

Six Year Old Elma Boy Dies from Gunshot

Local News

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ELMA, Wash. - Six year old Jacob L. Banks, Elma, died at about 8:44 PM last night at Harborview Medical Center in Seattle from a gunshot wound he sustained at his home on August 10.

Investigators say the boy was shot in the head by his eight year old brother. The boys had apparently gained access to a .45 caliber pistol kept in the house as the children's mother slept on the living room couch with her year old toddler.

Deputies and Paramedics were called to the Star Lake residence at about 11:30 AM on August 10. Deputies were initially told by the eight year old brother that the victim had been playing with the weapon and had accidentally shot himself. After investigators analyzed forensic evidence at the scene and interviewed the eight year old brother, they were able to conclude the shot actually had been fired by the victim's brother.

Investigators are continuing the investigation in an attempt to determine just how the boys gained access to the weapon and what exactly led up to the shooting. Investigators say when the investigation is complete it will be forwarded to the Mason County Prosecuting Attorney for review. Criminal charges against the victim's brother are unlikely. Washington State law says in part "Children under the age of eight years are incapable of committing crime. Children of eight and under twelve years of age are presumed to be incapable of committing crime, but this presumption may be removed by proof that they have sufficient capacity to understand the act or neglect, and to know that it was wrong."

An autopsy is expected to be performed by the King County Medical Examiners Office today or tomorrow. This investigation is expected to take a few weeks to complete.