

Intro to criminal justice – my cousin vinny assignment

Law



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Running head: MY COUSIN VINNY My Cousin Vinny Tracy Brown Florida

Institute of Technology My Cousin Vinny This week we were asked to watch a movie called My Cousin Vinny and compare this to the actual Criminal Justice System. I want to start off by saying the portrayal of the Criminal Justice System was much different than what we see it in real life. I really enjoyed the comedy that was displayed around it. The movie was based around two teenagers who were suspected of murdering a gas station attendant. This movie takes place in Alabama. The first similarity I noticed is that the movie depicted the due process model.

In which they were allowed a complete trial to determine true guilt. It seemed as though the sheriff's office had already determined these two guys guilty prior to the trial. For instance during the interrogation they never told them what they were suspected of doing until Bill admitted to the charges. In reality he was suspected of murdering the gas station attendant when all he truly did was steal a can of tuna. Another thing that they did which followed the Criminal Justice system is the officers made sure they were aware of their rights.

I never actually saw them being merandized but they were asked if they knew their rights prior to the interrogation. During the initial investigation they were never made aware of the charges they were being suspected of where in the true legal system they should have been told. A police lineup is done so that the witnesses can identify whom they saw making the attack. This is also done during the initial investigation so the District Attorney can build their case against the suspects. The next part in the criminal justice system they addressed is the arrest. The arrest is the seizing and detaining
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of a person by lawful authority. Bohm ; Haley, 2008, p. 12) The booking process in the movie seemed to only include a phone call. During a normal booking process the police officers typically perform all of the administrative duties required to complete the arrest such as entering the suspect's information into the computer, collect the suspect's fingerprints, and photograph the suspect. (Bohm ; Haley, p. 12) Once this is complete they are taken to the correctional facility to be housed. In most cases they are stripped of their personal clothing and issued state jail suits. In the movie this didn't happen immediately.

The two boys were then placed in the same cell together which I thought personally was quite odd. The fact is I don't think many jails would place suspects of the same crime together. The lawyer that they chose to represent them was very inexperienced. In most murder cases the lawyer that you would hire should have more experience than what Vinny had. The next step in the system is initial appearance. Here they are given formal notice of the charges against them and advised of their rights. (Bohm ; Haley, 2008, p. 13) The movie included this in their depiction of the criminal justice system.

In the movie they called it the arraignment. The arraignment is where the defendant either pleads guilty or not guilty. During this stage the bail is also set which was also done in the movie. In the movie they set the preliminary hearing for the next morning in which the witnesses testified to what they saw and heard. This allows the judge to decide if there is probable cause to make an indictment. Based upon the information we have learned it seems

that the arraignment should have happened after the preliminary hearing and that the initial appearance was missed altogether.

There are many different types of lawyers to choose from. They are criminal lawyers, court appointed lawyers, public defenders, contract lawyers and district attorneys'. Criminal lawyers are those that are privately retained. (Bohm & Haley, p. 275) Most criminal lawyers only take cases that are highly public, those looking to make a new law or when it involves a large amount of money. (Bohm & Haley, p. 275) Court-Appointed lawyers are those that are appointed for a defendant whom can't afford to pay for one. (Bohm ; Haley, p. 275) These lawyers are normally on a volunteer or rotating basis and appointed by the judge. Bohm ; Haley, p. 275) The Public Defender are paid a fixed salary by the local area and used for folks that can't afford to pay for a lawyer. (Bohm & Haley, p. 275) Contract lawyers are becoming more popular and would be contracted to defend folks that can't afford to pay for a lawyer. (Bohm ; Haley, p. 275) Stan then decided that he wanted to switch to a public defender because he felt Vinny didn't have the experience necessary to win the case. The next stage in the system was to determine who the jurors would be. The jury was selected by only asking a few questions.

In a normal jury selection process includes a random number of people who are considered the jury pool also known as a venire. (Bohm & Haley, 2008, p. 295) From this pool of possible jurors they go through a process called voir dire. (Bohm & Haley, p. 295) A voir dire is the process in which persons who might be biased or unable to render a fair verdict are screened out. (Bohm &

Haley, p. 295) During this process the judge, prosecutors, and the defense attorneys ask question regarding their knowledge and background of the case. The goal is to keep only 12 of these folks to the actual trial.

In many high profile cases it is very difficult to find impartial jurors. The final stage in the movie was the actual trial. The charges are introduced by the court clerk as murder n the 1st degree for Bill and accessory or aiding and embedding a criminal for Stan. In a normal trial the jury would have been sworn in under oath. The next thing that happens in a normal trial is the opening statement by the prosecution and the defense attorney which did happen in the movie. The next thing that happens is that the prosecution presents their case and starts calling witnesses for questioning.

The job of the prosecution is to convince the jury that the defendant committed the crimes that they are being charge of. The defense attorney will then cross examine any witnesses they feel necessary. For instance in the movie Vinny cross examined all the witnesses' testimonies and found holes that would leave doubt with the jury. In the court room the prosecution is always on the left and the defense is always on the right side of the room. There should always be guards at the door in the event of any catastrophic happenings. The court clerk always is to the left of the judge and the witnesses are to the right of him or her.

In the movie the trial lasted for three days. In this particular trial there were really no closing statements but there was a surprise witness that was needed to have the charges dismissed. It seems like the sheriffs' office did not investigate the crime to their fullest ability. If the lawyer would not have

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uncovered the necessary evidence to have the charges dismissed they would have faced the death penalty. In the movie they mentioned the electric chair is Alabama's choice of use when administering the death penalty. There are different options depending on the state you reside in.

The choices are lethal injection, electrocution, lethal gas, hanging and firing squad. In this particular case the appeal process was not necessary however many defendants who have been sentenced to the death penalty will go through many appeals before the execution actually would take place.

Another piece of the criminal justice system that was not necessary was the sentencing. This is normally another hearing which is held to determine the punishment that fits the crime. In conclusion, I think that this was a great movie to watch relating to the issues that face the criminal justice system.

It opened my eyes to the facts that not all cases are as cut and dry as I would have once thought. Mostly my experience with the criminal justice system was determined by what I hear on the news along with the different crime show displayed on the television. I think there needs to be some regulations put on how the news portrays the way actual crimes occurred so that we would have less of a chance of having biased jurors. Reference Bohm, R. M. , ; Haley, K. N. (2008). Introduction to Criminal Justice (5th ed.). (M. Ryan, Ed.). New York: Mcgraw - Hill.