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5 **LEWIS COUNTY CORONER'S OFFICE**  
6 **BEFORE THE CORONER**

7 In the Matter of  
8 Rhonda Reynolds, Deceased  
9

No INQ-2011-1  
INQUEST RULES

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11  
12 **1. Selection of Witnesses**

13 (a) Persons shall be invited or required to attend and to testify before the  
14 Inquest who have first-hand knowledge of facts which may assist the Inquest to  
15 determine the cause and manner of death of the deceased.

16 (b) Anyone believing himself (or herself) to have such first-hand knowledge of  
17 any matter relating in any way to the death of the deceased is asked to write or email  
18 Counsel Assisting the Coroner ("Counsel Assisting") and to do so if possible no later  
19 than July 22, 2011.\* When writing, please outline briefly the matters about which you  
20 have first-hand knowledge and describe the information you possess which is of  
21 relevance to this Inquest. If possible, forward copies (not originals) of any documents  
22 or photographs of any things which you believe to be of relevance. Items so submitted  
23 will not be returned.

24 \* By email to [j.david.fine@lewiscountywa.gov](mailto:j.david.fine@lewiscountywa.gov), or by U.S. Mail to Civil Division, Lewis County  
25 Prosecuting Attorney's Office, 345 West Main Street, Chehalis, Washington 98532. Do not attempt to  
26 communicate by fax, as faxes are not likely to be received in a timely manner.

1 (c) Additionally, any law enforcement agency which has conducted an  
2 investigation into the death of the deceased is asked to advise Counsel Assisting by  
3 July 22, 2011 of the names of no more than two its personnel who can testify, based  
4 upon the records of that agency, concerning its investigation or investigations of the  
5 death of the deceased.

6 (d) Anyone knowing of persons who have or may have first-hand knowledge of  
7 any matter relating in any way to the death of the deceased similarly is asked to write or  
8 email Counsel Assisting. Please supply the names of such persons, and outline the  
9 nature of the evidence which they may be able offer.

10 (e) The Coroner will determine which persons appear to him reasonably likely to  
11 offer testimony of a non-repetitive nature which will assist in the Inquest's  
12 determinations. Each such person shall be subpoenaed to testify before the Inquest.  
13 Each witness will be paid for travel at the rate prevailing for witnesses testifying before  
14 Lewis County Superior Court, and shall be paid a witness fee equivalent to the Superior  
15 Court witness fee in civil cases.

16 (f) On about August 10, 2011, the Coroner will issue a preliminary witness list.  
17 Copies will be sent to all persons determined to be especially interested in the matter  
18 before the Inquest.

19 (g) The following shall be deemed to be persons especially interested in the  
20 matter before the Inquest:

- 21 i) the spouse of the deceased;
- 22 ii) the personal representative of the deceased;
- 23 iii) children of the deceased;
- 24 iv) parents of the deceased;
- 25 v) siblings of the deceased;
- 26 vi) the chief law enforcement officer of the place in which the deceased is  
believed to have died;
- vii) any beneficiary under a policy of insurance issued on the life of the  
deceased;

viii) the insurer who issued such a policy of insurance;

ix) persons whom the Coroner believes may have been present at the place where the deceased died at or near the time of her death;

x) any person whose act or omission or that of his agent may, in the opinion of the Coroner, have caused or contributed to the death of the deceased; and

xi) any other person who, in the opinion of the coroner, is a person especially interested in the matter before the Inquest.

(h) Persons especially interested in the matter before the Inquest are asked to forward to Counsel Assisting a brief summary of the subjects about which they believe each witness should be questioned, as well as the reason for which they believe that witness may have first-hand knowledge upon those subjects. They are asked to do so, if possible, no later than August 1, 2011. Lists of questions are not to be submitted.

(j) An coroner's inquest is not an adversarial, adjudicative, or administrative proceeding. A coroner is not a judge or a State agency. Therefore reference shall not be had to rules of judicial procedure for courts of law, nor to the Chief Administrative Law Judge's Model Rules of Procedure. The duty of a coroner and of a coroner's jury is limited into opining as to the circumstances surrounding a death, based primarily upon evidence ascertainable upon the body of the deceased and at the scene of death.

(k) Neither the coroner nor his jurors are homicide detectives. An inquest is narrower in scope than a police investigation. A coroner's inquest reaches its determination based primarily upon evidence found on, or in the vicinity of, the body of the deceased.

## 2. Rules of Evidence

(a) An Inquest is an investigation, not a trial. Strict legal rules of evidence shall not be followed. Nonetheless, the Coroner intends to look to the Washington Rules of Evidence and to RCW 34.05.452 for guidance, when, as, and to the extent that they are appropriate.

1 (b) Experts may be permitted to offer opinion testimony, within their respective  
2 areas of expertise. Witnesses other than those determined by the Coroner to be  
3 experts in disciplines relevant to the Inquest will not be asked or permitted to offer  
4 opinion testimony.

5 (c) Hearsay evidence will be admitted in instances where the evidence is of  
6 sufficient trustworthiness that a reasonable person might take it into account for  
7 purposes of ordering his important business affairs.

8 (d) Evidence which is unduly repetitious will not be permitted to be given.

9 (e) The jurors shall be encouraged to reach a unanimous determination.  
10 However, if the jurors ultimately are not able to reach a unanimous determination they  
11 shall be permitted to return a determination by majority vote.

12 (f) Should the coroner's jury be able to determine that a preponderance of the  
13 evidence indicates a cause and manner of death, it shall be asked in open court to  
14 state such cause and manner of death.

15 i) In the event that the coroner's jury determines death to have been by  
16 homicide, it then shall be asked to retire once more and to determine whether,  
17 upon a preponderance of the evidence, it can identify the person or persons who  
18 killed the deceased.

19 ii) If upon its return the jury then advises the coroner that it can do so, the  
20 jury shall be asked in open court to name such person or persons.

### 21 **3. Mode of Examination of Witnesses**

22 (a) All witnesses shall testify under oath or affirmation to tell the truth. The oath  
23 or affirmation shall be administered by a person legally qualified to do so.

24 (b) Witnesses will be examined by the Coroner or by Counsel Assisting.  
25 Persons especially interested in the matter before the Inquest also may submit  
26 questions in writing, which the Coroner may, in his discretion, put, or have Counsel  
Assisting put, to each witness. Coroner's Jurors then may submit questions in writing,  
which the Coroner may, in his discretion, put or have put to each witness.

(c) No other or further examination of witnesses shall be permitted.

1 (d) Unless otherwise expressly permitted by the Coroner for cause, each  
2 witness shall be asked a series of direct and non-leading questions designed to enable  
3 that witness to present testimony pertinent to the purposes of the Inquest. Witnesses  
4 shall not be cross examined except when found by the Coroner to be evasive or hostile.

5 (e) Witnesses whose ordinary residence or place of business is more than 500  
6 miles from the City of Chehalis may be permitted to testify telephonically or through  
7 other electronic means.

#### 8 **4. Self-incrimination and Other Testimonial Privileges**

9 (a) A witness believing himself to be privileged from appearing and testifying  
10 before the Inquest may move, orally or in writing, personally or through counsel, when  
11 actually called to the stand or in advance of the Inquest, for any subpoena served upon  
12 that witness to be quashed.

13 (b) Where possible, such motions should be filed in writing and not less than 21  
14 days prior to the date scheduled for the witness to testify. The Motion shall be filed with  
15 the Office of the Lewis County Coroner and served upon Counsel Assisting. The  
16 Coroner or Counsel Assisting shall cause copies of any such Motion to be mailed  
17 forthwith to persons especially interested in the matter before the Inquest, or to their  
18 counsel of record in the Inquest.

19 (c) The Coroner shall set a date for the determination of such Motions. He shall  
20 give at least 10 calendar days' notice thereof to the moving party and to persons  
21 especially interested in the matter before the Inquest, or their counsel of record, who  
22 may file briefs in opposition to such Motions. All such briefs shall be filed with the  
23 Office of the Lewis County Coroner and served upon Counsel Assisting no later than  
24 five calendar days prior to such date. Determinations ordinarily shall be made without  
25 oral argument.

#### 26 **5. Inquest Schedule and Record**

(a) The Inquest shall be held in Chehalis. It shall commence with the selection  
of a coroner's jury in the manner provided by law. The jury shall consist of five jurors  
and two alternate jurors. All seven shall sit together and hear the evidence. At the

1 close of evidence five of the seven shall be selected randomly in open court. The five  
2 jurors alone shall be instructed by the Coroner, retire, deliberate, and deliver their  
3 determination to the Coroner.

4 (b) The inquest schedule shall be determined to accommodate the likely volume  
5 of testimony and other evidence.

6 (c) All sessions shall be open to the public, including the news media. The  
7 records and proceedings of the Inquest shall be deemed to be documents subject to  
8 the provisions of the Public Records Act. Media organizations desiring video of the  
9 Inquest's proceedings shall arrange for pool coverage, which shall utilize a single video  
10 camera. Flash photography and photographic flood lights shall not be allowed in the  
11 hearing room. Still or video photography of jurors is prohibited.

12 (d) No person, by his appearance or conduct, shall distract participants in the  
13 proceedings or otherwise adversely affect the dignity and fairness of the Inquest.

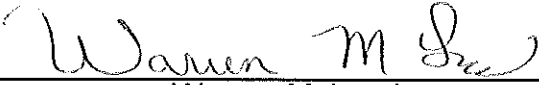
14 (e) An official audio recording of the Inquest shall be made.

#### 15 **6. Scope of Rules**

16 (a) These Rules shall be construed and administered to secure the just, speedy,  
17 and economical conduct of the Inquest.

18 (b) Nothing herein shall abridge the right of the Coroner to control the conduct of  
19 the Inquest.

20 **Dated July 7, 2011**

21   
22 Warren McLeod  
23 Lewis County Coroner  
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