

Professional standards of courtroom



**ASSIGN
BUSTER**

Everyone thinks they have it exactly right on TV shows like Law and Order or CSS. Someone commits a crime, is charged and found guilty all in an hour or two. For many crimes this is not the case, the offender may never be found, or someone maybe falsely convicted. It all hinges on a set of people. The Judge, the defense attorney and the prosecutor. All of which are not perfect like the US Judicial System, and Justice is not always served.

Individual rights are violated due to prosecutorial conduct, ineffective assistance by criminal defense counsel, and Judicial misconduct. In some instances, the guilty are allowed to walk while the innocent are left to rot in prison for a crime they did not commit due to misconduct or incompetence. Prosecutorial Misconduct In 1988, John Thompson was arrested, tried, convicted, and sentenced to death for armed robbery and murder of a hotel executive. Thompson spent eighteen years during the prime of his life in prison. He was on death row for fourteen years.

In 2003, an investigator hired by his attorney made a startling discovery. An undisclosed lab report from the original trial indicated that type B blood had been processed off the victim's pants. The assailant believed to be Thompson, had been cut during the altercation with the victim, Thompson has type O blood. This was not a simple error. Four people within the district attorneys office, including the prosecutor himself, knew of the blood evidence. He purposely withheld this evidence from Thompson, and his attorney during the original trial to obtain a conviction.

In 2007, a New Orleans federal Jury ordered that the New Orleans Parish District Attorney Office pay Mr.. Thompson \$14, 000, 000 in damages. In

2011, the US Supreme Court vacated that ruling because the prosecutor and the district attorneys office were immune from being sued, due to the afforded protection of absolute immunity. I do not completely agree with this. In this case, I believe he should have been held liable for punitive damages because he intentionally withheld evidence that would have cleared Thompson of the charges.

Thompson had 18 years taken from him due to a prosecutor being more concerned about obtaining a conviction than serving Justice This case relates to the Crime Control Model because it assumes guilt Just as the prosecutor assumed Mr.. Thompson was guilty. He was so sure he was guilty that he covered up DNA evidence that could prove otherwise. Just like the Crime Control Model Thompson was moved through the system with the forethought that he was guilty until it was proven otherwise 18 years later. Defenses ineptitude In 1997, John Stephenson was convicted and sentenced to death for a brutal 1996 triple homicide.

During the trial, Stephenson appeared in court with an attached stun belt. This violated his right to the presumption of innocence, and his attorney did not object. This is an example of ineffective criminal defense counsel. In 2009, a federal Judge overturned the murder conviction. Do I believe that Stephenson was innocent of the triple homicide? I most certainly do not. At the time of the murder, he was pending trial for an assault on a man with a shovel that left the victim severally mentally and physically damaged. Do I think he had a fair trial due to the fact the the stun belt prejudiced the Jury?

NO, I don't, because until he is convicted is should be lived innocent. That's what our country was founded on. This case relates to the Crime Control Model because Stevenson was hooked to a stun belt during the court proceeding as if he had already been found guilty. If he had been assumed innocent until proven guilty there would not have been any need to hook a stun belt to an innocent man. The Jury was prejudiced by seeing the stun belt. Judicial Misconduct In 2013, the Michigan Supreme Court declared misconduct on several cases that Judge Bruce Morrow had presided over between 2005 and 2009.

According to the implant filed by The Wayne County Prosecutor's Office, he is accused of engaging in conduct that " demonstrates a lack of impartiality, failure to follow the law, abuse of judicial power and violations of the Michigan Code of Judicial Conduct. " One of the cases involved the bond and a new trial given to Tyrant McGee, who was convicted of raping a 12-year-old girl. After being convicted of rape, Tyrant McGee was allowed to continue his bond. When the prosecutor cursed while challenging the ruling, Morrow granted a new trial.

I find this horrendous, to let a convicted child rapist back on the tree in the first place, and to grant him a new trial just to spite the prosecutor for challenging your ruling is a misuse of power. I believe that the Judicial misconduct can be lessened by hiring these officials based on merit. It is easier to remove an individual from office if they were hired versus elected. Judges should be reviewed annually, and if they are not up to par, they should be fired. The Crime Control Model does not relate to this situation.

Mr.. McGee was given a fair trial and was then given another trail due to Judicial misconduct.

Conclusion We like to believe that the Justice system is perfect. When it comes to crime, the person is found, convicted and sentenced, but as these few cases show the system is not perfect. People run the system, and it will never be perfect. There are those that believe and uphold the Judicial system, but as long as there are those that bypass the rules and procedures nothing will change. It is far easier to do what is wrong than right, but it is far better to do right. Doing the wrong thing weighs on your soul for as long as the deed is kept secret, but it will come to light as these cases also show.