

# Observation of the day in court

Law



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Observation of the day in court Reported information about court proceedings is interesting, but most could be biased to meet needs of special interest groups, as well as audience caption by news agencies. I visited a court for first hand information and below is a report of my observation.

I scheduled a visit to Suffolk Superior Court on Friday September 26, 2014, for a hearing that was to begin at around 11: 00. The hearing was the first session in room 704, and Judge Linda Giles presided over it, with J. Pardi and P. Angenor as her assisting clerks. The judge, a female in her fifties, seemed a very nice woman. She was careful to ensure that the accused understood his rights and consequences of his positions in the case. In addition to considering legal aspects of the case, the judge was considerate to the accused social issues, and appeared lenient in her directions and judgment.

The case was criminal, with Robert White, as the accused and the nature case type identifies the state, represented by the prosecutor, as the other party to the case. In such a case, the burden of proof lies with the prosecutor, who is expected to prove a case beyond reasonable doubt.

White was a 35-year old African American from Alabama. He had three children: the eldest being 19 years, a nine year old followed this, and the youngest was 6 months old. White was married and his wife sat next to him. We walked in when he was talking to his attorney, a female, after which he said he would plead guilty of the charges pressed against him. It is most probable that his attorney advised him to plead guilty for plea-bargaining (Scheb & Scheb II 161), or evidence against him could have been overwhelming.

White was accused of possession and trade in cocaine, with which he was arrested on August 27, 2013. Undercover officers in Boston common

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arrested him as he was trying to sell cocaine, worth \$ 40, to Cathreen Johnson, an undercover. At the time of his arrest, he was in possession of \$ 330, in cash, three cell phones, and a knife. He, therefore, faced charges of unlawful distribution of underlined class B substance (cocaine) and possessing a dangerous weapon (knife). The overwhelming evidence, which also showed witness competence, explains the guilty plea.

The judge also demonstrated competence, by ascertaining that White was sure of the charge to which he pleaded guilty, and White affirmed this, respectfully. In addition, the judge also ensured that White was aware of his rights at trial, and she reminded White of consequences of personal testimony, such as forfeited right to appeal and license suspension.

Mr. White and his attorney then asked for leniency, seeking implementation of plea bargain. They asked that White be allowed one month before reporting to jail, to help his wife move the kids to another place. They cited financial strain and agreed that White would wear a GPS always and would report to court on October 23. The Judge, again demonstrating her competence, ensured that White understand the consequences of failing to report at the court at designated time. The attorney also asked for permission not to pay fees or to reduce them because of hardships in financial situation of the family. The judge directed that this be discussed on October 23, and after people were dismissed, I walked behind Mr. White, who was with his wife. The two were sad, but pleased with the permission from judge to give him a month to help his family. It was shocking for me that he got that permission, but plea bargain concept and the judge's leniency explained this.

Works cited

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Scheb, John & Scheb II, John. Criminal procedure. Belmont, CA: Cengage Learning, 2011. Print.