Question (100 %)

Christine and Ben had a long and volatile relationship together. They lived in an apartment with Christine’s six-year-old daughter, Molly. Molly’s father was one of Christine’s previous boyfriends, Bobby. Christine and Ben did not get married but lived together on-and-off over several years.

Christine began to suspect that Ben was having sex with Molly. Molly acted funny when Ben was there, and often just sat in the corner of her room. Christine hated to leave Molly alone with Ben, but she worked the night shift and often had to be gone.

Christine began to worry and told her sister Martha that she (Christine) was sure that Ben was having sex with Molly. She asked Martha if Molly could come stay at Martha’s apartment for a while, but Martha had a new boyfriend who was sleeping over and so didn’t want Molly there.

Last week, when Christine was working the night shift, Ben called Molly to his room. After he forced her to have vaginal sex, she began to cry. Ben told her to shut up, and when she did not do so, Ben put his hand over her mouth and nose. As Molly struggled, Ben watched her color turn bluish. Ben continued to hold her and soon Molly was dead.

In addition to the usual American criminal laws, the following two statutes are in force in this jurisdiction:
§ 88. Second degree rape; penalty.

(a) What constitutes. -- A person is guilty of rape in the second degree if the person engages in vaginal intercourse with another person:

(1) By force or threat of force against the will and without the consent of the other person; or

(2) Who is under 14 years of age and the person performing the act is at least four years older than the victim.

(b) Penalty. -- Any person violating the provisions of this section is guilty of a felony and upon conviction is subject to imprisonment for a period of not more than 20 years.

§ 89. Duty to report neglect, or abuse; penalty.

(1) Any person who knows or has reasonable cause to believe that a child is neglected or abused shall immediately cause an oral or written report to be made to a local law enforcement agency or the State Police; the cabinet or its designated representative; the Commonwealth's attorney or the county attorney; by telephone or otherwise.

*** Nothing in this section shall relieve individuals of their obligations to report.

***

(5) Any person who violates the provisions of this section shall be guilty of a crime.

(6) Penalty. Any person convicted under this section shall be sentenced to imprisonment for 7 years or less in the penitentiary.

Identify the criminal liability of the persons in the problem; in other words, who will be liable for what crimes? Do not limit your focus to any particular jurisdiction, but discuss American law generally. If you make any factual assumptions, be explicit.