



ETHICAL ISSUES

How Does a Defense Attorney Represent an Admitted Mass Murderer?

Everyone, including prosecutors and defense attorneys, admit James Holmes entered a movie theater in Aurora, Colorado, in July 2012 and opened fire, although he is still presumed innocent. Holmes, who killed 12 people and wounded 70, is charged with 166 felony counts of murder, attempted murder, and other related charges. The circumstances of the case show he planned the crime for several months, collecting ammunition, gathering weapons, and setting explosive devices as booby traps in his apartment. Holmes is represented by two public defenders who will work to ensure he receives a fair trial and vigorous defense. The attorneys are arguing their client is not guilty by reason of insanity. Prosecutors are seeking the death penalty.

Think About It

1. Imagine you are the public defender in this case. How would you justify defending someone you know is guilty?
2. In what ways would you continue to argue that Holmes is innocent until proved guilty?
3. What advantages do you see in the current legal strategy to prove Holmes was suffering from a psychotic episode at the time of the shooting?
4. What are the moral and ethical issues you may face?