

# Class 6

Criminal Law

# Felony Murder Rule

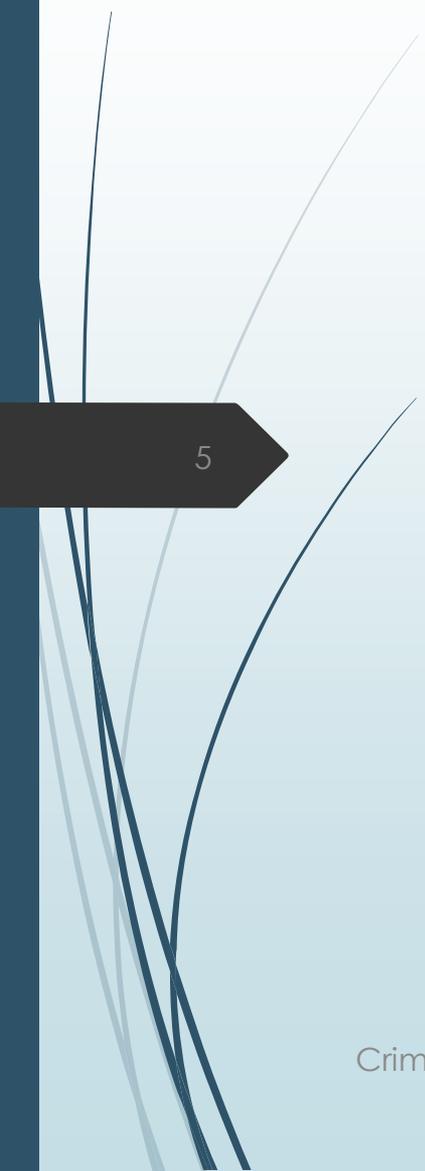
- Elements:
  1. In the course or continuance of committing a violent felony (BRAKES)
  2. a death is caused in **furtherance of the felony being committed**
  3. that was a **foreseeable** result of the felony
- Possible Defense: “I didn’t realize the felony would turn dangerous” as long as that belief was reasonable
- Note: The actual killing does not have to be committed by the defendant!
- The actus reus and mens rea of the felony itself is sufficient to cover the homicide as well!

# Felony Murder Rule (cont.)

- ▶ What if one of the felons dies?
  - ▶ **Agency rule:** The felony-murder rule exists because the murder is committed by an “agent” of the defendant when they’re working together to commit a felony; thus, felony-murder rule does not apply here
  - ▶ Other rule: As long as the death is a result of the felony, it makes no difference who actually dies.
- ▶ Other rules relevant to felony- murder:
  - ▶ The felony cannot be the actual cause of the death (e.g., an assault that leaves a person dead is not felony-murder)
  - ▶ If the actual killing was justifiable or excusable, the felony-murder rule does not apply.

# Voluntary Manslaughter

- ▶ **Intentional Killing with “heat of passion” used as mitigation**
- ▶ Elements (to reduce a charge from murder to manslaughter):
  1. provocation that would cause a reasonable person to lose control
  2. provocation did cause the defendant to lose control
  3. no “cooling off period” (again, reasonable person standard)
  4. Defendant did not cool off
- ▶ **What is sufficient provocation?**
  - ▶ finding spouse in the act of adultery
  - ▶ serious assault against defendant by victim
  - ▶ case by case determination
  - ▶ In some jurisdictions: Intent to inflict serious bodily harm (which leads to the death of the victim)



5

# QUIZ TIME!

# Lesser Forms of Homicide

- ▶ Involuntary Manslaughter
  - ▶ Criminal Recklessness or Criminal Negligence, depending on the jurisdiction
  - ▶ Examples:
    - ▶ Drunk Driving
    - ▶ Failing to provide medical care to a child
- ▶ Misdemeanor Manslaughter
- ▶ Criminally Negligent Homicide is applicable if the conduct causing the death was only negligent and not reckless (under some states' rules and under the Model Penal Code).