

## Case Brief

Crim law, homicide, felony murder

Hughes, 2/21/15

### Identity of Case

Hines v. State, 578 S.E.2d 868 (Ga. 2003)

Page 404 of the casebook

### Summary of Facts/Procedural History

Hines was a convicted felon, which makes it a felony for him to own a gun. Hines owned a gun. He was hunting with some family members with said gun when he "mistook his friend Steven Wood for a turkey and shot him dead."

Hines was convicted of murder 1<sup>st</sup> under the felony murder rule. Appeals based on the fact that the felony he committed wasn't inherently dangerous...

### Statement of the Issue

Must a felony be inherently dangerous for it to be included in the felony murder rule (in Georgia)?

### Holding

A felony is dangerous based on the way you violate it.

### Reasoning

Hines' violation (hunting) was clearly dangerous. Contrasts with another felon who owned a firearm that was cleaning and loading it when they accidentally discharged and shot someone in the apartment below them. Not an inherently dangerous activity.

This doesn't make much sense as a point of distinction, but then again, it's Georgia.

### Evaluation