

TO: Deanna Gray, District Attorney
FROM: Examinee
DATE: February 27, 2024
RE: State v. Iris Logan

MEMORANDUM

You have asked me to analyze whether we can bring a robbery and/or felony-murder charge against Ms. Logan for the events that took place on January 17, 2024. For the reasons below, I believe we should bring a robbery charge but not a felony-murder charge.

I. We should charge Ms. Logan with robbery because Ms. Logan applied sufficient force against the victim when she pulled the purse from the victim's arm to constitute robbery.

Robbery is the intentional or knowing theft of property from the person or another by violence or putting the person in fear. Fr. Crim. Code Sec. 901 (see also Driscoll). Robbery is a felony. Fr. Crim. Code Sec. 901.

Robbery requires proof of four elements: (1) intentional or knowing nonconsensual taking of (2) money or other personal property (3) from the person or presence of another (4) by means of force, whether actual or constructive. Driscoll.

Here, Ms. Logan intentionally and knowingly took without consent the victim's purse from her. We know this, as the victim testified directly to it and an eye-witness bystander confirmed. The issue is whether Ms. Logan's application of force to the victim is sufficient to constitute robbery.

A. Ms. Logan applied sufficient force to constitute robbery.

Franklin case law has interpreted the statutory word of "violence" is coextensive with "force." Driscoll. The force necessary to constitute robbery is the posing of an immediate danger to the owner of the property. Driscoll (citing Schmidt).

The court held in Driscoll that the defendant was guilty of robbery because the force he applied against the victim to gain control over her property was sufficient use of force to constitute robbery. In Driscoll, the victim fought back by grabbing the defendant's arm, and the defendant responded by pushing her away. The push was sufficient to constitute robbery. Like the defendant in Driscoll, Ms. Logan applied enough force to gain control over the victim's property when she pulled the purse off the victim's arm.

The defense might argue that Ms. Logan's case is different than the defendant's case in Driscoll because the victim in Driscoll fought back against the defendant, creating a struggle between the defendant and the victim. The court in Driscoll emphasizes that a "struggle with [the victim] for control over the [property] was sufficient use of force of constitute robbery..." In other words, it is not the physical action that courts look at but rather the struggle itself.

Here, the victim has testified that she relinquished her property and did not fight back at all. Further, the victim testified that she was not in fear of the Ms. Logan. While this argument is compelling, Ms. Logan did apply force to the victim when Ms. Logan pulled the purse off the victim's arm. Indeed, she applied such force that she actually injured the victim.

Therefore, we should charge Ms. Logan with robbery.

II. We may fail on the felony-murder charge because the malfunctioning lights may be a superseding event that destroys the causal chain required for legal cause.

First-degree felony murder is a killing of another committed during the perpetration of, attempt to perpetrate, or immediate flight from the perpetration of or attempt to perpetrate any first-degree murder or robbery. Fr. Crim. Code. Sec. 970. Crucially, this definition expressly includes death occurring while the felon is fleeing from the commission of the felony. Clark, Finch.

As established above, we can likely establish that Ms. Logan committed robbery.

A. The killing of Mr. Stewart occurred before Ms. Logan had reached a temporary place of safety and, therefore, occurred while she was fleeing the crime.

Even if it is clear beyond a reasonable question that the crime was completed before the killing, the felony-murder rule still applies if the killing occurs during defendant's flight. Clark. In assessing whether a defendant is still engaged in fleeing from the felony, it is critical to determine whether the fleeing felon has reached "a place of temporary safety." Clark.

Ms. Logan's accomplice, Jeremy Stewart, was killed while the two were in the car after the commission of the felony.

The court in Clark held that the defendant was guilty of felony-murder because she had just completed the crime, was driving away from the scene of the crime, and had thus not yet reached a place of safety after fleeing the crime. Compare this to Lowery, where the court held that the defendant was not guilty of felony-murder because the defendant had already reached his home when the death occurred.

Like the defendant in Clark, Ms. Logan had just completed the crime, was driving away from the scene of the crime, and had not yet reached a place of safety, such as her home. She was still in Mr. Stewart's car.

Therefore, the killing of Mr. Stewart occurred while Ms. Logan was fleeing after the commission of the robbery.

B. The malfunctioning of the traffic lights is likely a superseding event that destroys the causal chain required for legal cause.

We must also be able to prove cause in fact and legal cause. Finch. Cause in fact by proving that but for the acts of the defendant, the death would not have occurred. Finch. Legal cause requires that the death be a type that the reasonable person can foresee as a likely result of that person's felonious conduct. Finch. The intent behind the felony-murder doctrine would be thwarted if felons were not held responsible for the foreseeable consequences of their actions. Finch (citing Lamb).

We can establish that but for Ms. Logan's acts of committing the robbery and then fleeing, Mr. Stewart's death would not have occurred. However, it is more difficult to prove legal cause in this case. On the day in question, the traffic lights at the intersection where the collision occurred were malfunctioning and were green in all directions. The lights had always worked properly before.

Legal cause can be interrupted by a superseding event that breaks the chain of proximate causation and will supplant the defendant's conduct as the legal cause of death. Finch (citing Craig v. Bottoms). The elements necessary to demonstrate a superseding cause are (1) the harmful effects of the superseding cause must have occurred after the original criminal acts, (2) the superseding cause must not have been brought about by the original criminal acts, (3) the superseding cause must have actively worked to bring about a result that would not have followed from the original criminal acts, and (4) the superseding cause must not have been reasonably foreseen by the defendant. Finch.

i. The harmful effects of the malfunctioning lights occurred after the robbery.

The responding officer testified that she saw the lights were malfunctioning when she arrived at the collision, proving that the harmful effect of the malfunctioning lights occurred after the robbery. This factor weighs in favor of a superseding event.

ii. The robbery did not cause the malfunctioning lights.

While not impossible that Ms. Logan and Mr. Stewart had something to do with the malfunctioning lights, it is highly unlikely. This factor weighs in favor of a superseding event.

iii. The malfunctioning lights actively worked to bring about a result that would not have followed from a robbery.

While one might foresee a result of a getaway chase from a robbery, the malfunctioning lights were not brought about by the robbery. This factor weighs in favor of a superseding event.

iv. The malfunctioning lights was not reasonably foreseeable by Ms. Logan.

Citing the holdings of sister courts, the Franklin Supreme Court has held that grossly negligent or reckless conduct is sufficiently unforeseeable to supersede a felon's initial causal responsibility. Finch (see also Knowles, Johnson). Regular negligence, however, is foreseeable.

Here, there is no indication that gross negligence caused the lights to malfunction. It is difficult to conclude that there was any kind of negligence, as the lights had been inspected recently, and there had been no complaints or reports about the malfunctioning traffic lights.

The court in Finch held that the defendant was guilty of felony-murder because a security guard's intervention in the crime was reasonably foreseeable. Unlike Finch, it is not reasonably foreseeable that traffic lights that have worked properly before would fail suddenly on the day of the crime, causing an accident. This is particularly true as it appears that neither party involved in the collision was speeding or driving recklessly. This factor weighs in favor of a superseding event.

Therefore, we likely lose as we cannot prove legal cause due to the malfunctioning traffic lights.

CONCLUSION

We can likely prove that Ms. Logan committed robbery because Ms. Logan applied such force to the victim that the victim was injured from the robbery. However, we likely cannot prove felony-murder as the malfunctioning of the traffic lights constitute a superseding event that was not foreseeable to the defendant before the commission of the crime.

MEMORANDUM

To: Deanna Gray
From: Examinee
Date: Feb 27, 2024
Re: State v. Iris Logan

This legal memorandum aims to address whether there is sufficient evidence to charge Iris Logan of robbery and felony murder. Pursuant to the charging policy of our office, this memorandum will assess the strength of the evidence for each element of the crimes of robbery and felony murder. This memorandum will also address the possible defenses Ms. Logan may raise in her defense to robbery and felony murder.

I. Issue Presented: The first issue this memorandum will address is the strength of the evidence to charge Ms. Logan with felony robbery under the Franklin criminal code § 901. Specifically, this section will assess whether there is sufficient evidence to demonstrate Ms. Logan used sufficient force to amount to "violence" to constitute robbery.

Analysis:

Robbery is defined as "the intentional or knowing theft of property from the person of another by violence or putting the person in fear." See Fr. Crim. Code § 901. There are four elements that need to be proved in order to properly charge Ms. Logan of robbery: 1) intentional or knowing nonconsensual taking of 2) money or other personal property 3) from the person or presence of another 4) by means of force, whether actual or constructive. See *State v. Driscoll* (Fr. Ct. 2019).

First, there is sufficient evidence to demonstrate that Ms. Logan knowingly or intentionally took property from the victim, Ms. Owens, on January 17th, 2024. Ms. Owens testified that a woman's voice demanded that Ms. Owens hand over her purse. The demand for the purse demonstrates the speaker intentionally or knowingly wanted to get control over the purse. There is sufficient evidence that also demonstrates that the voice that demanded the purse came from Ms. Logan. The testimony from a bystander described the woman who grabbed the purse from Ms. Owens as a white, medium

height, skinny woman with blonde hair. The bystander also testified she was wearing jeans and a gray T-shirt. This description matches Ms. Logan's on the day the police apprehended her. Therefore, there is sufficient evidence that the voice that demanded the purse was Ms. Logan.

Second, the property that Ms. Logan took was property that belonged to Ms. Owens. This is sufficiently supported by the fact that Ms. Owens testified that her purse was taken from her when she was on the street. Additionally, Officer Torres observed the driver in the green sedan, the car Ms. Logan was found in, throw out an object. Later it was determined the object with Ms. Owen's purse.

Third, there is sufficient evidence that Ms. Logan took the property from Ms. Owen's persons because Ms. Owens testified that the woman pulled it off her body, causing Ms. Owen's arm to get twisted in the purse. This is sufficient to prove that the purse was taken from Ms. Owen's person.

Given the testimony, there is sufficient evidence to establish the first three elements of robbery. However, the last element that requires the defendant to take the property by force or putting the person in fear is the element that Ms. Logan will likely contest.

Sufficient force

The last element of robbery is that the defendant took the property through use violence or putting the person in fear. In *Driscoll*, the Franklin Court of Appeals stated that "for purposes of defining robbery, violence is coextensive with force." Therefore, the amount of force necessary to constitute a robbery is the posing of "immediate danger to the owner of the property." See *State v. Schmidt*.

Ms. Logan will likely assert that her actions of demanding the purse from Ms. Owens was not sufficient enough to arise to the level of force required under the elements of robbery. Instead, Ms. Logan may argue that her actions only amounted to theft, not robbery.

The Court in *Driscoll* noted that the distinction between theft and robbery rests on the use of "force or threat of physical harm." The force must put the victim in immediate danger which can be demonstrated by putting the victim in "fear or by bodily injury to the victim." Ms. Logan will assert

that she did not put Ms. Owens in fear of bodily injury, nor did Ms. Logan intend to hurt Ms. Owens. Additionally, Ms. Logan may argue any injury Ms. Owens suffered was slight.

However, there may be sufficient evidence to find that Ms. Logan used sufficient amount of force to take Ms. Owen's purse.

Lack of fear

First, it should be noted that Ms. Owens stated in her testimony that she was not afraid of Ms. Logan. Ms. Owens wasn't aware whether the woman had a weapon, and instead "just wanted to give her [the] purse and be done with her." This indicates that Ms. Logan did not put Ms. Owens in fear of bodily injury as required for the sufficient level of force to constitute "violence" under the criminal code.

Although Ms. Owens stated she did not fear, it's possible that a jury may still find that Ms. Logan's actions amounted to put the victim in fear of imminent bodily harm because a threat on the street to hand over a purse is a threatening statement in itself. However, this rests on circumstantial evidence.

Bodily injury

The court in *Driscoll* has recognized that immediate danger can be demonstrated by "bodily injury to the victim." Here, Ms. Owen's testimony states that she sprained her wrist when it got twisted up in the bag when Ms. Logan took it from her. The sprained wrist alone may be enough to constitute bodily injury from the nonconsensual taking. The court in *Driscoll* found that the defendant's actions of pushing the victim away when he took her laptop was sufficient to amount to "force" needed for a robbery charge even though the defendant did not suffer any physical injuries. Here, the facts indicate that the victim, Ms. Owens, did suffer physical injuries but likely was put in fear of imminent harm.

Conclusion: In conclusions, there is likely sufficient evidence to charge Ms. Logan of robbery. Although Ms. Logan will raise the defense that she did not use violence or put the victim in fear of imminent harm, there is evidence that the victim suffered physical bodily injury as a result of the robbery, because she sprained her wrist when the purse was taken.

II. Issues presented: This section address whether there is sufficient evidence for Ms. Logan to be charged with felony murder. There are two defenses that Ms. Logan will likely assert. First, that the killing did not occur during or in immediate flight of the felony. Second, the casual chain of liability was cut off by the superseding acts of the malfunctioning intersection light and the fact that Mr. Steward did not wear a seat belt.

Elements of Felony

Felony murder is defined as 1) the killing of another 2) committed during the perpetration of, attempt to perpetrate, or immediate flight 3) of a specified crime, such as robbery. Thus, felony murder includes a killing when the felon is fleeing from the commission of the felony.

Here, the death of Mr. Steward occurred after Ms. Logan robbed the purse from Ms. Owens. Ms. Logan and Mr. Steward were in the car at the time of the car accident, that killed Mr. Steward. (Next section will discuss the causation of Mr. Steward's death). Ms. Logan will likely raise the defense that the death of Mr. Steward occurred after the commission of the felony and not when the defendant was fleeing the scene.

In the case, *State v. Clark*, the court of appeals recognize that felony murder extends liability to killings occurring "in immediate flight from the felony." Central to the question of whether the defendant was fleeing from the felony is whether the felon has "reached a place of temporary safety." *Id.* Similar to the facts in *Clark*, Ms. Logan was in a car driving away from the scene of the robbery. The court in *Clark* held that the defendant, while driving away from the completed burglary, was on her way to place of temporary safety, and therefore had not reached a place of safety. *Id.* The defendant in *Clark* was not driving recklessly nor was the defendant driving away from a police chase when the defendant hit and killed the victim. Nevertheless, the court determined the defendant in *Clark* was driving and had not reached a place of safety yet, therefore, the defendant was still fleeing from the felony.

The facts in Ms. Logan's case are quite similar to the facts in *Clark*. Although evidence suggests that the car that Ms. Logan was in was not driving over the speed limit, a defendant does not need to be found driving recklessly to be held "fleeing from a felony." Additionally, because there was a police

announcement to be on the look out for the defendant on the street, the defendant was not in a place of safety while she was in the car driving away.

Thus, it's likely there is sufficient evidence that Ms. Logan was not at the place of safety when driving. In conclusion, Ms. Logan was still "fleeing" the scene of the felony when the death occurred, and felony liability can be extended.

Causation - Superseding Acts

A defendant can be charged with felony murder when the defendant's "actions in the course of committing or fleeing from certain felonies were the cause of the death." Under the causation analysis, there is both cause in fact and legal cause. *See State v. Finch*. Cause in fact is "but-for" causation, which requires but for the defendant's act, the person would not have died. This type of causation is often easily established. The second type of causation, legal cause, puts a limit to causation. Legal causation limits liability only to deaths that a "reasonable person would see is likely a result of that person's felonious conduct." *Finch*.

Ms. Logan will likely argue that her fleeing the scene of the felony (robbery) was not the legal cause because it was not reasonable foreseeable that Mr. Stewart would have died in the car accident. First, Ms. Logan would likely argue that the malfunctioning of the intersection lights were a superseding cause that caused Mr. Stewart's death, rather than the act of fleeing the felony.

Superseding causes break the causal chain of liability if the following four factors are met: 1) the harmful effects of the superseding cause must have occurred after the original criminal acts, 2) the superseding cause must not have been brought about by the original criminal acts, 3) the superseding cause must have actively worked to bring about a result that would not have followed from the original criminal acts and 4) the superseding cause must not have been reasonably foreseen by the defendant.

Malfunctioning of the lights

Here, Ms. Logan would argue the malfunctioning of the lights constitute a superseding cause. The evidence demonstrates that the sedan that Ms. Logan and Mr. Stewart were in crashed at the intersection with an SUV because the lights malfunctioned, and all the lights in the intersection were green.

Under the first factor, the malfunctioning lights did occur after the original criminal act of robbing Ms. Owens on the street. Secondly, the malfunctioning of the lights were not brought about the original criminal acts. The felony was a robbery, and there is not evidence suggesting the robbery caused the intersection lights to malfunction. Thirdly, the malfunctioning of the lights actively worked to bring about the results of the car accident that did not follow from the criminal acts.

It is also possible that it was not reasonably foreseeable by Ms. Logan that the intersection lights would have malfunctioned causing an accident. However, it could be argued that it is foreseeable that fleeing a scene would result in a car accident. Although there is no evidence demonstrating that the sedan was speeding, it's foreseeable that at some point in fleeing a crime, the driver of the car would need to drive recklessly.

Seat belt

In addition to asserting the lights were the superseding cause, Ms. Logan can also argue that Mr. Stewart failure to put his seat belt on was the superseding cause to his death, not fleeing the felony.

the Court in *Finch* noted that gross negligence and reckless conduct is unforeseeable and constitute a superseding act that cuts off liability. Ms. Logan likely can assert that the co-felon's failure to wear a seat belt constitutes reckless or gross negligence. However, there needs to be more evidence of an autopsy report that expressly points to the cause of death was because the co-felon was not wearing a seat belt.

However, this argument is not as strong as the malfunctioning of the lights. It's foreseeable that fleeing a crime scene would result in members in the car to be in a hurry and forget to put their seat belt on. Therefore, it's possible that there is sufficient evidence to suggest that Ms. Logan should have foreseen that her co-felon would not wear a seat belt.

Conclusion

In conclusion, there is sufficient evidence for this office to prosecute Ms. Logan for robbery. However, there may be difficulty prosecuting Ms. Logan for felony murder because her liability is limited by the superseding acts of the malfunctioning light and the victim's failure to wear a seat belt.