



Courtroom 302:

How America's Criminal Justice System Really Works

Angela M. Brouse

STEVE BOGIRA, *COURTROOM 302: A YEAR BEHIND THE SCENES IN AN AMERICAN CRIMINAL COURTHOUSE*. Alfred A. Knopf, 2005. 404 pp. \$25.00.

1998 was to be a big year for Courtroom 302 and the Cook County Criminal Courthouse—the biggest and busiest felony courthouse in the nation. Cook County alone would send nearly 16,000 convicted criminals to prison. Courtroom 302 and Judge Daniel Locallo would hear the controversial Bridgeport trial, known as a “heater” case for attracting publicity. The case revolved around three young white men, with supposed mafia ties, charged with the brutal beating of a 13-year-old black boy—the alleged motive being that the black boy was not welcome in the predominately white neighborhood. Due to the violent and racial undertones in the Bridgeport crime, Judge Locallo faced pressure from Chicago’s mayor and other influential figures among the community, such as Jesse Jackson. “Heater” cases are the exception to the norm, however. The bulk of the year’s cases would be disposed of quickly, with little thought or notice. The great majority of defendants who appeared in Courtroom 302 were African-American drug offenders, many already well acquainted with the Cook County Criminal Courthouse. Amidst the daily grind of the courtroom, 1998 also was a reelection year for Judge Locallo.

Steve Bogira’s depiction of a year in the life of Courtroom 302 is unique in that the reader dives into the minds of lawyers, jurors, deputies, defendants, families of the defendants and victims, and most importantly, Judge Locallo. Bogira provides impartial illustrations of the courtroom stories and manages to establish a significant amount of trust from those he interviews, to the point that he uncovers truths that never arose during attorney-client interviews, or even during trial. At times it is shocking to learn the reasoning played out in the minds of these courtroom actors, especially those enlisted with serving justice, as many willingly accept the “injustices” of the system.

The readers’ first introduction to the Cook County Criminal Courthouse is the vivid picture of alleged offenders being shuffled into the back of the courthouse like cattle, and herded into the lockups. Bogira thoroughly explains the process of bond hearings—spending more time on his explanation than actual defendants are given at their own hearings. The state’s attorneys and public defenders have 15 seconds each to give the

judge presiding over the bond hearing the rundown on each alleged offender. As many as 77 hearings are conducted in as few as 62 minutes.

While the stories of Courtroom 302 as Bogira tells them are absorbing, they are disturbing in that they rip away feelings of security embedded in America’s common belief about the criminal justice system. Instead, we are reminded of various factors that serve to undermine justice. Throughout the courtroom tales, Bogira weaves a picture of a justice system in which the ultimate goal is to dispose of cases, rather than serve justice. Bogira retells the history of police cover-ups and coerced confessions in Cook County. We are introduced to the world of plea bargaining and the “trial tax.” Several of the courtroom stories hinge on constitutional violations of the defendants’ rights. Bogira does an excellent job of framing the issues found in

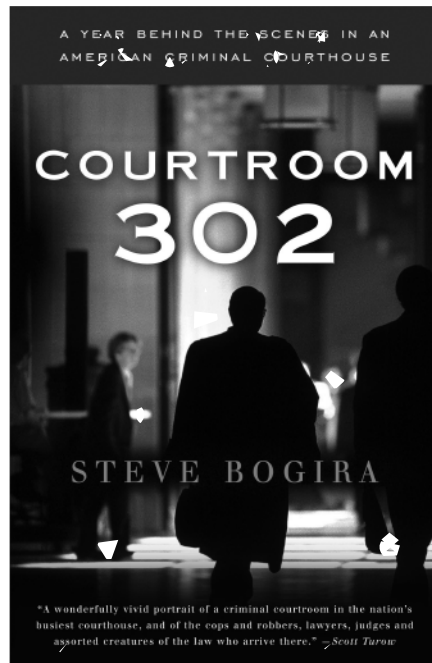
Courtroom 302 and Cook County as small examples of more prevalent problems in the nation’s criminal justice system.

Bogira thoroughly lays the scenario of Cook County in the 1980s when Lieutenant Jon Burge, commanding officer of the violent crimes unit, and his men carried out years of “systematic torture” of criminal suspects to coerce confessions. Years after this wrong was uncovered and those involved were prosecuted, judges like Locallo now rarely believe claims of torture from defendants.

Leroy Orange was sentenced to death in 1985. He is now before Judge Locallo in Courtroom 302 asking for a new trial, claiming he was brutally tortured by police officials until he finally confessed to multiple murders. Orange describes being suffocated with plastic bags and given electroshocks on multiple occasions. After multiple defendants claimed consistent

methods of such torture, an investigation team uncovered that at least 50 criminal suspects had indeed been tortured between 1973 and 1986. Although Orange’s allegations of police abuse are consistent with findings of the investigation and his lawyer presents medical testimony of marks found on Orange while he was imprisoned, Judge Locallo denies his motion. The judge is consistent in his rulings on motions to suppress a confession by a defendant alleging coercion—out of at least 100 similar cases, Locallo has ruled in every single instance that the defendant confessed voluntarily.

Bogira conveys a common theme among the criminal justice system known as the “sliding-scale” effect when judges rule on motions to suppress confessions based on alleged police con-



duct. Essentially, the bigger the case, the more likely police are to lie. Conversely, judges are less likely to challenge an officer's actions and suppress evidence in "heater" cases—even if a judge suspects the officer is lying. Bogira states the general rule among criminal courts in Chicago is "the hotter the heater, the less likely the judge will protect the defendant's constitutional rights." Bogira reasons that judges do not suppress evidence in "heater" cases because of personal revulsion of a violent crime or fear of adverse publicity.

Bogira demonstrates many examples of the plea-bargaining process that is so common in Courtroom 302. It appears that the concept of rehabilitation is completely lost within this system. The proper sentence is based on whatever both sides can agree upon.

Although defendants have a constitutional right to a trial by a jury of their peers, common practice reveals that is not always the case in Courtroom 302. Bogira outlines judges' use of the "trial tax," where a defendant pays in the form of a stiffer sentence for choosing trial over a plea bargain if he is eventually unsuccessful at trial. A guilty plea can be wrapped up in approximately 20 minutes, where a jury trial usually takes anywhere from two days to a week, along with posttrial motions and a sentencing hearing if the jury convicts. The markup is the highest when the defendant chooses a jury trial over a bench trial. This is merely one example given by Bogira in which a constitutional right is impeded in the interest of judicial efficiency.

Bogira portrays Judge Locallo as a likable character. He is compassionate when allowing contact visits among defendants and their families, and seems to be well liked among juries. There are instances, however, where even the judge is caught up in the injustices of the criminal system. Judge Locallo often ponders how judgments and sentences given in the courtroom will affect the upcoming election. Locallo seems to be popular among defense lawyers, although prosecutors consider the judge to be soft in sentencing. They claim it is common knowledge that Locallo has his focus set on the appellate court and he needs to please the defense bar to meet this goal.

During one of Bogira's conversations with Judge Locallo, he states that the 30 trial courtrooms at the 26th Street courthouse "are like 30 different countries." The sentencing standards vary greatly from courtroom to courtroom. Locallo has given probation to defendants who likely would have received double-digit prison terms from other judges. When considering the sentence of a convicted defendant, Locallo accounts for

the background and status of the victim, but not the offender. Bogira emphasizes that luck is the deciding factor in the sentencing process; a defendant's fate may hinge on a judge's mood, the jury pool, or whether a lawyer is fully prepared and in top form.

The reader also is sent back in time to Locallo's days as a prosecutor and his most significant case—the prosecution of George Jones. The claim was based on a home invasion that led to the rape and murder of a twelve-year-old girl. Jones was cleared of all charges when a "frightening abuse of power by members of the Chicago police force" was uncovered. Street detectives made a habit of utilizing a double-filing system when collecting evidence in relation to a crime. Somehow documents included in street files, usually containing mitigating evidence in favor of the defendant, never made their way into the office files handed over to state prosecutors. Locallo claimed to have no knowledge of the cover-up and was not found liable, although many of the other state actors were convicted. To this day he believes Jones was guilty, and that by suppressing evidence, the police were merely doing what was customary when it was believed a defendant was guilty. This experience as a prosecutor may be relevant to Judge Locallo's unwillingness to find police corruption when defendants claim a confession was involuntarily coerced from them.

Although many shortcomings of the American criminal justice system are evident through the personal accounts of Courtroom 302, the reader is often reminded that certain "injustices" are the only way to deal with overcrowded courtrooms and prisons. Justice has evolved to cope with the world's highest rate of imprisonment, mostly due to the war on drugs. For readers not familiar with the system, Courtroom 302 may come as a surprise because this is not how most Americans believe their criminal justice system works, especially with the current popularity of television shows where the evidence and the state are always right. Those working as part of the system will find the book confirms much that they already know, but may also offer much they do not know. Bogira's underlying themes serve as a good reminder that our system is far from perfect and justice often falls short.

Angela M. Brouse, a second-year law student at the University of Missouri–Kansas City School of Law, is a student editor for Court Review.