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From: Barbosa, Mary <Mary.Barbosa@kingcounty.gov>
Sent: Wednesday, April 30, 2025 2:41 PM
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Dear Supreme Court:

I am writing to voice my very strong opposition to the adoption of the proposed change to above-noted Criminal Court Rules for Washington State Superior Courts and Courts of Limited Jurisdiction. I am a senior deputy prosecutor with the King County Prosecuting Attorney's Office and have nearly 27 years' experience working with and observing the effects of Washington's criminal rules. The proposed change to CrR 8.3(b) and CrRLJ 8.3(b) would allow any judge to dismiss any case if they simply conclude there has been arbitrary or negligent conduct by the State, even if the defendant is not prejudiced. This proposed change grants individual judges the power to indiscriminately dismiss charges and convictions simply because they disagree with a prosecutor's changing decision or resentencing recommendation, the law upon which that charging decision or sentencing recommendation is based, or how such law may be perceived to that judge to inequitably affect different groups within the community. Allowing dismissal solely based on policy or philosophical disagreements with the prosecution violates the separation of powers between the judiciary and the prosecutor. Further, the proposed amendment ignores this Court's long held precedent requiring a showing of prejudice to warrant dismissal. This Court has required such a finding to justify dismissal even before a showing of prejudice was codified in the current language of the rule. The requirement that the trial court "consider" four unenumerated factors does nothing to prevent a judge from "considering" each factor and finding them inadequate to overcome that particular judge's views, opinions, beliefs, biases, and prejudices. Without the requirement of prejudice to the defendant before dismissal the proposed change to the rules promotes significant disparate treatment of defendants between different courts based on judges' personal views and attitudes. Finally, the proposed change ignores the public interest in the prosecution of crimes and protection of the community. It requires no connection between any State misconduct and the defendant's ability to have a fair trial. This does not serve the public interest in punishment of the guilty, public safety, and victim's rights.

I strongly urge this Court to reject this proposed change to CrR 8.3 (b) and CrRLJ 8.3 (b).

Thank you for time and your consideration.

Sincerely,

Mary H. Barbosa, WSBA #28187
Senior Deputy Prosecuting Attorney
King County Prosecuting Attorney's Office