

OFFICE OF THE PROSECUTING ATTORNEY
KING COUNTY, WASHINGTON

Norm Maleng
Prosecuting Attorney

W554 King County Courthouse
516 Third Avenue
Seattle, Washington 98104
(206) 296-9000

VIOLENT OFFENSES

May 8, 2004
David Gross
Deputy Prosecuting
Attorney

A. OVERVIEW

- I. Class A, B & C Felonies
- II. Level of Offense
- III. Offender Score
- IV. Assault – (4 degrees)
- V. Robbery – theft offense, but also a violent crime (2 degrees)
- VI. Manslaughter (2 degrees)
- VII. Murder (2 degrees)
- VIII. Vehicular Homicide
- IX. Vehicular Assault

B. ASSAULT

I. BASICS

- ◆ Intentional Touching, Striking, Stabbing, etc. (Make Contact with)
- ◆ ** or ATTEMPT to do any of these
- ◆ Of Another Person
- ◆ Harmful or Offensive
- ◆ ** to person not unduly sensitive
- ◆ No need to actually cause damage

II. ASSAULT 4 (Gross Misdemeanor)

- ◆ Basic rule

III. ASSAULT 3 (Class C Felony)

- ◆ A number of ways that a basic assault can rise to the level of Felony.
 - Bodily Harm, OR
 - Assault a protected person

A. Bodily harm

- ◆ Basic rule +
- ◆ Bodily Harm (injury)
- ◆ + substantial pain – lasts long enough to cause “considerable suffering”

B. Protected Persons

- ◆ Basic rule +
- ◆ Firefighter, Police Officer, Health Care Provider, School Bus Driver, Transit Driver

IV. ASSAULT 2 (Class B Felony)

- ◆ Again, a couple of ways this can occur
 - Deadly Weapon; OR
 - “Substantial Bodily Harm”

A. Substantial Bodily Harm

- ◆ Basic rule +
- ◆ Inflict Substantial Bodily Harm

B. Deadly Weapon

- ◆ Basic rule +
- ◆ Deadly Weapon

V. ASSAULT 1 (Class A Felony)

- ◆ Key with Assault 1 – “Great Bodily Harm” (GBH)

A. Causing GBH

- ◆ Basic rule +
- ◆ Cause GBH

B. Intending to cause GBH

- ◆ Basic rule +
- ◆ Intent to cause GBH +
- ◆ Deadly Weapon or force likely to cause GBH
- ◆ includes poison

C. ROBBERY

I. BASICS

- ◆ Take personal property
- ◆ From the person of another *OR*
- ◆ In his presence and against his will
- ◆ By use of force or threat of force
 - ◆ Against him, his property, or the person or property of another

The force or threat of force must be used to retain the property (shoplift gone bad)

II. ROBBERY II (Class B Felony)

- ◆ Basic rule
 - ◆ Different from Theft I (Theft from person – no use of force)

III. ROBBERY I (Class A Felony)

- ◆ Basics +
 - ◆ Armed with / displays deadly weapon *OR*
 - ◆ Inflict bodily injury *OR*
 - ◆ Robbery of financial institution

D. MANSLAUGHTER

I. MANSLAUGHTER II (Class B Felony)

- ◆ With Criminal Negligence, cause the death of a human being.

II. MANSLAUGHTER I (Class A Felony)

- ◆ Recklessly cause the death of a human being

E. MURDER

I. MURDER II (Class A Felony)

- A. Felony Murder
- While committing any felony
 - (or attempting to, in furtherance of, or fleeing from)
 - Cause death of a human being who is not a participant
- B. Intentional
- Intentionally cause death of a human being (or third person)

II. MURDER I (Class A Felony)

- A. Felony Murder
- ◆ While committing certain felonies (Robbery, Rape, Kidnapping, Burglary 1, Arson)
 - ◆ (or attempting to, in furtherance of, or fleeing from)
 - ◆ Cause death of a human being who is not a participant
- B. Premeditated
- ◆ With premeditated intent to cause death of a person
 - ◆ Cause death of a human being (or third person)
- C. Extreme Indifference
- ◆ Under circumstances showing an extreme indifference to human life,
 - ◆ Do something creating a grave risk of death
 - ◆ Cause the death of a human being
(Drive-by shootings. Anything that shows an indifference to life – generally, not directed to one person)

F. VEHICULAR HOMICIDE (Class A Felony)

- I. Unintentional killing of a human being, involving a motor vehicle.
- II. 3 ways ---
 - ◆ Under the Influence
 - ◆ Reckless
 - ◆ Disregard for Safety of Others
- III. Under the Influence
 - ◆ Drive a motor vehicle
 - ◆ Under influence of drugs / alcohol
 - ◆ Cause the death of a human being
- IV. Reckless
 - ◆ Drive a motor vehicle
 - ◆ Reckless manner
 - ◆ Cause the death of a human being
- V. Disregard for Safety of Others
 - ◆ Drive a motor vehicle
 - ◆ With disregard for the safety of others
 - ◆ Cause the death of a human being

G. VEHICULAR ASSAULT (Class B Felony)

- I. Under the Influence
 - ◆ Drive a motor vehicle
 - ◆ Under influence of drugs / alcohol
 - ◆ Cause serious bodily injury to a human being
- VI. Reckless
 - ◆ Drive a motor vehicle
 - ◆ Reckless manner
 - ◆ Cause serious bodily injury to a human being

GLOSSARY

Class A Felony	--	Max = Life / \$50,000.00 fine
Class B Felony	--	Max = 10 years / \$20,000.00 fine
Class C Felony	--	Max = 5 years / \$10,000.00 fine
Criminal Negligence	--	A failure to be aware of a substantial risk, when a reasonable person would be aware of it.
“Degree” of crime	--	How bad it is. The lower the number, the worse it is.
Great Bodily Harm	--	Creates a probability of death; causes significant serious permanent disfigurement; causes a significant permanent loss or impairment of the function of any bodily part or organ
Gross Misdemeanor	--	Max = 1 year in jail / \$5,000.00 fine
Homicide	--	The unlawful taking of a human life
Level of Offense	--	A sentencing consideration only. Use a sentencing grid to determine sentencing range based on Level of Offense and Offender Score .
Offender Score	--	A sentencing consideration - Points assessed against someone for their criminal history.
Premeditation	--	Thought over beforehand. Can be only a moment.
Reckless	--	Know of a substantial risk, but you disregard it.
Serious Bodily Harm	--	Temp/subst. disfigurement; temp/subst. loss or impairment of the function of any body part or organ; fracture of any body part.
SRA	--	Sentencing Reform Act