

# Essay on illegal drugs case courtroom observation

[Law](#), [Criminal Justice](#)



- Courtroom observation and interviews

a. Names of the participants:

**Presiding judge name: Thomas J. Qummin**

Defendant: Gary Burk, charged for selling illegal drugs

Attorney for the defendant: Keeth Coleman

b. Date(s) and time(s) of observation(s); 04/18/2013; 02: 30pm

c. Location of observation and type of jurisdiction; Location: Greeley, CO court.

d. Courtroom: 15; Case Number: 12CR2024;

e. Facts and activities observed

During today's hearing, the courtroom was silent as the defendant or the accused walks into the court room together with his counsel Keeth Coleman.

The state prosecutor arrived thereafter. After a few minutes, the presiding judge walks into his chair after the case number and title has been called by the clerk of court. The audience was asked to " all rise" for the proceeding to start. The people were wearing proper court attire and observed silence.

The type of criminal proceeding was presentation of evidence for a drug case on the part of the prosecution. There were two witnesses presented on the part of the prosecution. One of the issues being debated on is the establishment of the illegal drug found in the possession of the defendant.

The other issue is the amount of illegal drugs/narcotics found in the possession of the defendant. The first witness was one of the friends of the defendant who was with the defendant when he was apprehended by the police. The issues being debated and discussed is the ability of the witness to establish the fact that defendant has full knowledge that he had in his

possession the illegal drugs and the drug paraphernalia. The lawyer for the defendant claims that his client, Burk was not aware why he was apprehended by the police since he was only there to attend a party. The purpose of the prosecution in presenting the first witness is to establish that defendant was selling drugs and that he was fully aware that he had in his possession the prohibited drugs and the drug paraphernalia. The second witness that was to be presented was the owner of the establishment who saw that the accused was carrying a package when he entered the place. It was impossible for the defendant to claim that the evidence was planted because they have the CCTV camera which will show that the defendant entered the place carrying the black package. The lawyer for the defendant objected several times to the questions asked by the state prosecutor and stated that they are misleading. The judge sustained the objection of the defendant's counsel. The interrogation of the witnesses proceeded and answered the questions as honestly as they can before the judge and the prosecutor knowing that took an oath to tell the truth before standing in front of the witness stand. The judge resolved that the other witnesses for the state will be presented during the next scheduled hearing. This was after the prosecutor has made a reservation before the first witness was presented that he be allowed to present other corroborating witnesses in the next scheduled hearing.

- An analysis of the court experience and findings

. The judge, the state prosecutor, defendant's counsel and the defendant all observe the proper court decorum. All of them came prepared to court and the witnesses answered all the questions posed by the judge, the prosecutor

and the defense counsel. Defendant's counsel, Coleman was vigilant about the rights of his client as he objected to some of the questions that the defendant could no longer answer. Coleman and the defendant had a good working relationship because both of them because they seemed relaxed and at ease during the proceeding. Coleman is only one of the few lawyers I saw who had the best interest of the client at heart and wanted an acquittal for his client.

b. The presiding judge was a participant because he also asked follow-up questions after the state prosecutor asked questions to the witnesses and the defendant. The judge is commendable for his actions because he appeared professional, prepared and was able to maintain order in his sala.

c. The procedures, motions, and other court activities that were observed include the existing interrelationship between the agencies of crime control in the criminal justice system, and the process that was observed. These agencies of crime control shall include the police, the prosecution and defense, the court and the corrections. The process shall include the participation of these agencies with their assigned tasks. On the part of the police, there are in charge with the investigation of the crime scene. They shall also be tasked to arrest the criminal offenders and shall have custody over the offenders. On the part of the prosecution and the defense, they shall have the following responsibilities: First is to file a complaint against the offenders; Second is to prepare for preliminary hearing and trial proper in front of a grand jury; Third is to be responsible for the arraignment of the accused; Fourth is to be in charge with the bail or detention of the accused; and last is to enter into plea negotiations for their respective

representations. On the part of the courts, their duty will be for the adjudication, disposition and decide on the appeal and post-conviction remedies available to the parties to the case. On the part of the corrections, they shall be in charge of the imprisonment of the convicted persons, as well as their release and post-release of the inmates (Siegel 134).

d. The issue was resolve to the satisfaction of the prosecution because the judge has allowed them to present other witnesses to establish the guilt of the defendant.

e. The change that I will recommended to the courtroom work is to work on the communication among the group members by giving each of them the opportunity to discuss their comments regarding the disposition of cases. Since the judge is given the great authority to set down the standard norms of the group, the other members such as the new lawyers for the prosecution or the defense and the newly hired clerks should be afforded ample opportunities to provide their own insights. This will become a good training ground for the new members in the speedy administration of justice in the disposition of cases and at the same time achieving the objectives of the courtroom group.

During the jury trial, the prosecutor and the defense shall be given equal opportunities for the presentation of cases in order to prove their respective allegations and defenses by establishing facts and testimonies of witnesses. The role of the prosecutor is to establish the guilt of the defendant beyond reasonable doubt in a criminal case (Siegel 134). This function of the prosecution can be achieved during the cross-examination of the witnesses in order to establish the involvement of the defendant in the crime. In the

criminal trial, the judge will instruct the prosecution and the defense to make use of the principles of law that will serve as a guide that will prove the innocence and guilt of the defendant.

f. Based on my observations and reading in class, I can see that the books discuss in detail the judicial process. I observed that the courtroom work group also shares the same norms in such a way that they behave in a predictable manner. The court room group is composed of the judge, the prosecutor and the counsel for the defense. As part of the concerted effort of the members of the group, I observed that each member tried to instill the standards of professional conduct and policies such as being firm in the decisions and the level of seriousness to be applied in a particular case. As part of the socialization of the group, the new members are given an orientation regarding the expectations of the work. The senior members, in the case of the judges, who hold extensive authority, will be given the chance to work with the deputy clerks in order to shape the overall behavior within the group. I believe that socialization has become the aid to set the standard behavior among the members of the group by decreasing the use of judicial authority and setting the informal work rules of the group.

The courtroom group also practices the rules on rewards and sanctions among the members. Those members who religiously abide by the norms are rewarded, and those members who violated the norms are sanctioned. The group shares a common goal which is to do justice to others. In order to achieve this goal, the group pursues the objective of disposing the cases efficiently and do not place a stress on the effectiveness

g. I observed that the courtroom process has complied with the traditional

model which explains the justice process as an adversary proceeding wherein the prosecution and the defense are combatants, and the majority of the criminal cases are cooperative ventures in which all parties get together to work out a deal. The group is composed of the prosecutor, the defense lawyer, the judge and the court personnel. Together, each of these members functions their significant roles to streamline the process of justice through the use of plea bargaining and other trial alternatives in order to dispose the criminal cases. As part of the adversarial process, all of them work together in cooperative effort to settle pending cases in the least amount of time, effort and conflict. Rather than searching for spirited mechanisms for the defense or the prosecution panel, as legal agents who have worked for several years, who personally know each other and attended the same law schools try to find resolutions for the cases being handled to their own professional benefit. The primary objective of the group is to prevent any unnecessary delays and formal trials to cut down the cost of expenses. In these cases, the presumption of guilt of the defendants is strong so the goal is to process the cases efficiently rather than seek justice for the victims.

When I attended the hearing, I observed that part of the daily interaction of the courtroom group involve shared decision making, shared norms, socialization, reward and sanction and goal modification. The courtroom work group starts the legal process with the trial judge, who has jurisdiction over these cases and has the formal authority over the result of the court proceedings. The judge will rely on the members of the group including the prosecutor, the defense attorney and other court personnel to be able to

provide him the necessary information regarding a particular case. In effect, the sharing of information on the cases will result in the shared decision making process. With this process, the trial judge becomes the informal leader of the group and acts as a diffuser for blame for the mistakes or blunders made during the trial.

It can be concluded that the judicial process was strictly observed and the justice system has been effectively carried out. It is a worthwhile learning experience for me because I was able to learn how the justice system works in this country. I can see that the judge was impartial, neutral, unbiased and independent. The prosecution and the defense had shown professionalism throughout the trial. The adversarial system of the present criminal justice system is composed of an impartial judge or a jury shall consider the evidence presented by the prosecution and defense panels before rendering a decision. One of the advantages of the adversarial legal system is that the judge has to make a reservation before he can make a comment based on the evidence that are presented for the plaintiff and the defendant that are presented by the prosecution and defense panels during trial. The only disadvantage of the adversarial system is that the investigative work is not the function of the judge or jury and the finding of evidence shall be the duty of the lawyers of the plaintiff and defendants, which may result to inequality since it now becomes a battle of the power and resources of the opposing parties. Some of the inherent inequalities include the lack of resources of poor litigants who rely only on the prosecutors who derive income from the government. However, rich litigants who can afford to hire the services of good and experienced lawyers are given the privilege to exhaust all



evidence they need to win a favorable decision. Although based on my observation of court trial, I can say that the criminal justice system is fair and just. However, there are some criminal experts who claim that the present American criminal justice system is biased against the poor from the time of arrest, trial and promulgation of judgment and sentence. Just like the study of Reiman, he claims that the poor litigants are at a disadvantage when pitted against the rich litigants due to poverty, lack of resources to hire good lawyers, lack of education, and discrimination (Reiman 4).

In my personal opinion, I believe that there is discrimination in the imposition of fines against the poor defendants. The rich defendants enjoy the benefit of preferential treatment since the higher they pay fines, it will be easier for them to buy their freedom. The inability of the poor defendants to pay the same amount of fine for lack of sufficient resources will result to longer prison sentence.

## **Bibliography**

Reiman, Jeffrey H. *The Rich Get Richer and The Poor Get Prison*. USA: Pearson, 2006.

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Siegel, Larry J. *Introduction to Criminal Justice*. Belmont, California: Cengage Learning, 2009.

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