

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)**

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)