

**Chapter 10.61 RCW
VERDICTS**

Sections

- 10.61.003 Degree offenses—Inferior degree—Attempt.
- 10.61.006 Other cases—Included offenses.
- 10.61.010 Conviction of lesser crime.
- 10.61.035 Conviction or acquittal—Several defendants.
- 10.61.060 Reconsideration of verdict.

Rules of court: *Verdicts—CrR 6.16.*

Former acquittal or conviction—Offense embraces other degrees and included offenses: RCW 10.43.020, 10.43.050.

RCW 10.61.003 Degree offenses—Inferior degree—Attempt. Upon an indictment or information for an offense consisting of different degrees, the jury may find the defendant not guilty of the degree charged in the indictment or information, and guilty of any degree inferior thereto, or of an attempt to commit the offense. [1891 c 28 s 75; Code 1881 s 1097; 1854 p 120 s 122; RRS s 2167. Formerly RCW 10.61.010, part.] [SLC-RO-11]

Where doubt as to degree, conviction of lowest: RCW 10.58.020.

RCW 10.61.006 Other cases—Included offenses. In all other cases the defendant may be found guilty of an offense the commission of which is necessarily included within that with which he or she is charged in the indictment or information. [2010 c 8 s 1055; 1891 c 28 s 76; Code 1881 s 1098; 1854 p 120 s 123; RRS s 2168. Formerly RCW 10.61.010, part.] [SLC-RO-11]

RCW 10.61.010 Conviction of lesser crime. Upon the trial of an indictment or information, the defendant may be convicted of the crime charged therein, or of a lesser degree of the same crime, or of an attempt to commit the crime so charged, or of an attempt to commit a lesser degree of the same crime. Whenever the jury shall find a verdict of guilty against a person so charged, they shall in their verdict specify the degree or attempt of which the accused is guilty. [1909 c 249 s 11; RRS s 2263. FORMER PARTS OF SECTION: (i) 1891 c 28 s 75; Code 1881 s 1097; 1854 p 120 s 122; RRS s 2167, now codified as RCW 10.61.003. (ii) 1891 c 28 s 76; Code 1881 s 1098; 1854 p 120 s 123; RRS s 2168, now codified as RCW 10.61.006.] [SLC-RO-11]

RCW 10.61.035 Conviction or acquittal—Several defendants. Upon an indictment or information against several defendants any one or more may be convicted or acquitted. [1891 c 28 s 37; Code 1881 s 1022; 1873 p 228 s 205; 1869 p 243 s 200; RRS s 2073. Formerly RCW 10.61.030, part.]

Rules of court: *This section superseded in part by CrR 6.16. See comment after CrR 6.16.*

Discharging defendant to give evidence: RCW 10.46.110.

RCW 10.61.060 Reconsideration of verdict. When there is a verdict of conviction in which it appears to the court that the jury have mistaken the law, the court may explain the reason for that opinion, and direct the jury to reconsider the verdict; and if after such reconsideration they return the same verdict it must be entered, but it shall be good cause for new trial. When there is a verdict of acquittal the court cannot require the jury to reconsider it. [1891 c 28 s 78; Code 1881 s 1100; 1873 p 239 s 261; 1854 p 121 s 125; RRS s 2170.]