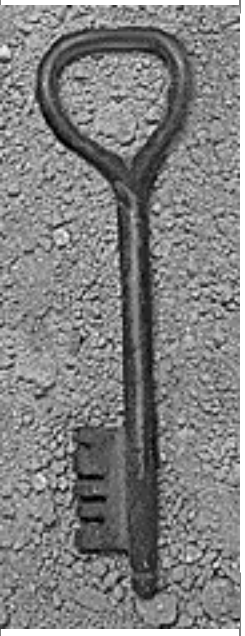
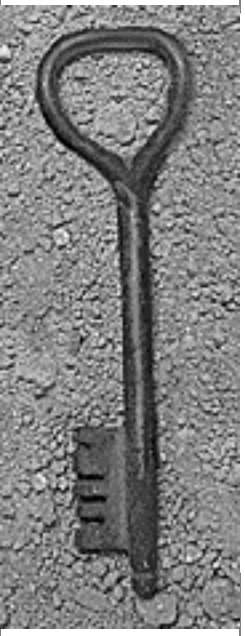


Felony Murder Limitations

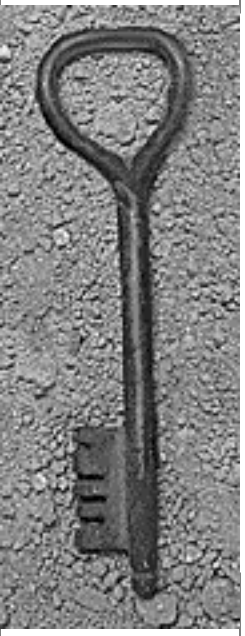
- Statutory Reform:
  - Enumeration of Felonies (i.e. murder statute lists the felonies that can serve as the basis for felony murder)
  - Agency (v. proximate cause) who committed the act of killing?)
  - Homicide victim is co-felon (who died?)
- Judicial Reform:
  - Abolition
  - Inherently Dangerous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



Agency v. Proximate Cause

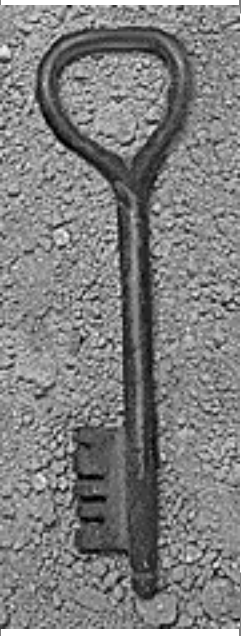
- Agency: Liability only if the act of killing done by a co-felon or someone acting in concert with a co-felon.
  - Exception = "shield" cases.

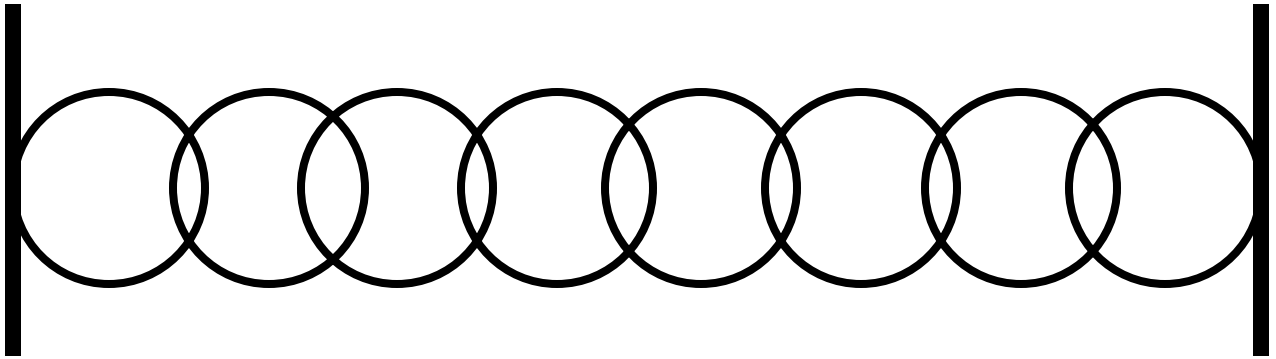
- Proximate Cause: Liability attaches for *any* death proximately resulting from the unlawful activity.



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
    - Abstract: Phillips
    - Facts of Case: Stewart
  - Merger



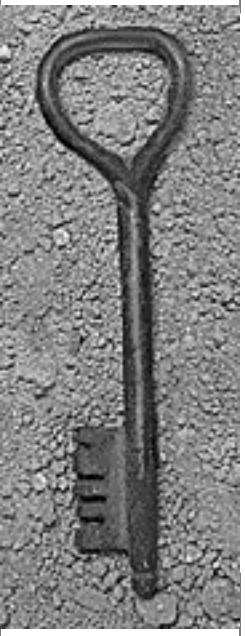


D's Voluntary Act

Social Harm

"But for" + Proximate

(cause in fact) + (legal cause)



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