

SNOHOMISH COUNTY PROSECUTOR'S OFFICE INVESTIGATIVE CHECKLIST

FIRST DEGREE MURDER

RCW 9A.32.030

SPECIFIC CONSIDERATIONS

- [] 1. If the death was caused with premeditated intent: determine and detail what evidence exists to prove/disprove that the suspect intentionally killed the victim, and the intentional killing was with premeditation (i.e., "thought over beforehand", as opposed to "merely" an "intentional" killing).
- [] 2. If the death was caused by extreme indifference to human life: determine and detail what evidence exists to prove/disprove that the suspect engaged in conduct which created a grave risk of death under circumstances manifesting an extreme indifference to human life; AND that the suspect did not simply target a particular victim or victims, but such acts were against life generally (e.g., a bomb thrown into a crowded theater, an indiscriminately-firing sniper, etc.)
- [] 3. If this is a "felony murder" case: determine and detail what evidence exists to prove/disprove the suspect committed or attempted to commit the underlying felony (for Murder 1, the felony must be Robbery 1 or 2, Rape 1 or 2, Burglary 1, Arson 1 or 2 or Kidnapping 1 or 2), and to prove/disprove the suspect or another participant caused the death of a person who was not a participant in the course of, or in the furtherance of, or in immediate flight from such felony.
- [] 4. 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.
- [] 5. Determine and detail what evidence exists to disprove/prove that the killing was in self-defense/defense of others.
- [] 6. Determine and detail what evidence exists to disprove/prove that the killing was accidental.
- [] 7. Determine and detail what evidence exists to prove/disprove the suspect's motive.
- [] 8. Determine and detail what evidence exists to prove/disprove the prior relationship between the suspect and victim.
- [] 9. Determine and detail what evidence exists to disprove/prove the suspect's alibi -- and specifically interview possible alibi witnesses.
- [] 10. If this was a felony murder, for participants who did not directly cause the death determine and detail what evidence exists to prove/disprove that they
 - a) solicited, requested, commanded, caused or aided the killing; OR
 - b) were armed with a deadly weapon, or any instrument or substance readily capable of causing death or serious physical injury; OR
 - c) had reasonable grounds to believe that any other participant was armed with such a weapon or substance; OR

d) had reasonable grounds to believe that any other participant intended to engage in conduct likely to result in death or serious physical injury.

- [] 11. Determine and detail what evidence exists to disprove/prove suspect's planned activities that day.
- [] 12. Determine and detail what evidence exists to disprove/prove victim's planned activities that day.
- [] 13. Determine and detail what evidence exists to prove/disprove suspect's use of drugs/alcohol.
- [] 14. Determine and detail what evidence exists to prove/disprove victim's use of drugs/alcohol.
- [] 15. 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.
- [] 16. In addition to the usual photographs (with a detailed photo log), consider videotaping the scene, aerial photography, etc.
- [] 17. Prepare detailed diagrams of the crime scene, with accurate measurements -- consider "total station" diagrams, etc.
- [] 18. Obtain autopsy report, including toxicology report.
- [] 19. 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.
- [] 20. 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.