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To: [Tracy, Mary](#)
Subject: FW: Comments on proposed rule changes- in opposition
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From: Martin, Margo <Margo.Martin@kingcounty.gov>
Sent: Wednesday, April 16, 2025 9:04 AM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Comments on proposed rule changes- in opposition

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Proposed Change to CrR/CrRLJ 8.3:

The proposed amendment violates the separation of between both the judiciary and the executive as well as the judiciary and the legislative branches. By allowing the court to dismiss a prosecution based on a policy disagreement with the prosecutor, without a requirement that there be any prejudice to the defendant justifying the dismissal, the rule as proposed would allow the court to dismiss any charge(s) for any reason, whether enumerated in the rule or not. One of the reasons to justify the amendment listed by its proponents refers to “aggravated sentencing laws.” This suggests that dismissal of any charge(s) by the court would be permissible if the court disagreed with the charging decision or the potential sentence under the SRA. This broad discretion would undermine the legislature’s role in setting potential consequences of a conviction as it has done in the SRA.

Proposed Change to CrR/CrRLJ 4.1:

A defendant is entitled to argue bail and conditions of release at the time of their arraignment. The proposed change from a 14 day timeline to a 3 day timeline for arraignment does not allow sufficient time for notification to victims, which must often be done via mail. Even if a victim were to receive a written notice by the day before the scheduled arraignment, they would not have been given time to make arrangements with work, childcare, transportation or other necessary arrangements in order to be present if they wish to be or to provide input to an advocate or attorney to relay to the court.

Proposed Changes to CrR/CrRLJ 3.2:

This proposed amendment narrows the discretion of the court too severely. It does not account for ways in which a defendant may tamper with witnesses that are not threats or intimidation such as bribery or, particularly as to children, preventing the witness from being brought to court. The rule also ignores that the court is subject to the same rule when readdressing conditions of release where a defendant has violated conditions imposed such as by contacting co-defendants or witnesses. Such contact to encourage others to conform their testimony to a particular account may be threatening or intimidating, but would still be interfering with the administration of justice. The proposed amendment also does not permit the court to consider relevant factors that can negatively impact the court’s ability to adjudicate a matter in a timely manner. For instance, while a single new non-violent criminal offense may not be reason to readdress release or release conditions, where an individual

repeatedly commits new criminal law violations in multiple jurisdictions, it may hinder the court's ability to bring the individual's case to trial in a timely manner. This may also be true where an individual repeatedly and regularly fails to maintain contact with their attorney or appear for court in any of the manners allowed under the rules.



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