

SNOHOMISH COUNTY PROSECUTOR'S OFFICE
INVESTIGATIVE CHECKLIST

ASSAULT IN THE SECOND DEGREE

RCW 9A.36.021(1)(a)(b)(c)(d)(e)(f)(g)

ELEMENTS

Suspect

1. Intentionally assaults another and thereby recklessly inflicts "substantial bodily harm":
 bodily injury which involves a temporary but substantial disfigurement, OR
 bodily injury which causes a temporary but substantial loss or impairment of the function of any bodily part or organ, OR
 fracture of any bodily part;

OR

2. Intentionally and unlawfully inflicts any bodily injury on the mother of an unborn quick child,
 thereby intentionally and unlawfully causing "substantial bodily harm" to that unborn quick Child;

OR

3. Assaults another
 with a deadly weapon as defined in RCW 9A.04.110(6);

OR

4. Administers to, or causes to be taken by, another person
 poison or any other destructive or noxious substance,
 with the intent to inflict bodily harm;

OR

5. Assaults another person
 with the intent to commit a felony (other than the assault itself);

OR

6. Knowingly inflicts bodily harm
 which by design (intentionally)
 causes such pain or agony as to be the equivalent of that produced by torture;

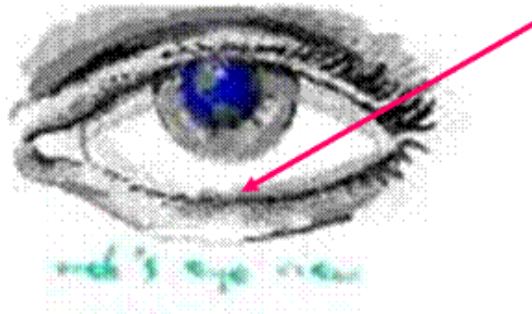
OR

7. Assaults another by strangulation.

SPECIFIC REQUIREMENTS

- [] 1. Victim's medical reports and statements from all medical personnel treating victim, including aid crew, regarding:
 cause of injuries
 nature and extent of injuries
 to what extent the injuries meet the above definition(s) of "substantial bodily harm"
 when an unborn quick child is injured, age of the fetus and how the injuries to the mother caused harm to the child.
- [] 2. If alleging (4) above (noxious substance), testing and scientific analysis of any destructive or noxious substances and of victim's blood sample.

- [] 3. If alleging (7) above (strangulation):
- a. Ask victim about lingering effects: if sore throat or difficulty breathing; if neck pain and whether there was previous neck injury; if voice is hoarse; if light-headed; if experiencing nausea or vomiting; if ears are ringing; if arms or hands are numb.
 - b. Ask victim about the incident: length of time of the act of strangulation; whether unable or difficult to breathe; whether saw stars or saw white; whether lost consciousness; whether became incontinent; what victim thought was going to happen and whether victim was in fear.
 - c. Ask victim to describe the suspect's demeanor and facial expressions during the assault.
 - d. Ask the victim to report exactly what the defendant said during the assault and document the quote ("You're going to die", for example).
 - e. If an instrument other than hands were used to strangle, seize it as evidence.
 - f. Listen for coughing, and document.
 - g. Look for injuries on victim, including: discolored tongue; bruising behind the ears; neck swelling or bruising or finger impressions on neck; scratches and bruising; petechial hemorrhaging; bruising or discoloration inside the eye. Photograph any visible injuries to victim. Look here:



- [] 4. Determine and detail what evidence exists to disprove/prove that the assault was in self-defense/defense of others.
- [] 5. Determine and detail what evidence exists to disprove/prove that the assault was accidental.

- [] 6. Determine and detail what evidence exists to prove/disprove the suspect's motive.
- [] 7. Determine and detail what evidence exists to prove/disprove the prior relationship between the suspect and victim.
- [] 8. Determine and detail what evidence exists to disprove/prove the suspect's alibi -- and specifically interview possible alibi witnesses.
- [] 9. Determine and detail what evidence exists to prove/disprove suspect's use of drugs/alcohol.
- [] 10. Determine and detail what evidence exists to prove/disprove victim's use of drugs/alcohol.
- [] 11. Consider the need for forensic laboratory examination and testing, including DNA testing, blood pattern analysis, fingerprint comparison, tool mark comparison, gunshot distance and trajectory path determinations, gun operability tests, serial number restoration, etc.
- [] 12. In addition to the usual photographs, consider videotaping the scene, aerial photography, etc., as needed.
- [] 13. Consider preparing detailed diagrams of the crime scene, with accurate measurements, if it will help demonstrate bullet trajectory, location of suspect in relation to evidence, etc.
- [] 14. If suspect may be suffering from a mental disease or defect, determine and detail what evidence exists to prove/disprove that at the time the assault was committed, either the suspect's mind was affected by the mental disease or defect such that the suspect was unable to perceive the nature and quality of his/her actions, or that the mental disease or defect prevented the suspect from being able to appreciate that his/her actions were wrong.