CRIMINAL LAW IN THE NEWS

In July 2012, James Holmes, twenty-seven, entered an Aurora, Colorado, movie theater showing the film *The Dark Knight*. Holmes was equipped with protective gear and carried an AR-15, a shotgun, and two Glock pistols and opened fire on a crowd of midnight moviegoers, killing twelve and wounding seventy.

Holmes had recently dropped out of the neuroscience doctoral program at the University of Colorado because of a series of academic setbacks. He pled guilty by reason of insanity to 166 counts, including twelve charges of first-degree murder. Colorado places the burden of proof on the prosecution to prove the defendant does not "suffer from a mental disease or defect that rendered him incapable of distinguishing from right and wrong."

The prosecution alleged that Holmes had engaged in meticulous planning in carrying out the attack that was inconsistent with his claim of legal insanity. Holmes's planning included purchasing guns, ammunition, and military equipment; practicing at a firing range; and surveying the theater that was the scene of his attack.

The prosecution also pointed to Holmes's personal diary in which he outlined a detailed plan for a "mass murder spree" and reflected on the time of day in which the attack would achieve the "maximum casualties." At one point in the diary, Holmes rejected attacking an airport because there is too great a risk of being apprehended and his attack might be mistaken for terrorism. He instead settled on attacking the movie theater at midnight because fewer police would be in the area and decided to lock the exit doors to increase the number of casualties.

Holmes's consciousness of the difference between right and wrong according to the prosecution was illustrated by his question to the police after being apprehended whether "any children had been killed." Holmes also booby trapped his apartment in anticipation that the police would enter the unit following the attack and purchased the arms and material he used in the attack with a credit card that his parents were unable to access. On an AdultFriendFinder.com profile several days before the shooting, he wrote, "Will you visit me in prison?"

Holmes's consciousness of guilt also allegedly was illustrated by his belief that the FBI was following him and fear that he would be arrested before he was able to carry out his plan. He called a mental health hotline moments before the attack "to see if I should turn back or not" and hung up without talking to anyone because he did not hear someone on the other end of the line.

Defense attorneys, on the other hand, stressed that Holmes's notebook was full of a "whole lot of crazy" and that he analyzed himself as suffering from a "broken mind." They pointed to page after page in which the word *why* appears in bold letters across the page.

The jury watched a video of Dr. William Reid, a court-appointed psychiatrist, speaking to Holmes. Dr. Reid concluded that Holmes was fully capable of "forming the intent and knowing what he was doing and the consequences of what he was doing." Dr. Jeffrey Metzner, a second court-appointed therapist, interviewed Holmes for twenty-five hours and agreed that he was able to distinguish right from wrong.

In his videotaped interview with Dr. Reid, Holmes testified that during the attack on the theater he wore headphones and turned up the music to drown out the screams. He stated that he expected to be killed, but accepted this fate was the price of completion of what he termed "the mission." Holmes explained that the