

Case Name: *State v. Robinson*

Citation: 715 N.W.2d 44 (Michigan Supreme Court)

Date of Decision: 2006

Area of Law: Michigan Compiled Law 767.39 – Aiding and Abetting – Natural and Probable Consequences Doctrine

Vote: 5/2

Procedural History: The defendant was found guilty in the trial court for second-degree murder under the aiding and abetting theory. The Michigan Court of Appeals reversed the trial court's conviction based on the fact that there was insufficient evidence that the defendant knew the codefendant had the intent to murder.

Case Facts: The defendant drove the codefendant to the home of the victim with the intent to physically attack the victim. When the victim answered the door, Defendant initiated the attack by striking him twice and then suggesting to the codefendant that, that was enough. As Defendant walked back to the car he heard a single gunshot. The codefendant had shot and killed the victim.

Issue: Did the defendant aid and abet in this victim's death?

Holding: Yes

Reasoning: The defendant did not have the same intent as the codefendant to murder, but because the defendant intended to aid and abet this crime, he is liable for that crime as well as the natural and probable consequences of that crime. The death of the victim was a natural and probable consequence due to the level of rage the codefendant was expressing as well as the beating of the victim, and this was enough to charge the defendant with second-degree murder.

Dissent/Concurrence: Micheal Cavanagh argued that the majority's decision sets a very broad interpretation of this law, and therefore sets a dangerous example for future cases based on the fact that it stretches these laws past the point of being able to defend one's self. Marilyn Kelly's main argument with this decision is that you cannot convict a defendant of second-degree murder under the aiding and abetting theory if the defendant did not intend the act to cause death.

Significance: In Michigan, the statute about aiding and abetting is very broadly interpreted.