

Exorcising the Phantom of Felony Murder  
*People v. Aaron, People v. Thompson, People v. Wright* (1980)  
409 Mich. 672

Commonly referred to as *People v. Aaron*, this is actually a grouping of three cases coming from ~~the~~ Michigan Courts of Appeals. In the original *People v. Aaron*, Stephen Aaron was convicted of first-degree murder for a homicide committed during the perpetration of an armed robbery. In *People v. Thompson*, Robert Thompson was convicted of the same crime in the same circumstances. In *People v. Wright*, Jesse Wright was convicted of two counts of first-degree murder ~~for the death of two people killed in a fire that he set, during the perpetration of arson, as two people were killed in a fire that he set.~~

In each ~~of these~~ cases, juries at the trial court level were instructed that someone who commits a homicide while perpetrating another felony can be charged with murder. Normally a murder charge requires proof of malice, known as the intent to kill or inflict great bodily harm, or proof that the perpetrator acted with “wanton and willful disregard of the likelihood that the natural tendency of his behavior was to cause death or great bodily harm.” But under the common-law doctrine of “felony murder,” proof of malice is satisfied by proof of intent to commit the underlying felony.

Each of the trial courts found the defendants guilty of murder. In the Courts of Appeals, the verdict in *Aaron* was upheld, but the other two verdicts were reversed and remanded for new trials. All three of the cases were appealed to the Michigan Supreme Court, where, in an opinion written by Justice Fitzgerald, the court unanimously decided to no longer recognize the doctrine of felony murder, sending all three cases back to trial. ~~In Fitzgerald’s opinion, the Court~~ The Court decided that it was time to stop recognizing intent to commit a lesser felony as intent to kill or cause great bodily harm. Due to *People v. Aaron*, prosecutors must now prove either malice or wanton disregard in order to bring murder charges.

Justice Ryan concurred in part and dissented in part. While he agreed that the felony murder doctrine should not exist, he disagreed with the Supreme Court’s assumption that it did exist in Michigan before the *Aaron* case. His opinion was that *if* felony murder existed as a doctrine, it no longer shall, but unlike the majority of the Court he refused to make a claim as to whether felony murder was ever legitimate. Ryan also recognized that the Michigan Courts of Appeals had disagreed on this same issue, as some recognized felony murder while others did not. Indeed, the judges ~~who that~~ heard the initial *Aaron* case ruled in favor of felony murder, while those hearing *Thompson* and *Wright* ruled against it.

Going one step further, Justice Williams also wrote an opinion that concurred in part with Fitzgerald. Like the others, Williams supports the destruction of the felony murder doctrine, but unlike Fitzgerald and Ryan, he believes that it never legitimately existed in the first place. He thinks that the recognition of felony murder in Michigan must have resulted from a misreading of the original statute, which stated that “all murder which” is perpetrated during a felony “shall be murder of the first degree,” not that all *homicide* perpetrated during a felony shall be first degree murder.