

SNOHOMISH COUNTY PROSECUTOR'S OFFICE INVESTIGATIVE CHECKLIST

SECOND DEGREE MANSLAUGHTER

RCW 9A.32.070

SPECIFIC CONSIDERATIONS

- [] 1. Determine and detail what evidence exists to prove/disprove that the suspect's act or omission leading to the death was criminally negligent, i.e., the suspect failed to be aware of a substantial risk that a wrongful act may occur, and that failure constituted a gross deviation from the standard of care that a reasonable person would exercise in the same situation. Identify whether suspect's act or omission is more than ordinary negligence, or "accidental".
- [] 2. Determine and detail what evidence exists to prove/disprove that the suspect's conduct in causing the victim's death was a proximate cause, i.e., a cause which, in direct sequence, unbroken by any new independent cause, produced the death, and without which the death would not have happened.
- [] 3. If the suspect is an accomplice, determine and detail what evidence exists to prove/disprove that the suspect knew his/her aid would facilitate the crime.
- [] 4. Determine and detail what evidence exists to disprove/prove that the killing was in self-defense/defense of others.
- [] 5. Determine and detail what evidence exists to prove/disprove the suspect's motive.
- [] 6. Determine and detail what evidence exists to prove/disprove the prior relationship between the suspect and victim.
- [] 7. Determine and detail what evidence exists to disprove/prove the suspect's alibi -- and specifically interview possible alibi witnesses.
- [] 8. Determine and detail what evidence exists to disprove/prove suspect's planned activities that day.
- [] 9. Determine and detail what evidence exists to disprove/prove victim's planned activities that day.
- [] 10. Determine and detail what evidence exists to prove/disprove suspect's use of drugs/alcohol.
- [] 11. Determine and detail what evidence exists to prove/disprove victim's use of drugs/alcohol.
- [] 12. 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, forensic entomology, forensic anthropology, forensic odontology, etc.

- [] 13. In addition to the usual photographs (with a detailed photo log), consider videotaping the scene, aerial photography, etc.
- [] 14. Prepare detailed diagrams of the crime scene, with accurate measurements -- consider "total station" diagrams, etc.
- [] 15. Obtain autopsy report, including toxicology report.
- [] 16. If victim was medically treated before death, victim's medical reports and statements from all medical personnel treating victim regarding cause of injuries, nature and extent of injuries, and medications used.
- [] 17. 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 murder 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.