Punishment: 

[1] Doctrine Mens Rea
Actus Reus

[2] Aiding and Abetting in Felony Murder – American Law:

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Definition terms and explanation Concepts:
[1] Doctrine Mens Rea
Actus Reus
No one can be charged with a crime
unless that individual has an evil motive - is aware that the his / her plans for action are against the law. In total disregard of the law with reckless abandon proceeds. He she recklessly
disregards all possible contingencies and developments that their action will violate the law. The persons willfully and knowingly has his/her action trump all laws. Unless the prosecution can
prove such an attitude no one can be convicted. There exists an exception. The legislator can designate certain very well defined instances where there exists strict liability. Even
though there exists very limited Mens Rea and or Actus Reus the violator can be convicted.

Not knowing what the law is is no defense. Even if one inquires from a professional in
that area of law receives an erroneous answer, nevertheless that is not a defense, in some jurisdictions. However Federal law including Tax law inquiring from a CPA or tax attorney receiving
the wrong advice about the law and relying upon such advice is a defense.

[2] Felony is a crime that penalizes with a prison sentence of more than one year and possibly a fine.
[3] Misdemeanor is a crime with punishment less than one year imprisonment.

[4] Capital punishment is a crime where punishment can be the death penalty. Capital punishment is given for
murder. Capital punishment was also given in several states for rape. However the Supreme Court has vacated this punishment as too excessive.

[5] Felony murder is the
Homicide that happens even accidentally and not intended in the process of committing a felony such as a robbery. Example:

[a] A holds up a gas station that is a
felony. In order to scare the owners A discharges his gun and kills B a casual bystander. A did not aim at B but the gun misfired.

[b] A holds up a gas station that is a felony.
The police arrive and order A to freeze that he is under arrest. A flees. The police fire and hit B.

[c] A holds up a gas station. B. flees into the highway and is hit by a passing car and killed, A
can be convicted of murder 1.

In both [a] [b] and [c] we have an example of felony murder.

One found guilty can possibly face execution as murder 1.
The reason is because a reasonable person should have had the foresight of seeing all logical consequences that could result from robbing. Even though the actual killing was accidental in example
[a] or caused directly by some one else than the one committing the felony in examples [b] [c].

[6] Aiding and abetting is the introduction of another individual into the crime syndrome.
The other individual gives one or more of the following: [a] moral [b] physical [c] strategic help before the crime or during the crime or following the crime. They could be the [a]
brains the[br] planner
the[cr] ring leader
[d] provide the
financing  [e] be a
member of the gang
[f]  be the look out
[g]drive the car  to the
scene of the crime
[h]drive the car away
from the crime scene.

[i] Help hide the money or goods stolen

[j] Take any one or more roles in the robbery in the example used above.

If a murder occurs
One can be executed or be imprisoned for life.

[7] Capital punishment. Up to the ruling of the supreme court in the 20th Century some states handed down the death sentence for rape or sexual crimes.
In many cases the woman was believed that she was raped by this man. It was not necessary to get additional corroboration. In other instances the laws of evidence, did not
permit to introduce evidence about the prior sexual history of the woman that she is a tramp sleeping with any stranger. Or has a boy friend with whom she is having intercourse. However
such evidence may be allowed in certain jurisdiction to counter the worth and truth of the accuser. Again the laws of evidence will believe a child age 5, 6, 7 that she was sexually abused. Such
accusations are common in custody battles where the estranged mother wants to stop the father from visiting his daughter without supervision. Children can be easily influenced
to falsely testify and become unwittingly part of a conspiracy. Many innocent men can be executed by false testimony of a conspiracy with a woman charging rape. Even if the woman was
examined by other women and found to have semen in her vagina it still could have been a frame up. She could have had intercourse with her boyfriend and blamed it on an other man.
When the Supreme Court found the punishment unconstitutional a violation of the bill of rights, the States changed the law to apply capital punishment with
intercourse with a minor- statutory rape. A minor like a mentally disabled person can not give consent for intercourse. Each state has a different interpretation for minor. Some states
have ages 14 15 16 17 18 years. This law too was struck down. However one convicted faces many years in prison and must register as a sex offender. His reputation is ruined.
Jewish law Roots

Jewish law first and foremost mandates that two competent witnesses warn the offender of the scope of the crime and the punishment that awaits him/her. The
warning must be repeated at the scene of the crime. The witnesses must actually see the murder. It is not sufficient that they see one with a sword chasing a victim into a house the aggressor
emerging with a sword dripping blood, and the victim dead inside the house. Circumstantial evidence is not grounds for conviction. However, under such circumstances equitable law is
applied. The convict is imprisoned for life and treated in a manner that he/she dies in prison. Also in Jewish jurisprudence there always exists simultaneously “kings law”. The head of the
country king prophet prime minister legislators have the right to legislate laws permitting capital punishment on the grounds of circumstantial evidence, defective
witnesses or other safeguards for the accused provided by Torah law. This law was enforced only in murder cases.

One under duty to act and fails to do so was punished. Thus one
who could save a victim and fails to do so could be convicted of a capital crime and executed. One who is an accomplice to a crime is guilty and can be given a capital punishment.
The classical examples is the Bible story in Genesis. [1] The snake is punished for convincing Eve to violate the prohibition of eating from the fruit of the tree of knowledge. Eve is
punished for giving the fruit to Adam to eat.

[2] Again the Bible in Genesis the inhabitants of Sdom and Amorah are destroyed because they subscribe to a set of laws that permits violation of basic
humanitarian laws not to kill steal and rape.
Again in Genesis Dinah the daughter of Jacob and Leah is raped in Schem –Nabulus in modern Israel. The Community stands by and does nothing. They
had the mandate to rescue her and punish the one who raped her. For this crime the two brothers of Dinah kill the one who raped Dinah and all the males in the community.
[3] Pharaoh enslaves the Jews in Egypt and kills all the newborn male babies. The Egyptian people were mandated to interfere and rescue the Jews. They failed. God punishes all of them by
inflicting ten plagues. The last was the death of all first born.

They don’t learn and pursue the Jew with their army and chariots lead by Pharaoh. They pursue the Jews into the dry land of the Red
sea parted miraculously by Moses. God restores the sea and the Egyptians drown while the Jews cross to safety.
Perjury.

Jewish law punishes perjury of witnesses with the same punishment they wanted to inflict. Thus in a civil case the witnesses pay to the
accused the damages they want to inflict.

In a capital cases the witnesses are killed. However perjury had to be proven by two competent witnesses who testify that the original witnesses were
present with them at a distant location the precise time that they stated that they warned the murderer and saw the murder. Historically only once in seventy years were people executed.
There were too many safeguards in the system. Also Jews were law abiding and did not commit murder or other crimes.
Rambam Laws safeguarding human life and murder 1:1,2

Aruch Hashulchon Choshen Mishpot 425

Also chapter 38, laws of impeaching witnesses.

There exists no excuse of ignorance of the law that one did not know that it is
a crime to murder. One should have learned. These are universal laws of civilization. Rambam Laws of Kings Rambam laws Safeguard human life and murder. Judaism
does not proselyte No non Jew is forced to accept Jewish rituals. However any human not observing humanitarian laws is subject to punishment. Otherwise no society
can function. Anyone who incites to murder should be killed. Any one who supports murder should be expelled or imprisoned. To mandate equal rights for Palestinians that
would ultimately see the end of a Jewish state in Israel is stupidity and suicide. It is one trillion % Pekuach nefesh doche kol hatorah kulo. Preservation of life prompts all laws
even being a democracy. Israel should annex all of Judea Shomron as it has Golan Heights and East Jerusalem. Palestinians can have all rights except to vote for the Knesset.
and legally abuse democracy to destroy Jews’ right to a Jewish state. Israel should not be lured and slide down the slippery slope of suicide.