February 2024
MPT-1 Item

State of Franklin v. Iris Logan

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FILE

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OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF HAMILTON
805 Second Avenue
Centralia, Franklin 33705

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

Iris Logan is in pretrial custody in the Centralia City Detention Facility. She was arrested on January 17, 2024, and charged with robbery and felony murder. A preliminary hearing was held on January 26. At the conclusion of the preliminary hearing, the judge found probable cause to believe that both crimes had occurred and that Ms. Logan had committed those offenses. Consequently the judge bound her case over to the Hamilton County Grand Jury.

As District Attorney, I now have to decide whether to seek an indictment on each of the charges. Under Franklin law, the District Attorney has the discretion whether to proceed with charges, even when probable cause has been found by the judge.

I need you to draft a memorandum evaluating whether we should charge Iris Logan with robbery and with felony murder. Your memorandum should assess the strength of each charge and any possible arguments that Ms. Logan may raise in response. As a matter of charging policy, our office does not over-charge in cases where the evidence is weak, and so I want to make sure that we are charging consistently with our policy.

Do not write a separate statement of facts, but be sure to integrate the facts into your legal analysis.

TRANSCRIPT OF "BE ON THE LOOKOUT" (BOLO) NOTIFICATION

The following is a verbatim transcript of the BOLO issued at 5:25 p.m. on January 17, 2024, by the dispatcher of the Centralia Police Department:

> Attention, all vehicles and officers. There has been a report of a purse snatching in the vicinity of Broadway and 8th Avenue, in Centralia, Franklin. This purse snatching has resulted in bodily injury to the victim. The suspect is a white female approximately five feet six inches tall, of thin build with blonde hair. She was wearing dark jeans and a gray T-shirt. There may be a male accomplice, although we have no description of him. Proceed with caution. Please be on the lookout for the suspect. Also, please respond if you are in the vicinity.

Excerpts from Preliminary Hearing in State v. Logan, January 26, 2024

Direct Examination of Tara Owens by District Attorney Deanna Gray

Q: Ms. Owens, I'd like to ask you a few questions about the events late in the afternoon on Wednesday, January 17, 2024. What happened on that date?

A: I was running my errands and was walking down the street on Broadway, near 8th Avenue, here in Centralia. And suddenly I felt someone grab my purse from behind.

Q: Did you try to stop the person?

A: No, I learned long ago: Money is hardly worth getting hurt over. I just let the person have it.

Q: Did the person who took your purse threaten you?

A: I heard a voice say, "Let me have that purse." And so I did—I let her have the purse.

Q: You are saying "her." Was it a woman who took the purse?

A: Yes. It was a woman's voice. I didn't see her because she was behind me. But I screamed for help. I later heard that a bystander saw the woman and gave her description to the police.

Q: Were you injured?

A: I sprained my wrist when she pulled the purse off my arm. It was a shoulder bag, so even though I didn't fight, I got twisted up getting the bag off my shoulder and giving it to her.

Q: Were you in fear of the woman who was taking your purse?

A: Not really . . . I didn't know whether she had a weapon. I just wanted to give her my purse and be done with her. But then my arm hurt really bad when it got twisted.

Q: And this all happened in the City of Centralia, County of Hamilton, State of Franklin?

A: Yes.

* * *

Direct Examination of Jed Rogers by District Attorney Deanna Gray

Q: Mr. Rogers, I draw your attention to the events late in the afternoon on January 17, 2024, at the intersection of Broadway and 8th Avenue, in Centralia.

A: Yes, I remember. I saw a woman steal a purse from another woman.

Q: What exactly did you see?

A: I saw a woman who I now know to be Ms. Owens walking down Broadway. All of a sudden a woman ran up behind her and grabbed her purse.

Q: Could you give a description of the woman who grabbed the purse?

A: She was white, medium height, and skinny, with blonde hair. She was wearing jeans and a gray T-shirt.

Q: Was there anyone else with her?

A: I saw a man standing about 10 feet from her, but he had his back to me, so I can't tell you what he looked like or what he was wearing. I did see the woman hand the purse to the man before they ran away.

Q: Did you call the police?

A: Yes, I called 911. I told the operator what I had seen and gave a description of the woman who robbed Ms. Owens.

* * *

Direct Examination of Officer Maria Torres by District Attorney Deanna Gray

Q: Tell me what happened late in the afternoon on January 17, 2024.

A: I heard a "be on the lookout" notification that a woman had snatched a purse in the area of Broadway and 8th Avenue in Centralia. Since I was in the general area, I contacted the dispatcher with my location. I was told to proceed to Broadway and 8th Avenue. When I reached Broadway and 9th Avenue, I observed a woman matching the description of the BOLO and a man getting into a green sedan with the license plate number DDD555.

Q: Did you determine the ownership of the sedan?

A: Yes, I ran the license plate and learned that the sedan was registered to a Jeremy Stewart. The sedan did not show up as stolen.

Q: What did you do next?

A: I followed the sedan for a couple of miles to see if it did anything unusual. The sedan was traveling within the speed limit. About 10 minutes later, I saw the driver of the sedan throw an object onto the shoulder of the road. The sedan was traveling westbound on State Route 50. I activated the sirens and blue lights on my police cruiser. At that moment, the driver of the sedan was going through the intersection of State Route 50 and State Route 75. The sedan was immediately struck on the driver's side by an SUV crossing the same intersection, going northbound on State Route 75. The SUV came to a full stop. The sedan spun around and came to rest just past the intersection.

Q: What was the speed limit on State Route 50 at that point?

A: 45 miles per hour.

Q: Was that also the speed limit for State Route 75?

A: Yes, and it appeared that the SUV was traveling within the speed limit as it went through the intersection.

Q: What happened next?

A: I pulled over next to the sedan. I looked into the sedan and saw a man in the driver's seat who I later identified as Jeremy Stewart. He was not wearing a seat belt and was unresponsive. I called for an ambulance. The woman passenger, who I later determined to be Iris Logan, appeared to be minimally injured. She was wearing her seat belt. Ms. Logan immediately surrendered to me. I handcuffed her and locked her in the police cruiser while I attended to the two drivers.

Q: What did you do next?

A: The driver of the SUV was conscious and appeared to have minor injuries.

Q: Did you notice anything else?

A: I noticed that the traffic lights at that intersection were malfunctioning because they were green in all directions. This was really unfortunate. Those lights have always worked properly before.

Q: Do you know what happened to the driver of the SUV?

A: His name is Michael Curtis. He recovered from his injuries.

Q: Do you know what happened to Mr. Stewart, the driver of the sedan?

A: As I said, he wasn't wearing his seat belt. Sadly, he died from his injuries caused by the accident.

Q: Did you go back to find out what the driver had thrown out of the sedan?

A: I went back to the shoulder of the road, where I had seen Mr. Stewart throw something from the sedan. I found Ms. Owens's purse on the ground there.

Q: And this all happened in the State of Franklin, County of Hamilton, City of Centralia?

A: Yes.

* * *

Cross-Examination of Officer Maria Torres by Asst. Public Defender Victor Glenn

Q: Let's turn to the purse snatching. You were chasing Ms. Logan and the driver for a purse snatching, correct?

A: I was chasing her for a robbery.

Q: Purse snatching is how it came over the radio, correct?

A: Right, it came over as purse snatching.

Q: The dispatcher didn't use the word "robbery," is that correct?

A: The dispatcher did not use the word "robbery." I heard "purse snatching." And the BOLO mentioned an injury.

Q: And the injury to the victim of the purse snatching—you had no idea how severe it was, is that correct?

A: Yes, that is correct. I did not know the extent of the injury.

Q: So you had a purse snatching, with an injury of a degree you didn't know, and you made the decision to chase the sedan and to continue the pursuit?

A: Yes, that is correct.

* * *

STATE OF FRANKLIN, DEPARTMENT OF HIGHWAY SAFETY
MAINTENANCE RECORD
TRAFFIC LIGHTS

INTERSECTION OF STATE ROUTES 50 AND 75

There was a collision at the intersection of State Routes 50 and 75 in Hamilton County, Franklin, on January 17, 2024. An officer reported that the traffic lights at the intersection were malfunctioning. These lights had been inspected on December 1, 2023, and were in good working order. Until January 17, 2024, there had been no complaints or reports of malfunctioning of these traffic lights.

Immediately on receipt of the report of malfunction, a team was sent to the affected intersection to investigate the traffic lights. The team reported that the lights were green in all directions. The team immediately fixed the lights, and they are now in working order.

Submitted on January 18, 2024
Joanne McDaniel
Maintenance Supervisor
Franklin State Dept. of Highway Safety

FRANKLIN CRIMINAL CODE

§ 901 ROBBERY

Robbery is the intentional or knowing theft of property from the person of another by violence or putting the person in fear. Robbery is a felony.

§ 970 FIRST-DEGREE FELONY MURDER

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, act of terrorism, arson, rape, robbery, burglary, kidnapping, aggravated child abuse, aggravated child neglect, or aircraft piracy.

State v. Driscoll
Franklin Court of Appeal (2019)

Defendant Fred Driscoll appeals from his conviction for robbery. His sole argument on appeal is that his charged conduct—taking a laptop computer from a student in the library at Franklin State University—did not meet the statutory definition of robbery. We affirm.

Under Franklin law, robbery is defined as "the intentional or knowing theft of property from the person of another by violence or putting the person in fear." Fr. Crim. Code § 901. Driscoll does not contest that he had the state of mind or mens rea necessary for the crime. He concedes his intent or knowledge. But he does claim that he neither put the victim in fear nor used violence in the theft.

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. While the Franklin statute requires "violence," Franklin case law has clarified that, for purposes of defining robbery, "violence" is coextensive with "force." The force necessary to constitute robbery is the posing of an immediate danger to the owner of the property. *State v. Schmidt* (Fr. Ct. App. 2009). The immediacy of the danger can be demonstrated either by putting the victim in fear or by bodily injury to the victim. In sum, the distinction between theft and robbery is the use of force or threat of physical harm. Taking something stealthily without the owner's knowledge is simply theft, but shaking the owner or struggling with the owner while trying to take the item from the owner is robbery.

In this case, it was undisputed that the owner of the laptop tried to prevent Driscoll from taking her property. She grabbed his arm after he picked up her laptop, and he pushed her away. Although she was not injured, Driscoll's struggle with her for control over the laptop was sufficient use of force to constitute robbery under § 901 of the Franklin Criminal Code.

Affirmed.

State v. Clark
Franklin Court of Appeal (2007)

Defendant Sheila Clark appeals from her conviction for felony murder, claiming that she was no longer engaged in the burglary when the death occurred. We affirm the conviction.

On May 8, 2006, Clark burglarized a residence in Franklin City, Franklin. At approximately 9:00 p.m., she left the residence and was driving away from it when she hit a pedestrian who was crossing Elm Street. There was no evidence that Clark was driving recklessly. The pedestrian died of his injuries.

Clark claims that she was no longer engaged in the burglary at the time of the pedestrian's death and therefore the conviction for felony murder cannot be upheld. In her arguments she admits, as she must, that Franklin's definition of felony murder also includes death occurring while the felon is fleeing from commission of the felony. *See* Fr. Crim. Code § 970.

Even if it is clear beyond question that the crime was completed before the killing, the felony-murder rule still applies if the killing occurs during the defendant's flight. We note that Franklin's statute is consistent with those of many other states, which contain language extending liability for felony murder to deaths occurring "in immediate flight from" the felony. 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."

Here Clark had just completed the burglary and was on her way to a place of temporary safety. But she had not yet reached that place. Thus there was no break in the chain of events—she was still engaged in fleeing from the crime. This case is distinguishable from *State v. Lowery* (Fr. Sup. Ct. 1998) in which the defendant had robbed a store, left the store, and arrived at home when a police officer came to the front door to arrest him. The officer's gun went off, killing the defendant's wife. Because Lowery was no longer fleeing from the robbery at the time of the killing, the court concluded that he was not criminally responsible for the death of his wife under Fr. Crim. Code § 970.

For the foregoing reasons, the conviction is affirmed.

State v. Finch
Franklin Supreme Court (2008)

Defendant David Finch was convicted of attempted armed robbery and felony murder. The conviction was affirmed on appeal. We granted certiorari to determine the definition of "causation" in the context of our felony-murder statute, Fr. Crim. Code § 970. We affirm the conviction.

In the spring of 2006, Finch took part in a string of armed robberies with his colleague Martin Blanford. On April 12, the two attempted to rob a convenience store in Franklin City. Finch was unarmed, but Blanford was carrying a handgun. When they arrived at the convenience store, they demanded that the cashier give them the cash in the register. Unbeknownst to Finch and Blanford, the store's security guard had entered the store behind them. The security guard ultimately wrestled the gun from Blanford. In the struggle, the gun went off, and the bullet hit Blanford, killing him. Finch was charged with attempted armed robbery and felony murder for the death of Blanford. He was convicted of both charges. Finch now argues that he cannot be held liable for felony murder in connection with Blanford's death because the death was not caused by any action that Finch initiated.

In general, Franklin law provides that a defendant may be charged with felony murder when the defendant's actions in the course of committing, attempting to commit, or fleeing from certain felonies were the cause of the death. *See* Fr. Crim. Code § 970. The causation required by the felony-murder statute encompasses two distinct requirements: "cause in fact" and "legal cause" (sometimes referred to as "proximate cause").

Cause in fact: "Cause in fact" is commonly referred to as "but-for causation." In other words, but for the acts of the defendant, the death would not have resulted. While an essential prerequisite for culpability, "cause in fact" is not by itself sufficient to establish guilt. Indeed, "cause in fact" analysis alone would cast too large a net. Thus, "cause in fact" must be limited by proximate or "legal cause," which adds the requirement of foreseeability.

Legal cause: Under "legal cause," the relevant inquiry is whether the death is of a type that a reasonable person would see as a likely result of that person's felonious conduct. Foreseeability is added to the "cause in fact" requirement because it would be unfair to hold a defendant responsible for outcomes that were totally outside his

contemplation when committing the offense. Thus, it is consistent with reason and sound public policy to hold that when a felon's attempt to commit a forcible felony sets in motion a chain of events that were or should have been within his contemplation when the motion was initiated, he should be held responsible for any death that by direct and almost inevitable sequence results from the initial criminal act. Moreover, the intent behind the felony-murder doctrine would be thwarted if felons were not held responsible for the foreseeable consequences of their actions. *State v. Lamb* (Fr. Sup. Ct. 1985).

Superseding cause: Finch argues that the arrival of the security guard was an intervening independent cause that broke the causal chain between his actions in robbing the store and the death of his accomplice, Blanford, and therefore he should be relieved of criminal responsibility for the death. That is, the security guard's actions constitute an intervening event that became the superseding cause of Blanford's death. The factors 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. If all four elements are present, then the intervening cause is said to be a superseding cause that breaks the chain of proximate causation. Because the superseding cause therefore "supplants" the defendant's conduct as the legal cause of the death, the defendant is not legally responsible for the death. *See Craig v. Bottoms* (Fr. Sup. Ct. 1996).

Although this court has not had occasion to analyze superseding cause in the context of felony murder, cases from our sister jurisdiction offer guidance. In *State v. Knowles* (Olympia Sup. Ct. 2000), the Olympia Supreme Court held that "gross negligence will generally be considered a superseding cause but ordinary negligence will not be regarded as a superseding cause because ordinary negligence is reasonably foreseeable." In criminal jurisprudence, gross negligence means "wantonness and disregard of the consequences to others that may ensue."

In *Knowles*, the defendant committed an armed robbery during which the victim received two stab wounds. Although the victim was taken to a local hospital and received

medical care, she later died of an infection. It was subsequently learned that the surgeon who sutured the victim's wounds had been intoxicated at the time of the operation and had failed to properly disinfect the wounds or the instruments. The infection was a direct result of the surgeon's failure to follow disinfection procedures. The Olympia court held that the surgeon's intoxication constituted gross negligence and therefore was a superseding cause that broke the causal chain between the defendant's felonious acts and the death of the victim.

When a person engages in a dangerous felony, that person should foresee that others might be harmed and need medical care. However, while negligent medical care could be foreseen, gross negligence could not be. *See also State v. Johnson* (Olympia Ct. App. 1999) (physician's simple negligence in missing bullet fragment insufficient intervening act to break chain of causation). Therefore, in applying the fourth factor, grossly negligent or reckless conduct is sufficiently unforeseeable to supersede a felon's initial causal responsibility.

Applying the four factors above leads us to conclude that the security guard's actions were not a superseding cause of Blanford's death. It is true that, under the first factor, the guard's intervention occurred after Finch and Blanford entered the store. At the same time, under the second factor, their entry and their actions directly brought about the guard's intervention. It is also true that, under the third factor, the guard's intervention "actively worked to bring about" Blanford's death. However, under the fourth factor, a reasonable person would foresee that entering a store with a weapon, intending to rob it, would lead to the intervention of a security guard and the violence that ensued.

For these reasons, we conclude that the guard's intervention did not constitute a superseding cause. There is sufficient evidence to support Finch's felony-murder conviction.

Affirmed.

MULTISTATE PERFORMANCE TEST DIRECTIONS

You will be instructed when to begin and when to stop this test. Do not break the seal on this booklet until you are told to begin. This test is designed to evaluate your ability to handle a select number of legal authorities in the context of a factual problem involving a client.

The problem is set in the fictitious state of Franklin, in the fictitious Fifteenth Circuit of the United States. Columbia and Olympia are also fictitious states in the Fifteenth Circuit. In Franklin, the trial court of general jurisdiction is the District Court, the intermediate appellate court is the Court of Appeal, and the highest court is the Supreme Court.

You will have two kinds of materials with which to work: a File and a Library. The first document in the File is a memorandum containing the instructions for the task you are to complete. The other documents in the File contain factual information about your case and may include some facts that are not relevant.

The Library contains the legal authorities needed to complete the task and may also include some authorities that are not relevant. Any cases may be real, modified, or written solely for the purpose of this examination. If the cases appear familiar to you, do not assume that they are precisely the same as you have read before. Read them thoroughly, as if they all were new to you. You should assume that the cases were decided in the jurisdictions and on the dates shown. In citing cases from the Library, you may use abbreviations and omit page references.

Your response must be written in the answer book provided. If you are using a laptop computer to answer the questions, your jurisdiction will provide you with specific instructions. In answering this performance test, you should concentrate on the materials in the File and Library. What you have learned in law school and elsewhere provides the general background for analyzing the problem; the File and Library provide the specific materials with which you must work.

Although there are no restrictions on how you apportion your time, you should allocate approximately half your time to reading and digesting the materials and to organizing your answer before you begin writing it. You may make notes anywhere in the test materials; blank pages are provided at the end of the booklet. You may not tear pages from the question booklet.

Do not include your actual name anywhere in the work product required by the task memorandum.

This performance test will be graded on your responsiveness to the instructions regarding the task you are to complete, which are given to you in the first memorandum in the File, and on the content, thoroughness, and organization of your response.