# MOCK TRIAL 1

## *People v. Robin Banks*

In January 2011, the City of San Diego granted developer Rodney Sacks permission to build a high-rise condominium building called "Ocean View" on a piece of public land overlooking the Pacific Ocean. In March 2011, Sacks ran out of money and construction on Ocean View stopped. It sat half-way built until the early morning hours of October 12, 2011.

On that morning, Ocean View burned to the ground. The Sheriff Department's arson investigator, Arnie Rodio, arrived at the scene at approximately 3:00 a.m. He concluded that the fire started sometime between 1:30 a.m. and 2:00 a.m. He also concluded that someone intentionally set fire to Ocean View with matches and gasoline.

Raymond Merckel was the security guard who was on duty the night of the fire. He told police that he saw someone running away from Ocean View right after the fire started. Merckel was not wearing a watch that morning but is confident the he saw this person within 5 minutes after he started his shift. Ocean View's time clock records show that Merckel started his shift at exactly 1:33 a.m. He described the person as a young woman, approximately 5 feet 5 inches tall and weighing around 120 pounds. Although there were no lights on at the time, Merkel told the police he saw the woman clearly because there was a full moon that night and he has "excellent night vision."

Merckel agreed to let Rodio search his truck. Rodio found an empty gas can in the truck's bed. Merckel told Rodio that he always keeps a gas can in his truck because he has a bad habit of running out of gas. Rodio did not find any matches on Merckel or in his truck.

Karl Bloomfield is a taxi cab driver. At 1:45 a.m., he saw a small white car speeding about ¼ a mile away from Ocean View. He is certain about the time because he looked at the clock in his cab. When he saw the fire, he pulled over to watch and wait for the police. He later told Rodio that he "thinks" the speeding car was a Toyota Prius. He also said he "thinks" the car's license plate started with either a 3 or an 8.

On a hunch, Rodio searched the DMV's records for all registered owners of a white Toyota Prius that had a license plate starting with either a 3 or an 8. Rodio got 78 matching persons. He then cross referenced that list against the Sheriff Department's records of persons who had previously been arrested. Only one person's name appeared on both lists – Robin Banks.

Banks is a 22-year-old college student. She is the Vice President of an environmental group called "STUDENTS AGAINST DEVELOPERS" or "S.A.D." She is 5 foot 6 inches tall and weighs 130 pounds.

In February 2011, police arrested Banks for sending Sacks a threatening letter shortly after the City Council approved the Ocean View project. The trial resulted in a hung jury. Sacks testified at Bank's trial and saw her in the courtroom.

Rodio arrested Banks on October 15, 2011. After reading Banks her Miranda rights, Rodio asked Banks where she was on the morning of October 12. She said she was watching a movie with her boyfriend in his apartment until around 1:45 a.m. when she drove herself home to her apartment across town. She told Rodio she drove by Ocean View on her way home and was happy when she saw that it was on fire. Rodio then asked her if she burned down Ocean View. Banks said "I did not burn it down but whoever did should get a medal." Banks then refused to answer any more questions.

Rodio interviewed Banks's boyfriend, Eric Anderson, on October 16, 2011. Anderson told Rodio that he and Banks were watching an "action" movie in his apartment on October 12, 2011 until 1:45 a.m. He could not remember the name of the movie or any of the actors who starred in it. Anderson is also a member of "S.A.D."

On November 1, 2011, Sacks received a check from his insurance company for $5 million. Had Ocean View remained half built, he would have lost several million dollars. As a result of the fire, however, he actually made a profit of a $200,000. On November 5, 2011, Merckel bought a brand new truck for $25,000. Merckel paid in cash using money he claims he won at the race track.

The District Attorney has charged Banks with Aggravated Arson. In order to convict Banks of this crime, the prosecution must prove the following elements beyond a reasonable doubt:

1. Banks set fire to Ocean View;
2. Banks set the fire on purpose; and
3. Banks set the fire deliberately (Deliberately means she carefully considered setting the fire beforehand and understood the likely consequences of her actions).