2025 10:51 AM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: RE: MJC Public Comment re CrR 8.3

Hello,

I noticed a typo in my previously transmitted letter. Please use the attached corrected copy.

Thank you,

Frank Thomas (he/him)

Sr. Court Program Analyst | Washington State Minority and Justice Commission
Administrative Office of the Courts

P: 206.316.0607

frank.thomas@courts.wa.gov

www.courts.wa.gov



From: Thomas, Frank
Sent: Wednesday, April 30, 2025 9:51 AM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: MJC Public Comment re CrR 8.3

Hello,

Attached please find a public comment letter from the Minority and Justice Commission supporting the proposed changes to CrR 8.3. Please let me know if you have any questions or require anything further to note our position for the Court's record.

Thank you,

Frank Thomas (he/him)

Sr. Court Program Analyst | Washington State Minority and Justice Commission
Administrative Office of the Courts

P: 206.316.0607

frank.thomas@courts.wa.gov

www.courts.wa.gov

