**Introduction**

Murder is the intentional and unlawful killing of a human by another human with malice aforethought. The latter condition, “malice aforethought”, is what differentiates murder from manslaughter, so it is its key element when it comes to proof. However, it is also the most difficult thing to prove because it is a state of mind. Thus, in order to make things easier in that sense, Common Law created a doctrine called the “felony murder rule” that broadens the concept of crime. For instance, it is still used in the United States.

What is the felony murder rule and how does it actually apply ?

In order to respond to this question, we’re gonna first explain to you what the felony murder rule is, while focusing on the case of the United States (I). Then, we’ll present to you its limitations (II). Finally, we will illustrate this concept with an actual case (III).

**I/ The Felony murder rule**

**A/ Definition and its key components**

= when someone is killed during the commission of a dangerous crime (felony),

the offender and co-conspirators can be found guilty of murder

* the intent to kill is not needed

> powerful tool

**B/ Origins and actual state**

* England in 18th century by William Hawkins
* Currently, US is the last Common Law country to use it
* Abolitions in other countries and some states

**II/ The limitations of the felony murder rule**

**A/ Merger doctrine**

* The rule cannot apply if the crime can be considered as a criminal assault
* illustrates a will of still proving a guilty mind

**B/ Differences from a state to another**

* the list of felonies is not the same everywhere
* different punishments
* specific case of death penalty

The punishment can go up to death penalty but the person has to play a major part in the commission of the felony AND exhibits extreme indifference to human life (*Tison v Arizona 1987 )*

= interpretation of the 8th amendment by the Supreme Court

**C/ Critics**

* legal fiction
* unjust : people without intent to kill charged
* harsh sentences
* risk of inequalities

**III/ Illustration with the case of Ryan Holle (2004)**

Ryan Holle lends his car to friends that commits a felony and kill somebody, thus he’s found guilty of first degree murder