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April 10, 2025

Honorable Mary I. Yu, Chair
Supreme Court Rules Committee
c/o Clerk of the Supreme Court
Temple of Justice
P.O. Box 40929
Olympia, WA 98504-0929

Re: Proposed Changes to CrR 8.3

Dear Justice Yu:

The Superior Court Judges' Association (SCJA) Criminal Law and Rules Committee and Equality and Fairness Committee reviewed the proposed changes to Criminal Rule (CrR) 8.3. These proposed changes would broaden the discretion judges have to dismiss criminal prosecutions by adding three new factors to consider. These factors include: the seriousness of the offense; impact of a dismissal on the safety or welfare of the community and the defendant; and the impact of the dismissal on public confidence in the courts. After careful review, the SCJA must respectfully request the Supreme Court reject this proposal.

While the SCJA appreciates opportunities for broader judicial discretion, discretion given without strong guidelines can lead to decisions that are driven by unconscious biases and increase disparity in court outcomes across the state. We are also concerned that the changes proposed to the rule are ambiguous enough that its application would result in increased litigation, court time, and costs as courts attempt to sort through the factors.

Thank you for your consideration of our comments.

Sincerely,

Kristin Ferrera, President
Superior Court Judges' Association

cc: SCJA Board of Trustees
Allison Lee Muller, AOC

From: [OFFICE RECEPTIONIST, CLERK](#)
To: [Tracy, Mary](#)
Subject: FW: Court Rule Public Comment Letters
Date: Thursday, April 10, 2025 2:08:55 PM
Attachments: [CR 12 SCJA Public Comment.pdf](#)
[CR 68 SCJA Public Comment.pdf](#)
[Family Law Defense Standards SCJA Public Comment.pdf](#)
[CrR 3.2 SCJA Public Comment.pdf](#)
[CrR 4.1 CrRLJ4.1 CrRLJ 3.2.1 SCJA Public Comment.pdf](#)
[CrR 8.3 SCJA Public Comment.pdf](#)
[GR 24 SCJA Public Comment.pdf](#)
[GR 27 SCJA Public Comment.pdf](#)
[RPC 6.1 SCJA Public Comment.pdf](#)

From: Valdez, Andrea <Andrea.Valdez@courts.wa.gov>
Sent: Thursday, April 10, 2025 11:48 AM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Cc: Kristin Ferrera <Kristin.Ferrera@CO.CHELAN.WA.US>; Lee Muller, Allison <Allison.LeeMuller@courts.wa.gov>; Ireland, Shelley <Shelley.Ireland@courts.wa.gov>; Green, Heidi <Heidi.Green@courts.wa.gov>
Subject: Court Rule Public Comment Letters

Good morning,

Please see the attached comment letters on behalf of the Superior Court Judges' Association. The proposed rules we are commenting on at this time are:

- CR 12
- CR 68
- CrR 3.1/CrRLJ 3.1/JuCR 9.2 (family defense cases)
- CrR 3.2
- CrR 4.1/CrRLJ 4.1/CrRLJ 3.2
- CrR 8.3
- GR 24
- GR 27
- RPC 6.1

Thank you,
Andrea Valdez, MPA (she/her/hers)
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Superior Court Judges' Association
Administrative Office of the Courts
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