Felony Murder
Limitations

♦ Statutory Reform:
  – Enumeration of Felonies (i.e. murder statute lists the felonies that can serve as the basis for felony murder)
  – Agency (v. proximate cause) who committed the act of killing?)
  – Homicide victim is co-felon (who died?)

♦ Judicial Reform:
  – Abolition
  – Inherently Dangerous Felony
  – Merger
Agency v. Proximate Cause

♦ Agency: Liability only if the act of killing done by a co-felon or someone acting in concert with a co-felon.
  – Exception = “shield” cases.

♦ Proximate Cause: Liability attaches for any death proximately resulting from the unlawful activity.
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Abstract: Phillips
Facts of Case: Stewart
D’s
Voluntary Act

“But for” + Proximate
(cause in fact) + (legal cause)

Social Harm
People v. Arzon

☐ But for test not enough

☐ Obscure or merely probable connection is not enough

☐ Sufficiently direct cause (need not be the sole and exclusive factor)

☐ Ultimate harm should have been foreseen as reasonably related to the acts of the accused

☐ D. placed the deceased in a position where vulnerable to the separate & independent fires