

# SNOHOMISH COUNTY PROSECUTOR'S OFFICE INVESTIGATIVE CHECKLIST

## **SECOND DEGREE EXTORTION**

**RCW 9A.56.130**

### ELEMENTS

1. The suspect knowingly obtained or attempted to obtain property or services (includes sexual favors) from the owner;

AND

2. The suspect did so by directly or indirectly communicating the intent:
- a. To accuse any person of a crime or cause criminal charges to be instituted against any person; OR
  - b. To expose a secret or publicize an asserted fact, whether true or false, tending to subject any person to hatred, contempt, or ridicule; OR
  - c. To reveal any information sought to be concealed by the person threatened; OR
  - d. To testify or provide information or withhold testimony or information with respect to another's legal claim or defense; OR
  - e. To take wrongful action as an official against anyone or anything, or wrongfully withhold official action, or cause such action or withholding; OR
  - f. To bring about or continue a strike, boycott, or other similar collective action to obtain property which is not demanded or received for the benefit of the group which the suspect purports to represent; OR
  - g. To do any other act which is intended to harm substantially the person threatened or another with respect to his health, safety, business, financial condition, or personal relationships.

Defense: When the threat is a threat to accuse any person of a crime or cause criminal charges to be instituted against any person, it is a defense that the suspect reasonably believed the threatened criminal charge to be true AND that the suspect's sole purpose was to compel or induce the person threatened to take reasonable action to make good the wrong which was the subject of such threatened criminal charge.

### SPECIFIC REQUIREMENTS

- [ ] 1. Establish, through direct or circumstantial evidence, the motivation for the extortion.
- [ ] 2. Identify the precise nature of the threat, whether direct or indirect, and how communicated.
- [ ] 3. Seize, if available, any voice recordings of what the suspect said to the person threatened or writings of the suspect to the person threatened.
- [ ] 4. Identify the precise nature of the property or services the suspect obtained or attempted to obtain.
- [ ] 5. Seize, if available, any documents or physical evidence pertaining to an exchange of property or services, such as written threats, bank account records, checks, phone records, etc.
- [ ] 6. Request a copy of 911 tape if the tape will reveal excited utterances.

