

DIAGNOSTIC HYPOTHETICAL.

ROCKO RADICE, A COMPULSIVE GAMBLER, WAS HAVING GREAT DIFFICULTY PAYING THE MORTGAGE ON HIS STRIP CLUB. THREE MONTHS BEHIND ON HIS MORTGAGE PAYMENTS, ROCKO DEVISED A PLAN WHERE HE WOULD ROB ONE OF HIS STRIP CLUB PATRONS IN THE PARKING LOT OF THE STRIP CLUB. ON THE EVENING IN QUESTION, ROCKO ARMED HIMSELF WITH A SMALL HANDGUN, AND APPROACHED PAUL SHERMAN, A STRIP CLUB REGULAR. STANDING BEHIND SHERMAN, WHO HAD JUST STEPPED OUT OF HIS CAR, ROCKO SAID, "I DON'T WANT TO HURT YOU, BUT THIS GUN IS LOADED. GIVE ME YOUR WALLET." AS SHERMAN WAS COMPLYING WITH ROCKO'S COMMAND, ROCKO, AN EPILEPTIC SINCE BIRTH, HAD AN EPILEPTIC SEIZURE. ROCKO'S FINGER INADVERTENTLY SQUEEZED THE GUN'S TRIGGER. A BULLET PIERCED THROUGH SHERMAN'S CHEST, KILLING HIM INSTANTLY. WHEN ROCKO RECOVERED FROM HIS SEIZURE, ROCKO WAS DEVASTATED BY THE SIGHT OF SHERMAN'S DEAD BODY ON THE PARKING LOT ASPHALT. ROCKO HAD NO INTENTION OF HURTING SHERMAN, LET ALONE KILL SHERMAN.

INCIDENTALLY, THE NIGHT BEFORE, ROCKO HAD ASKED HIS BEST FRIEND, VITO VELLUCCI, TO HELP ROCKO ROB A NEARBY BANK OF AMERICA. VITO SAID, "YES. OF COURSE! WHAT'S MY SHARE?" ROCKO REPLIED, "YOU'LL BE PAID AN HOURLY RATE." VITO THEN SAID, "FORGET IT, ROCKO! I AIN'T HELPING YOU WITH ANYTHING!"

- 1) DISCUSS FULLY THE CRIMINAL CULPABILITY OF ROCKO RADICE.
- 2) DISCUSS FULLY THE CRIMINAL CULPABILITY OF VITO VELLUCCI.