

Punishment :

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[1] Doctrine Mens Rea
Actus Reus

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

[3] Jewish Law Roots
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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
murder1.

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 for 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 [b] planner

the [c] 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 with out 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 boy friend 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 Amarah 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 30. 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.